

# GEORGIA'S AGENCY RULEMAKING PROCESS

## What is an Agency Rule?

A rule is "...an agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency." (O.C.G.A. § 50-13-2)

The term "rule" includes a new rule, a change to a rule that an agency has adopted in the past, and the cancellation of a rule that was adopted in the past. When an agency changes a rule, that is called "amending" a rule, and when an agency cancels a rule, that is called "repealing" a rule.

## When are Rules Made?

The adoption, amendment, or repeal of rules is allowed when it is explicitly delegated in Georgia's law, otherwise known as the Official Code of Georgia Annotated, or O.C.G.A. Additionally, a law is often referred to as a "statute," and the terms can be used interchangeably. Typically, that looks like: "The Commissioner is authorized to promulgate and adopt rules and regulations necessary or appropriate to carry out this article."

## How are Rules Made?

Once authority has been delegated in statute for an agency to establish rules and regulations, there is a legally required process an agency must follow.

### 1 Agency Drafts Proposed Rule

### 2 Agency Publishes 30 Days' Notice of Intended Rulemaking

**30 Days' Notice Period:** The Agency must give 30 days' notice of its intended rule-making action. The notice must include an exact copy of the proposed rule and a synopsis, or summary, of the rule or amendment.

- The synopsis will contain a statement of purpose and the main features of the proposed rule or amendment. The statement of purpose is an explanation by the agency as to why the proposed rule was necessary.
- The notice will cite the authority to adopt the rule or amendment.

### 3 Public Comment

This provides the public an opportunity to give feedback and comments about the proposed rule. GDA will accept public comment during the 30 days' notice period.

### 4 Filing Adopted Rules with the Georgia Secretary of State

Proposed rules that are adopted by an agency following the 30 days' notice and comment period must be filed with the Secretary of State to be formally adopted.

### 5 Rules Published by the Secretary of State

Finally, the rules are published by the Secretary of State. Affected citizens can find them by visiting: <https://rules.sos.state.ga.us/gac/>.

