



The State and Federal Regulatory Process

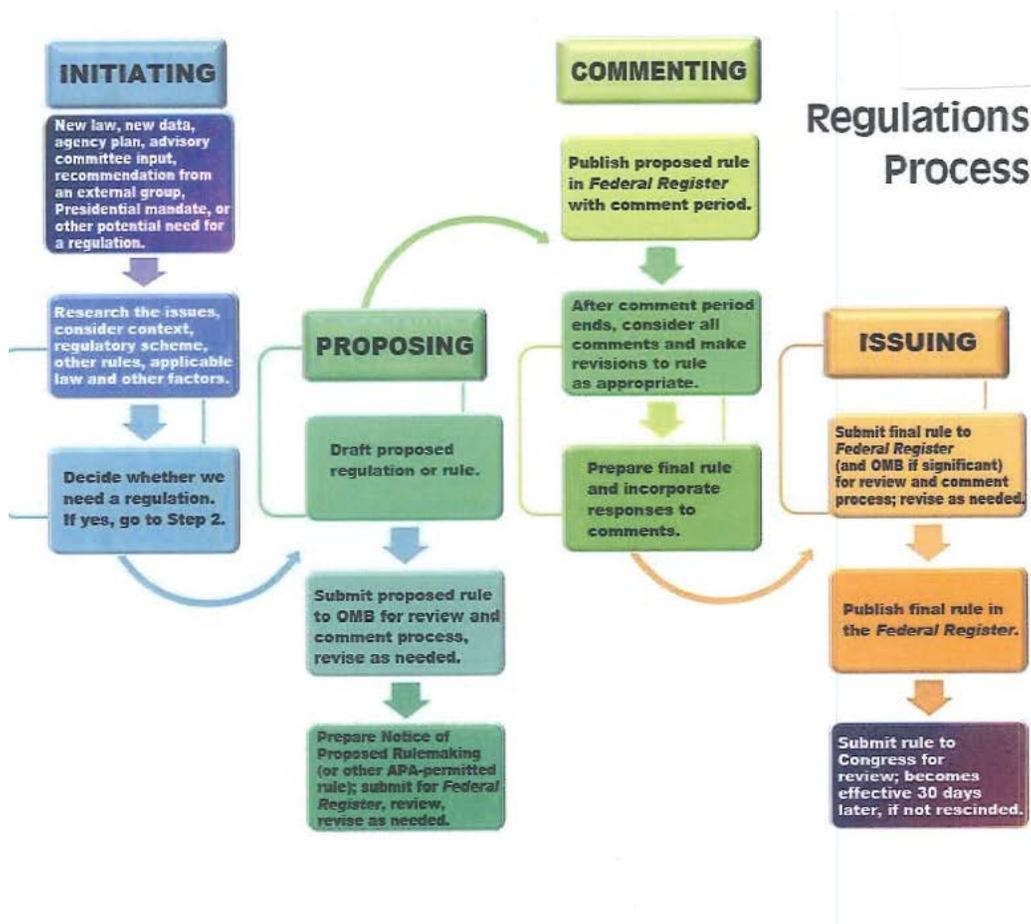
March 1, 2013/ Kori Andrews

Over the years, SMG has represented many clients in discussions and negotiations with regulatory agencies. SMG also provides clients with up to the minute information on how upcoming regulations will affect their businesses by tracking regulatory developments on both the national and state level. SMG compiles their tracking efforts in a monthly newsletter called [“Reg Watch.”](#)

In order to help clients navigate the regulatory maze, SMG’s staff has developed an in-depth understanding of the regulatory process and routinely provide guidance and support to clients in engaging in regulatory developments. We walk clients through the regulatory process and work with the regulatory bodies to make sure the regulations that are promulgated are reasonable.

SMG can get involved at any stage of the rulemaking process – from proposed rulemaking to promulgation, and afterwards! This article focuses on the process required in both federal and state rulemaking procedures. Charts of both of these processes that show a brief overview of the rulemaking processes are found on the next page.

The Federal Regulatory Process



Many federal agencies publish a regulatory agenda which provides a timeline as to when the agency intends to initiate and promulgate a specific rule. Oftentimes, this agenda can be found on the agency’s website. As the rule moves past the initiation stage and into the promulgation stage, the agency oftentimes will prepare a Notice of Proposed Rulemaking and publish the notice in the [Federal Register](#). The Federal Register is published daily and can be found on-line. As the rulemaking process moves forward, the proposed rule is published in the Federal Register and public comments are accepted by the agency. Lastly, the rule is issued when the agency submits the final rule to the Federal Register,

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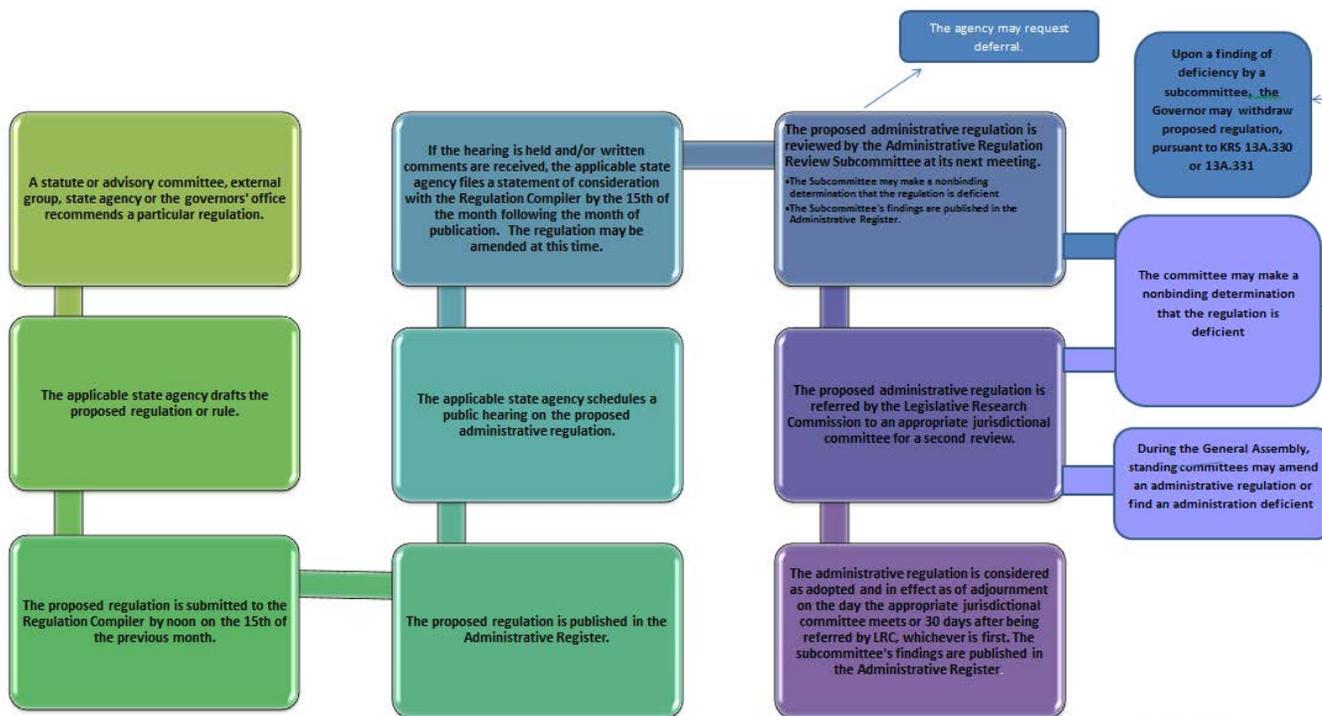
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including the incorporation of any public comments. At the issuance stage of the federal regulation, Congress has been given the authority to review the rule for 30 days, and if necessary, rescind the rule.

Kentucky’s process for promulgating regulations is similar to the federal process, however, there is more “face-to-face” and “hands-on” interaction. A chart of the state regulatory process is below:

The Kentucky Regulatory Process



Kentucky’s regulatory process is required by [KRS Chapter 13A](#). Specific timeframes, publication mandates, and public comment requirements are prescribed in Chapter 13A. Kentucky publishes the [“Administrative Register”](#) on the first day of each month. In Kentucky, the [Administrative Regulations Review Committee](#), which is a statutory committee made up of legislators, has considerable oversight authority. The Committee can find regulations deficient, as can be seen above.

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If your company or organization needs help navigating or understanding the regulatory process, please contact Scott R. Smith (scottr.smith@smithmanage.com) or Kori Andrews (koria@smithmanage.com).

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