

Resubmission Approvals – (FMC 5.5 October 1, 2024)

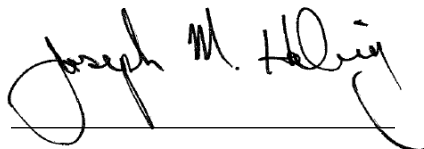
Section 1 – Background: This Financial Management Circular (FMC) establishes the procedures to implement IC 4-22-2-22.8(f). IC 4-22-2-22.8(f) requires an agency to resubmit a proposed rule and revised regulatory analysis to the Office of Management and Budget (OMB) and State Budget Agency (SBA) if the agency revises a proposed rule after receiving prior approval and authorization to proceed from OMB and SBA.

Section 2 – When a Rule Must be Resubmitted: Any time an agency makes substantive changes to a proposed rule that has already been approved by OMB, the rule must be resubmitted to OMB and SBA for review and approval. Substantive changes include, but are not limited to, changes made in response to comments received during a public comment period or at a public hearing; however, they do not include technical changes required by the Legislative Services Agency (LSA) that are necessary to bring the rule into compliance with the Administrative Rules Drafting Manual.

When an agency first submits a rule to the Indiana Register, they may receive feedback from LSA in the form of red markups indicating required changes for technical formatting purposes, or green markups indicating optional changes agencies may make at their discretion. Technical formatting changes made by LSA that bring a rule into compliance with the Administrative Rules Drafting Manual (red markups) are not the same thing as substantive revisions to the content of the rule and may be made without resubmitting the rule to OMB. Any optional changes (green markups) that an agency adopts will require the rule to be resubmitted. When resubmitting a revised rule, please indicate whether the only changes being made are the optional changes provided by LSA, as revised rules with changes that are limited to those suggested by LSA will receive an expedited review.

Section 3 – Procedure for Receiving Reapproval - To receive approval of a resubmission, the agency must submit the revised rule and a revised regulatory analysis that includes a discussion of the impact the revisions have on the regulatory analysis previously reviewed by OMB and SBA to sbarules@gov.in.gov. The agency must put “resubmission” in the subject line of them email and attach the original approval letter. In addition to the revised rule, the revised regulatory analysis, and the original approval letter, the agency must also submit any comments that have been received from regulated and interested parties as well as their answers to those comments.

Section 4 – Authorization: If approved, OMB will issue an authorization in writing that can be provided to the Indiana Register. Reapproval is required before the agency can continue with the rulemaking process.



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