

DNR PERMANENT ADMINISTRATIVE RULE PROMULGATION PROCEDURE

[When Governor approval of scope received after April 2013] [Rev. 7/10/18](#)

PHASE I – Scope Statement

1. Scope statement completed and approved by the Secretary.

2. Scope statement submitted to DOA for review of explicit authority.

3. DOA submits the scope statement to the Governor who may approve or reject the scope statement.

4. Governor issues written notice of approval via email to the Department rule officer.

5. Scope statement is submitted to Legislative Reference (LRB) for publication in the Administrative Register. The LRB will note the expiration date of the scope statement in the Register. 2017 WI ACT 39.

6. Scope statement is also submitted to chief clerks of the legislature for distribution to JCRAR, who may request a public hearing on the scope statement. 2017 WI ACT 57.

7. Yellow sheet is prepared to reserve time on NRB agenda for scope approval and conditional approval of the Notice of Public Hearing and Notice of Submittal to Legislative Council.

8. Green Sheet package is prepared to request NRB approval of scope statement and conditional approval of the Notices.

9. NRB meeting is held for approval of the scope statement and conditional approval of the notices.

PHASE II – Rule Development

10. Proposed rule language is prepared in Board Order format.

11. Complete the analysis section of the board order.

12. Does the rule require incorporation by reference? If yes, be sure to update analysis. See step 23.

PHASE III – Soliciting Comments on Economic Impact

13. Solicitation Notice is prepared for seeking comments on economic impacts of the proposed rule.

14. Drafting bureau meets with the Department Economist to determine Economic Impact level.

15. Fiscal estimate and Economic Impact Analysis (FE/EIA) prepared using Fiscal Estimate form DOA-249.

16. Solicitation Memo to NRB is prepared informing the Board of the department's intent to seek comments on economic impact.

17. Solicitation Memo and other documents are routed, then approved by the Secretary's office and submitted to NRB.

18. Solicitation Notice and other documents are sent by the drafting bureau to affected businesses, interested parties; rules officer posts on the DNR website.

PHASE IV – Public Hearings

19. Public hearing documents are prepared for 15-day passive review by the NRB.

20. Rule documents sent to the Legislative Council for their 20-working day review; docs also sent to DOA and Chief Clerks for referral to JCRAR, 2017 WI Act 57

21. The public hearing notice is published in the Administrative Register.

22. Public hearing is held and public comment period closes.

PHASE V – Final Rule Adopted by NRB and Governor

23. Board order for proposed rule may be modified as necessary based on public comments received and Incorporation by Reference if needed.

24. Yellow Sheet is prepared to hold a place on NRB agenda for adoption of proposed rule.

25. Green Sheet package is prepared and approved by the Secretary to request NRB adoption of the proposed rule.

26. NRB meeting is held requesting adoption of final rule.

27. Final rule and rule checklist is submitted by the rule officer requesting Governor approval.

28. The rule officer notifies JCRAR that the Department has submitted a rule to the Governor for approval.

PHASE VI – Legislative Review This is the 30 month deadline. The end result is that rulemaking must go from scope statement publication to legislative review within 30 months. 2017 WI ACT 57.

29. Report to Legislature and Notices prepared and submitted to Assembly and Senate Chief Clerks.

30. Standing Committee's review completed. (30 days; an additional 30 days can be requested by the committees).

31. JCRAR Reviews the rule and can object to the rule in whole or in part, or just review. Usually a 30 day review. Rule officer notes the final date of the review time period.

32. The Department rule officer prints the rule and it is signed by the Secretary; the rule officer files with LRB.

33. Rule proof received from LRB, the program reviews the proof copy and it's returned to the LRB by rule officer.

34. Final Rule is published in the end of month Administrative Register.

35. Rule becomes effective the first day of the month following publication in the Administrative Register.