

DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE PROCEDURES

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Subject: Procedures for Filing Rules and Regulations

Section 1. General.

1.01. The Executive Secretary is responsible for the proper and timely filing of all Department of Natural Resources rules and regulations and for maintenance of the Department of Natural Resources Register.

1.02. Approval of the proper authority, i.e., Director, Commission, Board, etc., must be obtained prior to the development of any new regulations or the amendment of those currently on file.

Section 2. Promulgation of Rules and Regulations.

2.01. After receiving such approval, anyone wishing to promulgate rules and regulations must contact the Executive Secretary's office for instructions as to proper format and assignment of proper central index number.

2.02. Each regulation submitted to the Executive Secretary for filing must be accompanied by the following:

A. Cover letter to the Secretary of State containing certification, and setting forth the date, time and place of public hearing (to be held not less than 30 nor more than 60 days after the date of filing). Letter, prepared for Director's signature, to be double spaced on 8½ x 11 letterhead.

B. Copy of news release announcing public hearing.

C. Index.

D. Fiscal note form, prepared for Director's signature, completed to include itemization of costs of implementing the rules and regulations as they relate to the state and to persons affected by them, along with the objectives of the proposed regulation, clearly and separately stated.

E. Transmittal form (prepared for Director's signature).

2.03. All material submitted to the Executive Secretary for filing shall be typed on standard, white, 8½ x 11 bond paper.

2.04. All forms mentioned above may be obtained from the Executive Secretary's office, along with completed sample forms and regulations prepared in the format prescribed by the Secretary of State.

Section 3. Filing Permanent Rules and Regulations.

3.01. The Executive Secretary will file the proposed regulations, with enclosures, as follows:

- A. One copy to the Governor
- B. Three copies to the Secretary of State (two for State Register and one to be returned as proof of filing)
- C. One copy to the DNR Register
- D. One copy to the Division

Section 4. Public Hearing.

4.01. The division holds public hearing on the established date. The division chief or designated representative should be available to answer questions and discuss proposed regulation at the hearing.

4.02. After the hearing, the division shall take the following action:

- A. Prepare transcript of hearing.
- B. Based on findings of hearing, make determination to:
 - 1. Adopt regulation as filed,
 - 2. Adopt regulation with amendments, or
 - 3. Withdraw regulation.
- C. Prepare letter of notification to Secretary of State (for Director's signature, with carbon copy to Legislative Rule-making Review Committee), advising him of the Department's findings and determinations.
- D. If the regulation is to be adopted, prepare text of regulation, containing effective date (to be not less than 30 days after notification to Secretary of State).
- E. Forward to Executive Secretary the transcript, text of regulations to be adopted, and letter of notification.

4.03. The Executive Secretary will review the material as to form and file it as follows:

- A. One copy to Governor
- B. Three copies to Secretary of State (two for State Register and one to be returned as proof of filing)
- C. One copy to DNR Register
- D. One copy to division
- E. Seventeen copies to Legislative Rule-making Review Committee.

Section 5. Legislative Rule-making Review Committee.

5.01. Copies of rules and regulations are provided to this committee as a courtesy, as the Supreme Court ruled that they have no legal jurisdiction in this matter.

5.02. Upon receipt of our proposed rules and regulations, the committee will schedule a hearing, and it is recommended that the division chief be available to appear before the committee at the scheduled time.

Section 6. Emergency Regulations.

6.01. Emergency regulations are filed when it is determined that an emergency exists which makes it necessary for immediate adoption of regulations, or to enable the immediate enforcement of regulations pending permanent filing.

6.02. Emergency regulations become effective immediately upon filing in the state register and are effective for a period of 90 days.

6.03. Procedures for filing emergency regulations are the same as those listed in Sections 1, 2, and 3 of this Series, relating to the filing of permanent regulations.

6.04. Public hearing is not required for emergency regulations, nor is it necessary to forward a courtesy copy to the Legislative Rule-making Review Committee. The cover letter to the Secretary of State (Section 2, 2.02, A) need only contain statement of certification and explanation of the emergency; the news release (Section 2, 2.02, B) should inform the public of the new emergency regulation.

Section 7. Amendments.

7.01. If amending a regulation filed on or after September 4, 1981, only the page containing the change need be submitted. Such shall be prepared in a way so that entire pages may be removed and new amended pages substituted.

7.02. If amending a regulation filed prior to September 4, 1981, the entire regulation must be retyped to reflect the change, using the format prescribed by the Secretary of State, by regulation effective September 4, 1981.

7.03. In either case, the procedures listed in Sections 1 through 6 of this Series must be followed.

David C. Callaghan
Director

Charles W. Lewis
Executive Secretary