

**NATURAL RESOURCES COMMISSION
CHECKLIST FOR ADMINISTRATIVE RULE ADOPTION
UNDER IND. CODE § 4-22-2**

1. Natural Resources Commission (the “Commission”), Division of Hearings (“Hearings”) receives proposed rule concepts and prepares preliminary draft rule (or to edit a prepared rule draft).
2. Department of Natural Resources (the “DNR”) approves a draft rule for formal promulgation. Sponsoring division is identified.
3. Small Business Regulatory Coordinator (SBRC) is identified. (IC 4-22-2-28.1)
4. Sponsoring DNR Division determines proposed total economic impact on regulated entities is greater than \$500,000. Further analysis by OMB. (IC 4-22-2.1-5; IC 4-22-2-28)
5. The Commission (or DNR Director) gives preliminary adoption to the proposed rule. (IC 14-10-2-4; IC 14-11-2-1; IC 4-22-2-15)
6. Legislative Services Agency (the “LSA” or “Publisher”) publishes Notice of Intent to Adopt a Rule in the Indiana REGISTER. (An agency has one year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register.) (IC 4-22-2-25)
7. Hearings submits, under cover letter, fiscal analyses to Office of Management and Budget (OMB). (FCM #2006-1; FCM#2006-2).
8. OMB approves or otherwise comments upon the fiscal analysis.
9. Proposed rule, the EIS, and notice of public hearing (including justification statement (IC 4-22-2-24(d)(3)) are published in the Indiana REGISTER (not sooner than 28 days after publication described in Step 15. (IC 4-22-2-23(b)). (IC 4-22-2-24).
10. Hearings delivers copy of Small Business Impact Analysis (IC 4-22-2.1-5) Statement, with proposed rule to Indiana Economic Development Corporation (the “IEDC”) not later than date of publication in Step 9. (IC 4-22-2.1-5(c)(2))
11. The Indianapolis Daily Star publishes notice of the public hearing. (IC 4-22-2-24(b))
12. Additional newspaper publication occurs as required by laws governing specified types of rule adoptions.

- Safe operation of watercraft upon public water where unusual conditions or hazards exist. (IC 14-15-7-3(a)(4))
 - Placement, location, and maintenance of buoys, markers, flags, and other devices. (IC 14-15-7-3(a)(5))
13. Hearings receives IEDC written comments regarding proposed impacts on small businesses (not later than seven days before date of public hearing). (IC 4-22-2.1-6)
 14. Hearings makes IEDC comments available (online and at public hearing). (IC 4-22-2.1-6)
 15. Hearings holds public hearing(s). Hearing(s) cannot occur sooner than 21 days after publication date referenced in Step 9. (IC 4-22-2-24(e)). (IC 4-22-2-26)
 16. Period is fulfilled for the receipt of post-hearing comments.
 17. Hearing Officer requests sponsoring division to respond to designated public comments. (Optional)
 18. Hearing Officer prepares written report addressing public comment, IEDC comment, making suggestion to the Commission concerning final action. (IC 4-22-2-27)
 19. Hearing Officer's Report is placed on Commission agenda.
 20. The Commission meets and deliberates as to whether to give a rule final adoption.
 21. The Commission votes to give final adoption.
 22. Hearings forwards rule package under cover letter to the Attorney General's Office. (IC 4-22-2-31)
 23. Attorney General (the "AG") reviews proposed rule as to legality and IC 4-22-2 compliance within 45 days. AG may: (1) approve, and forward to Governor; (2) reject; or direct NRC–Hearings to file recall for proposed rule modification. (IC 4-22-2-32)
 24. If recalled, rule must return to the Commission for deliberation (see Step 20). For substantial changes, rule recycled to beginning and is withdrawn. (IC 4-22-2-40)
 25. The AG submits rule to the Governor. (IC 4-22-2-33)

26. Governor provides review. Governor has 15 days to sign or reject rule.
Additional 15 day review is available to Governor as noticed. (IC 4-22-2-34)
27. With Governor's approval, rule is forwarded to the Publisher for filing as a courtesy (or may be submitted by Hearings). (IC 4-22-2-35)
28. Publisher takes no more than three business days to complete review. (IC 4-22-2-39(c))
29. LSA posts on-line Publisher's Receipt at the Indiana REGISTER.
30. Rule becomes effective 30 days after filing with Publisher (unless a later effective date is specified in the rule). (IC 4-22-2-36)
31. Publisher posts the rule in its final-adopted form in the Indiana REGISTER.
32. Hearings files with LSA (Publisher), if necessary, an errata (Agency Correction) to correct clerical errors. (IC 4-22-2-38)
33. Publisher posts the agency correction to the Indiana REGISTER. Effective 45 days from date and time accepted for filing by Publisher (IC 4-22-2-38(f)).
34. Hearings file closed.