# Checklist for Chapter 6 – Giving Dual Notice

| **Date Completed** | **Item** |
| --- | --- |
|  | **6 – Entire chapter reviewed before proceeding**- Decision made on how to proceed |
|  | **6.1 – Considerations before proceeding- 6.1.1 – Rules and SONAR done- 6.1.2 – Allow time to complete steps- 6.1.3 – 60 days after Request for Comments published- 6.1.4 – With 18 months of new or revised rulemaking authority (if appliable)- 6.1.5 – Consideration for rules affecting farming operations- 6.1.6 – Counting time** |
|  | **6.2 – Agency approval to give Notice obtained**- If agency is a multi-member board, **BD-NTC** form used |
|  | **6.3 – Governor’s Office approval obtained- GOV-PRPS** used |
|  | **6.3 – Consult with MMB- MMB-LTR** used |
|  | **6.4 – Revisor’s Draft Approved for Publication obtained (with certificate signed by the Revisor)** |
|  | **6.5 – Tentative hearing date and location set. OAH contacted. - 6.5.1 – Hearing date chosen. Factors considered:** - **30-day comment period** (minimum) - **10 additional days after end of comment period** **- OAH review time** (5 working days) **- Rules affecting farming operations** (30 days additional notice and, if a public hearing, at least one in agricultural area – unless hearing is virtual) **- *State Register* deadlines - Availability of key agency personnel - Give yourself enough time- 6.5.2 – Prehearing comment period considered -** Optional for boards – **BD-WKSHEET** used  **- 6.5.3 – Location arranged; videoconference or virtual considered** **- 6.5.4 – OAH contacted** |
|  | **6.6 – Dual Notice drafted- NTC-DL** form used- **6.6.1 -** Using OAH’s eComments website to collect comments considered- **6.6.2 -** “Substantially different” rules considered |
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|  | **6.7 – Additional Notice Plan developed** |
|  | **6.8 – OAH contacted- 6.8.1 – ALJ assigned****- 6.8.2 – Set up eComments (if using)****- 6.8.3 – Letter to OAH - HR-RQST** letter used for cover letter- Request approval of Additional Notice Plan (optional)- **6.8.4 -** Request omission of full text of proposed rules from publication (rare) - **6.8.5 – eFile rule-related documents** |
|  | **6.9 – Notice finalized**- Notice signed and dated by: . |
|  | **6.10 – SONAR emailed to Legislative Reference Library- LRL** used |
|  | **6.11 – Notice published in the *State Register***- *State Register* website used |
|  | **6.12 – Notice sent- CRT-LIST** and **CRT-MLNG** used |
|  | **6.13 – Notice given per Additional Notice Plan-** Actions documented and **CRT-GNRC** used |
|  | **6.14 – Notice given to Legislators- LEG** used |
|  | **6.15 – Other applicable statute or rule requirements met** |
|  | **6.16 – Comments tracked; lists maintained**- comments on the rules, written or oral- hearing requests and hearing request withdrawals- requests for free copy of the rules- requests to be placed on the agency’s rulemaking mailing list- requests for notice of filing with the Secretary of State- requests for notice of submission to ALJ- **COMMENT-TRACKER** used |
|  | **6.17 – Proceed according to number of hearing requests**- **6.17.3** - If 25 or more, hearing preparations made (Chapter 9) - Agency leadership, staff members, and agency AG (if using) notified - ALJ notified - Hearing room confirmed (if physical location used) - Hearing requestors notified. **HTC-HR25** and **CRT-HR25** used- **6.17.4 -** If less than 25, hearing canceled and Chapter 8 used to adopt rules \*\* Hearing canceled at least 3 working days before hearing -Agency leadership, staff members, and agency AG (if using) notified - ALJ notified; **ALJ-CNCL** used - Hearing room canceled (if applicable) - If hearing withdrawals reduced number of hearing requests below 25,  requestors notified. **NTC-HRWD** and **CRT-HRWD** used. - If fewer than 25 hearing requests (and agency did nothing to obtain  withdrawals), requestors notified. **NTC-CNCL** used. |