**山西省水利厅水行政执法事项办理流程图**

1.行政许可程序



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|  |  | 水行政许可实施机关接收申请人申请材料，进行初步审查 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 需要取得水行政许可 |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  | 不需要取得水 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 行政许可 |  |
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|  |  |  |  |  |  |  |  |  | 属于本机关职权范围 |  |  |  |  |  | 即时制作《水行 |  |
| 不属于本机关职权 |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 的，进行合规性审查 |  |  |  |  |  | 政许可申请不 |  |
| 范围或具有依法不 |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 受理告知书》 |  |
| 得提出水行政许可 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 申请的情形的 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  | 申请材料不齐全或 |  |  |  |
|  |  |  |  |  | 申请材料齐全、 |  |  |  |  |  |
| 即时制作《水行政 |  |  |  |  |  |  | 者不符合法定形式 |  |  |  |
|  |  |  | 符合法定形式 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 许可申请不予受理 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| 决定书》 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  | 申请材 | 当场或者在1 |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  | 料存在 | 日内制作《水 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

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| --- | --- | --- |
| 非实质 | 行政许可申请 |  |
|  |  |
| 内容错 | 补正通知书》 |  |
|  |  |
| 误的，当 |  |  |
| 场更正 |  |  |
| 申请人按要求提交 |  |
|  |  |
|  | 全部补正申请材料 |  |
|  |  |  |

制作《水行政许可申请受理通知书》

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| --- | --- | --- | --- | --- | --- |
|  |  | 审查 |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| 符合规定的，制 |  |  |  |  |
|  |  | 不符合规定的，制 |  |
| 作《准予水行政 |  |  | 作《不予水行政许 |  |
| 许可决定书》 |  |  | 可决定书 |  |
|  |  |  |  |  |  |  |

水行政许可实施机关统一送达申请人相关法律文书

2.行政处罚程序



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| 执法检查 | 群众举报 | 上级单位交办 |
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|  |  |  |  |  |  |  |  |  |  |  | 群众举报 |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 出示执法证，告知违法事实 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 和处罚依据，听取陈述申辩 |  |  |  |  |  |  | 调查取证 |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 二名以上执法人员向当事人出示执法证，开展调查、检查，制作现场 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 笔录、调查询问笔录，收集相关证据；承办人写出调查报告，并根据 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  | 认定的违法事实和法律依据提出初步处理意见 |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  | 情节显著轻微 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  | 复核 |  |  |  |  |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  | 不予处罚 |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  | 送达处罚权利告知书告知当事人拟处罚的 |  | 送达听证告知书 | 构成犯罪，移送 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  | 事实、理由和依据 | 告知当事人 7 日内提出听证 | 司法机关处理 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 符合简易程序规定的， |  |  |  |  |  |  | 听取当事人陈述申辩 |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  | 送达举行听证通知书 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 当场填写处罚决定书并 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 当场交付当事人，同时 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  | 领导决定，情节复杂的重大案件 |  | 听证主持人依据听证情况向 |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  | 告知诉权 |  |  |  |  |  |  | 集体讨论决定 |  |  | 负责人提出意见 |  |  |  |
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制作处罚决定书

送达决定书宣告后当场交付

或 7 日内送达并告知诉权

执行

当事 人执行处罚决定应于 15 日内到指定银行

缴纳罚款（按照规定应当当场收缴的，执行当场

收缴）

结案 资料归档

3.行政强制程序



执法检查或接受举报等

现场检查核实并提出处理意见

情况属实 情况不属实

不予立案

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 违法轻微 |  |  |  | 符合立案条件 |  |  | 情况严重 |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | 不采取强制措施 |  |  | 立案 |  |  |  | 移交司法机关 |  |
|  |  |  |  |  |  |  |  |  |  |  |

调查取证

听取当事人陈述申辩

制作现场笔录并签字

作出行政强制决定

经厅领导批准送达当事人并告知诉权

强制执行或者申请人民法院执行

资料归档

4.行政征收程序



办理行政征收相关手续



（按行政许可流程）

开具征收票据

条件：法律法规所给予

的行政征收范围

将征收经费缴至

指定财政账户

确认行政征收标准，额度、

有上下限之分的明确

按下限标准收取

编制统计报表

并上报

出示身份和征收标准以及

征收法法律法规、文件

告知征收额度并签字

确认

对征收额度 公民、法人或组织

无疑问 对征收额度有疑

问。应现场进行测

量计算

5.行政检查程序



群众举报 上级交办 领导批办 定期监督 专项监督

确定监督检查顶上，拟定监督检查方案

（包括人员、时间、方式）

报主管领导审批

进入被检查单位的现场进行调查

向被检查单位或者个人出示

执法证件或相关文件

告知相对人检查的目的、内容、

要求、方法及相对人权利义务

要求被检查单位提供有关文件、证照、资料，就有

关问题作出说明，讨论研究监督检查情况，并形成

检查报告

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 未发现问题 |  |  |  |  | 发现问题 |  |  |  |  |
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| 终结监督程序 |  |  |  | 责令被检查人停止违法违规行为， |  |  |
|  |  |  |  |  |  | 改造法定义务 |  |  |
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|  |  |  |  |  |  | 听取当呈人陈述申辩 |  |  |
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|  |  |  |  |  |  |  |
|  |  |  | 研究决定依法实施行政处罚或其它具体行政行为， |  |
|  |  |  |  |  |  | 制作处罚决定 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
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反馈、资料归档

6.重大执法决定法制审核程序



|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 行政许可 | 行政处罚 | 行政征收 | 行政强制 | 行政检查 |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 承办部门认为符合法制审核范围事项 |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 报政法处审核相关材料 |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  | 审核送交材料 |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 开会研究 |  |  | 组织调查 |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 作出审核决定 |  |  |  |  |  |  |  |
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| 有异议定 |  |  |  |  | 无异议的，同意作出执法决定 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

集体研究

同意或不同意

归档公示

作出执法决定