



MINNESOTA CODE OF AGENCY RULES

RULES OF THE OFFICE OF THE ATTORNEY GENERAL

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

**THE OFFICE OF REVISOR OF STATUTES
Room 3, State Capitol, St. Paul, Minnesota 55155**

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OFFICE OF THE ATTORNEY GENERAL

Chapter One: Uniform Traffic Ticket

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STATE OF MINNESOTA**ATTORNEY GENERAL****CHAPTER ONE: UNIFORM TRAFFIC TICKET****Atty Gen 101 Purpose and Scope:**

The purpose of this regulation is to establish the detailed form of the Uniform Traffic Ticket, as required by Extra Session Laws 1961, Chapter 19.

Atty Gen 102 Form:

The Uniform Traffic Ticket shall be four and one-fourth ($4\frac{1}{4}$) inches by seven and one-half ($7\frac{1}{2}$) inches in size and shall be in the form attached, which form is identified as Uniform Traffic Ticket Form No. 2, and is made a part hereof by reference.

Atty Gen 103 Prior Regulation Repealed:

Uniform Traffic Ticket Regulation No. 1, filed December 18, 1961, is hereby repealed.

Filed with the Secretary of State and Commissioner of Administration November 17, 1972.

STATE OF MINNESOTA } ss COMPLAINT				COUNTY COURT COUNTY of _____ DIVISION _____				HP 000 000	
The Undersigned, being duly sworn, deposes and says that on: _____ Month _____ Day _____, 19____, at _____ Time _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.									
Name _____ of _____ Street _____ City _____ State _____ Zip _____			(_____) Juvenile Parent/Guardian			LICENSE INFORMATION			
did unlawfully at _____ Location _____ located in the county and state aforesaid (Operate) (Park) a motor vehicle, to wit: _____ State _____ Date of Birth _____			Drivers License Number _____						
Make _____ and then and there did commit the following offense: <input type="checkbox"/> SPEEDING (Over Limit) _____ m.p.h. in _____ zone <input type="checkbox"/> IMPROPER (Turn) (Passing) (Lane Usage) <input type="checkbox"/> DISOBEYED (Stop Sign) (Semaphore) <input type="checkbox"/> _____ (Other Specify) _____			Registration _____ State _____ Trailer Registration _____ Eyes _____ Height _____ Weight _____ Sex _____			ROAD TYPE _____ CIRCUMSTANCES _____ <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Undivided <input type="checkbox"/> Multi-Lane <input type="checkbox"/> Divided <input type="checkbox"/> _____ WEATHER _____ <input type="checkbox"/> Clear/Cloudy <input type="checkbox"/> Rain/Snow <input type="checkbox"/> _____ PAVEMENT <input type="checkbox"/> Normal <input type="checkbox"/> Slippery VISIBILITY <input type="checkbox"/> Normal <input type="checkbox"/> Impaired _____ ACCIDENT <input type="checkbox"/> Property Damage <input type="checkbox"/> Fatal <input type="checkbox"/> Why _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Pedestrian			
in violation of the (Statute) (Ordinance) Sec. No. _____ in such case made and provided and against the peace and dignity of the State of Minnesota.									
Was offense committed in a manner or under circumstances so as to endanger or be likely to endanger any Yes or No _____ person or property?									
Subscribed and sworn before me this _____ day of _____, 19____									
Name _____ Title _____			Complainant Signature _____ Name _____			Department _____ Badge _____			
Date of Court Appearance _____ 19____ A.M. _____ P.M. _____ Month _____ Day _____ Time _____ Address: _____					I promise to appear in said court at the stated time and place. NOTE: Refer to back of Summons for further information.				

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STATE OF MINNESOTA COUNTY of _____		} ss ABSTRACT OF COURT RECORD		COUNTY COURT DIVISION _____		HP 000 000	
The Undersigned, being duly sworn, deposes and says that on: _____, 19____, at _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Month Day Time </div> <div style="display: flex; justify-content: flex-end; width: 100%;"> <input type="checkbox"/> A.M. </div>							
Name _____ of _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Street City State Zip </div>				(Juvenile Parent/Guardian) LICENSE INFORMATION			
did unlawfully at _____ located in the county and state aforesaid (Operate) (Park) a motor vehicle, to wit: _____				Drivers License Number _____ State _____		Date of Birth _____	
Make _____ and then and there did commit the following offense:		Registration _____ State _____ Trailer Registration _____		Eyes _____ Height _____ Weight _____ Sex _____		I promise to appear in said court at the stated time and place.	
<input type="checkbox"/> SPEEDING (Over Limit) _____ m.p.h. in _____ zone		CIRCUMSTANCES <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Undivided <input type="checkbox"/> Multi-Lane <input type="checkbox"/> Divided <input type="checkbox"/> _____ WEATHER <input type="checkbox"/> Clear/Cloudy <input type="checkbox"/> Rain/Snow <input type="checkbox"/> _____ PAVEMENT <input type="checkbox"/> Normal <input type="checkbox"/> Slippery VISIBILITY <input type="checkbox"/> Normal <input type="checkbox"/> Impaired _____ ACCIDENT <input type="checkbox"/> Property Damage <input type="checkbox"/> Fatal Why <input type="checkbox"/> Personal Injury <input type="checkbox"/> Pedestrian		<input type="checkbox"/> DISOBEYED (Stop Sign) (Semaphore)			
<input type="checkbox"/> _____ (Other Specify) _____				<input type="checkbox"/> _____			
in violation of the (Statute) (Ordinance) Sec. No. _____ in such case made and provided and against the peace and dignity of the State of Minnesota.				Was offense committed in a manner or under circumstances so as to endanger or be likely to endanger any Yes or No person or property?			
Subscribed and sworn before me this _____ day of _____, 19____				Date of Court Appearance _____ <div style="display: flex; justify-content: space-between; width: 100%;"> A.M. P.M. </div> <div style="display: flex; justify-content: space-between; width: 100%;"> Month Day Time </div>			
Name _____ Title _____		Complainant Signature _____ Name _____		Department _____ Badge _____		Address: _____	

NOTE: Refer to back of Summons for further information.

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CERTIFICATE OF CONVICTION or REPORT OF HEARING

The undersigned hereby certifies that on _____, 19____, in this court, defendant
 was convicted of _____, an offense
 relating to the operation of motor vehicles.

Further, that said conviction resulted from a:

☐ PLEA OF GUILTY ☐ CONVICTION AFTER TRIAL ☐ FORFEITURE OF BAIL OR SECURITY

That such offense was a:

☐ PETTY MISDEMEANOR ☐ MISDEMEANOR ☐ GROSS MISDEMEANOR ☐ FELONY ☐ JUVENILE TRAFFIC OFFENSE

That as a result of conviction, defendant was:

☐ FINED, \$ _____ (Amount Suspended) _____ ☐ JAILED FOR _____ DAYS.

Recommendation as to Driver's License.

☐ NO RECOMMENDATION ☐ SUSPEND FOR _____ DAYS ☐ NO SUSPENSION

Other Comments: _____

Dated this _____ day of _____, 19____.

 Name and Title

If revocation mandatory or suspended recommended, Driver's License must be forwarded with this certificate, M.S. 171.16.

☐ Driver's License forwarded with this certificate.

Certificate must be transmitted within 10 days to Minnesota Department of Public Safety, Motor Vehicle Services Division, State Highway Building, St. Paul, Minnesota 55155.

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STATE OF MINNESOTA			ss SUMMONS			COUNTY COURT			DIVISION			HP 000 000		
COUNTY of _____														
The Undersigned, being duly sworn, deposes and says that on: _____ Month _____ Day _____, 19____, at _____ Time _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.														
Name _____					(_____) Juvenile Parent/Guardian					LICENSE INFORMATION				
of _____ Street _____		City _____		State _____		Zip _____		Drivers License Number _____						
did unlawfully at _____ Location _____ located in the county and state aforesaid (Operate) (Park) a motor vehicle, to wit:								State _____		Date of Birth _____				
and then and there did commit the following offense(s):								Registration _____ State _____		Trailer Registration _____		Eyes _____ Height _____ Weight _____ Sex _____		
<input type="checkbox"/> SPEEDING (Over Limit) _____ m.p.h. in _____ zone								ROAD TYPE <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Undivided <input type="checkbox"/> IMPROPER (Turn) (Passing) (Lane Usage) <input type="checkbox"/> DISOBEYED (Stop Sign) (Semaphore) <input type="checkbox"/> _____ (Other Specify) _____						
								CIRCUMSTANCES <input type="checkbox"/> WEATHER <input type="checkbox"/> Clear/Cloudy <input type="checkbox"/> Rain/Snow <input type="checkbox"/> _____ <input type="checkbox"/> PAVEMENT <input type="checkbox"/> Normal <input type="checkbox"/> Slippery <input type="checkbox"/> VISIBILITY <input type="checkbox"/> Normal <input type="checkbox"/> Impaired <input type="checkbox"/> ACCIDENT <input type="checkbox"/> Property Damage <input type="checkbox"/> Fatal Why _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Pedestrian						
in violation of the (Statute) (Ordinance) Sec. No. _____ in such case made and provided and against the peace and dignity of the State of Minnesota.														
Was offense committed in a manner or under circumstances so as to endanger or be likely to endanger any Yes or No _____ person or property?														
Subscribed and sworn before me this _____ day of _____, 19____														
Name _____ Title _____								Complainant Signature _____ Name _____						
								Department _____ Badge _____						
Date of Court Appearance _____ 19____ A.M. _____ P.M. _____								I promise to appear in said court at the stated time and place.						
Month _____ Day _____ Address: _____														
NOTE: Refer to back of Summons for further information.														

This space may be used to fit local needs or conditions. However, if a court appearance is not required for every violation and an APPEARANCE, PLEA OF GUILTY AND WAIVER is used it must take the following form.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the offense charged on other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court, and that this record will be sent to the Licensing Authority of this State (or of the State where I received my license to drive). I do hereby PLEAD GUILTY to said offense as charged, WAIVE my right to a HEARING by the court, and agree to pay the penalty prescribed for my offense.

(Defendant's Signature)

(Driver's License Number)

(Address)

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Chapter Two: Rule Review Procedures

1 MCAR S 1.201 Applicability.

These rules shall govern the submittal to and review by the Attorney General of rules adopted by agencies pursuant to Minnesota Statutes, section 15.0412.

1 MCAR S 1.202 Review of rules adopted with a public hearing.

When an agency has adopted a rule after a public hearing pursuant to Minnesota Statutes, section 15.0412, subdivisions. 4 to 4e, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. Rule as adopted. The original and three copies of the rule as adopted shall be submitted. At least one of the copies shall reflect changes made in the rule from that originally published in the State Register by the underlining of additions and striking of deletions.

B. Order adopting. (For recommended format, see Exhibit H-1). Two copies of the order adopting the rule shall be submitted.

1. The order adopting shall indicate the time and place of the hearing and shall recite that proper notice was given, that all persons were given the opportunity to be heard, and that the rule adopted is needed and reasonable based on the record and applicable statutes.

2. The order adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new order adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new order adopting signed by the person initially authorized by the board to sign an order adopting.

C. Certificate of board's resolution adopting a rule, when applicable.

D. Notice of intent to solicit outside opinion and any written material received by the agency, as required by Minnesota Statutes, section 15.0412, subdivision 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for hearing. (For recommended format, see Exhibit B-1.)

F. Certificate of board's authorizing resolution (ordering hearing), when applicable. (For recommended format, see Exhibit C-1.)

G. Notice of hearing. (For recommended format, see Exhibit D-1.)

H. Affidavit of mailing notice of hearing. (For recommended format, see Exhibit F.) The affidavit of mailing shall establish that the person executing the affidavit served a copy of the notice of hearing on all persons and associations listed on the mailing list maintained by the agency pursuant to Minnesota Statutes, section 15.0412, and that such service was effected as required therein. The affidavit of the person mailing the notice of hearing shall be notarized.

I. Mailing list certificate. (For recommended format, see Exhibit E.)

J. Rule as proposed. Either a copy of the State Register in which the rule as proposed was published or a photocopy of the relevant pages of that State Register, to include the notice of hearing and the rule as proposed, shall be submitted.

K. Hearing examiner's report.

L. Chief hearing examiner's reports (as required pursuant to Minnesota Statutes, section 15.0412, subdivisions 4d to 4e).

M. Agency's findings of fact and conclusions. (For recommended format, see Exhibit G.) This document shall contain a finding or findings, based on the record, that each rule adopted is needed and reasonable and is within the agency's statutory authority. The findings of fact and conclusions shall set forth the reasons for changes between the rule as proposed and rule as adopted, including discussion of relevant testimony, data, and evidence. Findings of fact and conclusions may be simply an adoption of the hearing examiner's findings, or an adoption of such findings with exceptions taken. When exceptions are taken, the findings of fact and conclusions shall set forth independent findings of the agency regarding the need for and reasonableness of each exception taken by the agency with citations to relevant testimony, data, and evidence. The findings of fact and conclusions shall be signed by the person authorized to sign the order adopting the rule.

N. If the agency has submitted its proposed rule to the Legislative Commission to Review Administrative Rules, pursuant to Minnesota Statutes, section 15.0412, subdivision 4d, the agency also shall submit either a copy of the commission's report or an affidavit stating: the date on which the rule was submitted to the commission, that 30 days have passed, and that the commission has not issued a report.

O. Order of the chief hearing examiner, or, after July 1, 1981, the Revisor of Statutes permitting incorporation by reference, when applicable.

P. Statement of need and reasonableness.

Q. Petition for adoption, suspension, amendment, or repeal of a rule (if the agency has adopted, suspended, amended or repealed the rule in response to a petition filed pursuant to Minnesota Statutes, section 15.0415).

1. The petition shall be submitted to the agency in the form of Exhibit M.

2. The petition shall be served on the head of the affected agency or board personally or by United States mail at the business address of the agency or board.

3. The agency or board shall have 60 days from receipt of the petition to make its reply. The reply shall:

- a. be in writing;
- b. respond specifically to all issues raised in the petition;
- c. state the intended agency action, if any; and
- d. be signed by the head of the affected agency or board, or any lawfully authorized delegate thereof.

R. Record. A transcript shall be prepared of hearings on a proposed rule if requested by the Attorney General. A copy of the transcript, if requested, all exhibits, and other relevant materials shall accompany a rule submitted to the Attorney General for review. If a prepared transcript has not been requested by the Attorney General or the hearing examiner, any other official recordation of the hearing (for example, tape recordings prepared by the Office of Administrative Hearings) shall be submitted when available.

S. Certificate of compliance with rulemaking procedures. (For recommended format, see Exhibit J.)

T. Affidavit of mailing notice of submission to the Attorney General and accompanying notice. (For recommended formats, see Exhibits K and L.)

1 MCAR S 1.203 Review of rules adopted without a public hearing.

When an agency has adopted a rule without a public hearing pursuant to Minnesota Statutes, section 15.0412, subdivision 4h, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. Rule as adopted. The original and three copies of the rule as adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the State Register by the underlining of additions and striking of deletions.

B. Order adopting. (For recommended format, see Exhibit H-2.) Two copies of the order adopting the rule shall be submitted.

1. The order adopting shall recite that proper notice was given, that all persons were given the opportunity to submit comment on the proposed rule, that seven or more persons did not request a hearing, and that the rule adopted is needed and reasonable.

2. The order adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new order adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new order adopting signed by the person initially authorized by the board to sign an order adopting.

C. Certificate of board's resolution adopting a rule, when applicable.

D. Notice of intent to solicit outside opinion and any written material received by the agency, as required by Minnesota Statutes, section 15.0412, subdivision 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for notice of intent to adopt a rule without public hearing. (For recommended format, see Exhibit B-2.) The order shall be signed by an authorized person. If the agency is a board, the person signing the order must be so authorized and a document of authority must be attached to the order.

F. Certificate of board's authorizing resolution (ordering notice), when applicable. (For recommended format, see Exhibit C-2.)

G. Notice of intent to adopt a rule without public hearing. (For recommended format, see Exhibit D-2.) The notice of intent to adopt a rule without public hearing shall contain at a minimum the following:

1. A citation to the rule if the proposal is only to

repeal or renumber the rule.

2. A statement that the agency has determined that adoption of the rule will not be controversial in nature.

3. A statement that persons wishing to comment on the proposed rule shall have 30 days in which to do so.

4. A statement that the rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

5. A statement that unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held.

6. A statement regarding the manner in which a hearing may be requested.

7. A statement that if a hearing is required, the agency shall proceed pursuant to Minnesota Statutes, section 15.0412, subdivisions 4-4f.

8. A statement that all persons wishing to be informed when the rule is submitted to the Attorney General may request such notice and a statement of the manner in which the request may be made.

9. A citation to the agency's statutory authority to promulgate the proposed rule.

10. If the proposed rule is not attached to the notice, the notice must clearly state the nature and effect of the proposed rule and include a statement announcing the availability and the means of obtaining upon request a copy of the proposed rule.

11. If required by Minnesota Statutes, section 15.0412, subdivision 7, a statement relating to the expenditure of monies by local public bodies.

H. Affidavit of mailing notice of intent to adopt a rule without public hearing. (For recommended format, see Exhibit F.) The affidavit of mailing shall establish that the person executing the affidavit served a copy of the notice of intent to adopt a rule without public hearing on all persons and associations listed on the mailing list maintained by the agency pursuant to Minnesota Statutes, section 15.0412 and that such service was effected as required therein. The affidavit of the person mailing the notice shall be notarized.

I. Mailing list certificate. (For recommended format, see Exhibit E.) The certificate shall certify that the mailing list required by Minnesota Statutes, section 15.0412, subdivision 4

was accurate and complete.

J. Rule as proposed. Either a copy of the State Register in which the rule as proposed was published or a photocopy of the relevant pages of that State Register, to include the notice of intent to adopt a rule without public hearing and the rule as proposed, shall be submitted.

K. Findings of fact and conclusions setting forth the reasons for changes between the rule as proposed and the rule as adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the order adopting the rule.

L. Statement of need and reasonableness. The statement of need and reasonableness shall contain at a minimum a recitation of the reasons, arguments, and evidence that support a finding of need for and reasonableness of each rule. A general statement of statutory implementation will not suffice. If the agency acts pursuant to a petition for adoption, suspension, amendment, or repeal of a rule (see Minnesota Statutes, section 15.0415) that sets forth reasons that support a finding of need for and reasonableness of the rule, the petition may be substituted for the statement of need and reasonableness.

M. Petition for adoption, suspension, amendment, or repeal of a rule (if the agency has adopted, suspended, amended, or repealed a rule in response to a petition filed pursuant to Minnesota Statutes, section 15.0415). (See 1 MCAR Section 1.202 Q.)

N. Written comments on the rule or requests for public hearing received by the agency, if any.

O. Certificate of compliance with rulemaking procedures. (See Exhibit J.)

P. Affidavit of mailing notice of submission to the Attorney General and accompanying notice. (For recommended formats, see Exhibits K and L.)

1 MCAR S 1.204 Review of temporary rules.

When an agency has adopted a temporary rule pursuant to Minnesota Statutes, section 15.0412, subdivision 5, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. The original and three copies of the temporary rule as adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the State Register by the underlining of additions and striking of deletions.

B. Order adopting. (For recommended format, see Exhibit

H-3.) Two copies of the order adopting the rule shall be submitted.

1. The order adopting shall recite that proper notice was given and that all persons were given the opportunity to submit comment on the proposed rule.

2. The order shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new order adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new order adopting signed by the person initially authorized by the board to sign an order adopting.

C. Certificate of board's resolution adopting a rule, when applicable.

D. Order for publication. (For recommended format, see Exhibit B-3.) The order for publication must be signed by an authorized person. If the agency is a board, the person signing the order must be so authorized and a document of authority must be attached to the order for publication.

E. Certificate of board's authorizing resolution (ordering publication), when applicable. (For recommended format, see Exhibit C-3.)

F. Rule as proposed. Either a copy of the State Register in which the temporary rule as proposed was published or a photocopy of the relevant pages of that State Register shall be submitted.

G. Findings of fact and conclusions setting forth the reasons for changes between the rule as proposed and the rule as adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the order adopting the rule.

H. Written comments on the rule received by the agency, if any.

I. Certificate of compliance with rulemaking procedures. (See Exhibit J.)

1 MCAR S 1.205 Failure to submit the required documents.

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Failure to submit the required documents shall cause a submission to be incomplete and shall terminate the Attorney General's review period. The Attorney General shall inform the agency of the missing documents; upon submission of the required documents, the period for review shall be that for an initial submission.

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1 MCAR S 1.206 Duties of the Attorney General.

A. A rule shall be approved or disapproved within the time period prescribed by statute. The review period shall begin the first day after receipt of the rule by the Attorney General.

1. Upon approval of a rule other than a temporary rule the Attorney General shall notify the agency in writing of the approval and shall file the rule promptly in the Office of the Secretary of State. The agency shall be responsible for effecting publication in the State Register. Effective July 1, 1981, the Attorney General shall file a rule with the Secretary of State only after the rule has been endorsed by the Revisor of Statutes.

2. Upon approval of a temporary rule, the Attorney General shall notify the agency of the approval and the agency shall be responsible for filing the rule with the Secretary of State, if the agency desires, and effecting publication in the State Register. Effective July 1, 1981, the Attorney General shall file a temporary rule in the Office of the Secretary of State, but only after the rule has been endorsed by the Revisor of Statutes.

3. If a rule is disapproved and is returned for revision or additional argument, the reasons therefor shall be stated in writing and the rule shall not be filed in the Office of the Secretary of State or published in the State Register.

4. If a rule is disapproved and returned to an agency for revision or additional argument, the review period shall be terminated. Upon resubmission of a rule other than a temporary rule, the Attorney General shall approve or disapprove the rule within ten calendar days after the date of resubmission. Upon resubmission of a temporary rule, the Attorney General shall approve or disapprove the rule within five working days after the date of resubmission.

B. Upon approval of a rule and completion of any additional duties with respect thereto, the Attorney General shall return to the agency an approved copy of the rule and the record, including comments submitted to the agency.

C. To permit persons or associations time to comment on the legality of a rule other than a temporary rule, the Attorney General shall not approve a rule adopted pursuant to Minnesota Statutes, section 15.0412, subdivisions 4 to 4e for ten calendar days after receipt and shall not approve a rule adopted pursuant

to Minnesota Statutes, section 15.0412, subdivision 4h for eight calendar days after receipt. Comments must be received by the Attorney General within these time periods. The Attorney General shall permit an agency to respond to such comments within the limits of the statutory rule review period. Persons or associations submitting written comments to the Attorney General shall submit simultaneously a copy of their comments to the agency adopting the rule. If an agency submits a written response to the Attorney General, the agency shall submit simultaneously a copy of its response to the persons or associations who submitted the comments that the response addresses.

D. Approval as to form and legality. A rule shall be disapproved if:

1. The agency has failed to comply with the applicable provisions of the Minnesota Administrative Procedure Act or other requirements governing the promulgation of rules.

2. The rule exceeds the statutory authority conferred or the specifically required conditions of the authorizing statute have not been met.

3. The rule conflicts with the governing statute or other relevant law.

4. The rule has no reasonable relationship to statutory purposes.

5. The rule is unconstitutional or unreasonable.

1 MCAR S 1.207 Exhibits.

000001-7

Exhibit A ✓

Department of _____

_____ Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules
Governing _____

Notice is hereby given that the State _____
is seeking information or opinions from sources outside the agency in
preparing to promulgate new rules governing _____.
The promulgation of these rules is authorized by Minnesota Statutes
section _____, which [permits/requires] the agency
to _____.

The State _____ requests information and
comments concerning the subject matter of these rules. Interested or
affected persons or groups may submit statements of information or
comment orally or in writing. Written statements should be addressed
to:

[name and address]

Oral statements will be received during regular business hours over
the telephone at _____ and in person at the above
address.

All statements of information and comment shall be accepted
until _____. Any written material received by the
State _____ shall become part of the record in the
event that the rules are promulgated.

Exhibit B-1 ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

ORDER FOR HEARING

IT IS ORDERED this _____ day of _____,
19_____, that a public hearing on the proposed rules captioned above
be held in the (e.g., "State Office Building Auditorium, St. Paul,
Minnesota") on _____, 19_____, commencing at
_____:00 _____M., and continuing until all representatives of
associations or other interested groups or persons have had an
opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given
to all persons who have registered their names with the State
_____ for that purpose and be published in the
State Register.

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit B-2 ✓

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this _____ day of _____,
19____ that a Notice of Intent to Adopt Rules Without Public
Hearing in the above-entitled matter be given to all persons who have
registered their names with the State _____ for
that purpose and be published in the State Register.

STATE OF MINNESOTA .

COMMISSIONER OF _____

Exhibit B-3 ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed
Adoption of Temporary Rules of
The State _____
Governing _____

ORDER FOR PUBLICATION
OF TEMPORARY RULES

IT IS ORDERED this _____ day of _____,
19____ that the proposed temporary rules in the above-entitled
matter be published in the State Register.

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit C-1

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____ (office) _____ of the Board of _____, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of _____ duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, (a member/ executive secretary/) of the Board of _____, be and _____ he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board governing _____ (spell out nature of rules involved) as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 19____.

(Officer of the Board)

Attest by one other Board member _____

Exhibit C-2 ✓

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____ (office) _____ of the Board of _____, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of _____ duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/ executive secretary] of the Board of _____, be and _____ he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing _____ (spell out nature of the rules) _____, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, _____ he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 19____.

(Officer of the Board)

Attest by one other Board member

Exhibit C-3 ✓

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____ (office) of the Board of _____, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of _____ duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/ executive secretary] of the Board of _____, be and _____ he hereby is granted the authority and directed to sign an Order of the Board of _____ directing the publication in the State Register of proposed temporary rules governing _____ (spell out nature of the rules) as well as perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 19____.

(Officer of the Board)

Attest by one other Board member _____

Exhibit D-1 ✓

Department of _____

Division

In the Matter of the Proposed Adoption of Rules of the State _____

Governing _____

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes section 15.0412, subdivision 4, in the above-entitled matter in the (e.g. "State Office Building, St. Paul, Minnesota") on _____, 19____, commencing at _____:00 ____M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

[A copy of the proposed rules is attached to this Notice.]

or

[The Commissioner proposes to adopt rules relating to the following matters: (informative statement of nature and extent of proposed rules)]

One free copy of this Notice and the proposed rules may be obtained by contacting _____. Additional copies will be available at the door on the date of the hearing.

NOTE: Consult the rules of the Office of Administrative Hearings to determine additional information required by that office, to be included in the Notice of Hearing.

State of Minnesota

Commissioner of _____

Exhibit D-2

Department of _____

DivisionIn the Matter of the Proposed Adoption of Rules of the State _____
Governing _____

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State _____ proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

[name, address, and telephone number]

Authority for the adoption of these rules is contained in Minnesota Statutes section _____. Additionally, a Statement of Need and Reasonableness that describes the need for

and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from _____ upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to _____.

[A copy of the proposed rules is attached to this Notice.]

or

[The rules proposed for adoption relate to the following matters: (informative statement of nature and extent of proposed rules).]

Copies of this Notice and the proposed rules are available and may be obtained by contacting _____.

State of Minnesota

Commissioner of _____

Exhibit E ✓

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

I hereby certify that the list of persons, associations,
and other interested groups who have requested, pursuant to Minn.
Stat. § 15.0412, subd. 4, that their names be placed on file with
and maintained by the State _____ for the
purpose of receiving notice of the proposed adoption of rules by
this _____ is accurate and complete as of
_____:00 _____.M., this _____ day of _____, 19____.

Exhibit F ✓

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

_____, being first duly sworn
deposes and says:

That on the _____ day of _____, 19____,
at the City of St. Paul, County of Ramsey, State of Minnesota,
he served the attached Notice of [Hearing/Intent to Adopt
Rules Without Public Hearing] by depositing in the [State of
Minnesota Central Mail System for United States mailing (or) United
States mail] at said City of St. Paul, a copy thereof, properly
enveloped, with postage prepaid, on all persons and associations who
have requested that their names be placed on file with the State
_____ for the purpose of receiving notice
of the proposed adoption of rules by this _____.

Subscribed and sworn to before me
this _____ day of _____, 19____.

Exhibit G ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter came on for hearing before
Hearing Examiner _____ on the _____ day of
_____, 19____, at _____:00 _____M. in the
(e.g. "State Office Building Auditorium, St. Paul, Minnesota",)
after proper notice required by Minnesota Statutes § 15.0412 was
served upon all persons, associations, and other interested groups
registered with the State _____ for that
purpose.

After affording interested persons an opportunity to
present written and oral data, statements and arguments, having
heard all of the testimony, having considered all of the evidence
adduced upon the records, files, and proceedings herein, I find
the following:

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit H-1 ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before
Hearing Examiner _____ on the _____ day of
_____, 19____, at _____:00 _____M., in the
(e.g., "State Office Building Auditorium, St. Paul, Minnesota",).
after proper notice required by Minnesota Statutes section 15.0412
was served upon all persons, associations, and other interested
groups registered with the State _____ for
that purpose.

After affording interested persons an opportunity to
present written and oral data, statements, and arguments, hearing
all of the testimony, considering all of the evidence adduced and
upon the records, files, and proceedings herein and applicable
statutory standards or criteria, and confirming the need for and
reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified
as _____
are adopted this _____ day of _____, 19____,
pursuant to authority vested in me by Minnesota Statutes section
_____.

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit H-2 ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

ORDER ADOPTING
RULES

Notice of the Commissioner's [Board's] intent to adopt the above-entitled rules without a public hearing was published in the State Register on _____, 19____ and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on _____, 19____. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19____ pursuant to authority vested in me [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit H-3 ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on _____, 19____, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19____, pursuant to authority vested in me [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

COMMISSIONER OF _____

Exhibit I ✓

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, _____, do hereby certify that I am a member and the _____ (office) of the Board of _____, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of _____, duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to _____ be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes _____ and that _____ of the Board of _____, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 19____.

(Officer of the Board)

Attest by one other Board member

Exhibit J ✓

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, [Special Assistant Attorney General] _____,
do hereby declare that I have examined the rules and all related
documents and that, based on my examination and my personal familiar-
ity with the applicable procedures, the Administrative Procedure Act,
the rules of the Office of Administrative Hearings, and the rules of
the Attorney General have been followed. Any exceptions are noted
below.

[Special Assistant
Attorney General]

Dated: _____

Exhibit K

In the Matter of the Proposed Adoption
of Rules of the State _____
Governing _____

AFFIDAVIT OF
MAILING NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

_____, being first duly sworn,
deposes and says:

That on the _____ day of _____, 19____,
in the City of St. Paul, County of Ramsey, State of Minnesota, _____ he
served the attached Notice of Submission to the Attorney General by
depositing in the [State of Minnesota Central Mail System for United
States mailing (or) United States mail] at said City of St. Paul,
a copy thereof, properly enveloped, with postage prepaid, on all
persons and associations who requested notice that the rules in the
above-entitled matter have been submitted to the Attorney General.

Subscribed and sworn to before me
this _____ day of _____, 19____.

Exhibit L ✓

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of Rules of the State. _____
Governing _____

NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota
Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have
been submitted to the Office of the Attorney General on this date, _____, 19____, for review as to form and
legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will
not approve the rules for at least _____ calendar days after
receipt to allow any person or association time to comment on the
legality of the rules, after which that Office will complete its
review. If you desire to comment on the legality of the above-
captioned rules, you should direct your comments to the Office of
the Attorney General, G-25 State Administration Building, 50 Sherburne
Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please
note that the above-cited rule of the Attorney General also provides
that a copy of any written comments submitted to the Attorney General
must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any,
were made in the proposed rules after [the hearing/publication in
the State Register] and before submission to the Attorney General,
you may contact _____

Exhibit M ✓

STATE OF MINNESOTA
DEPARTMENT OF _____

(OFFICIAL USE ONLY)

PROPOSED RULE
CHANGE

DATE RECEIVED _____
DATE RESPONDED TO _____
ACTION TAKEN _____
DATE _____

NAME _____

GROUP REPRESENTED OR TITLE _____

ADDRESS _____

I hereby request that the Department named above:
(Check one)

- ☐ Adopt a new rule governing _____
- ☐ Amend Rule _____
- ☐ Suspend Rule _____
- ☐ Repeal Rule _____

Insert here the new rule or rule change, with the exact wording proposed. Present wording of the rule is to be shown, with all wording that is to be deleted to be shown with a line drawn through the words. All proposed new wording is to be underscored.

(Use additional pages if necessary)

State here in as much detail and as completely as possible the reasons for your request, as the department will use the explanation or reasons given for your request as part of the basis for its decision.

(Use additional pages if necessary)