

1400.2060 APPROVAL OF ADDITIONAL NOTICE PLAN.

Subpart 1. **Optional prior approval.** An agency may ask the office for approval of its plan for giving additional notice of its request for comments on possible rulemaking under Minnesota Statutes, section 14.101, or of its plan for giving additional notice of proposed rules under Minnesota Statutes, sections 14.131, 14.14, 14.22, and 14.23. If the agency requests approval of its additional notice plan, it must make the request and receive approval before it publishes the request for comments or the notice of proposed rules.

Subp. 2. **Filing.** An agency asking the office for approval of an additional notice plan must file with the office:

- A. For additional notice plans under Minnesota Statutes, section 14.101:
 - (1) a description of its proposed additional notice plan;
 - (2) the agency's proposed request for comments on its possible rule; and
 - (3) an explanation of why the agency believes that its additional notice plan complies with Minnesota Statutes, section 14.101.
- B. For additional notice plans under Minnesota Statutes, sections 14.131, 14.14, 14.22, and 14.23:
 - (1) a draft of the rules or a copy of the proposed rules certified as to form by the revisor;
 - (2) a draft or final copy of the statement of need and reasonableness under part 1400.2070, containing the agency's proposed notice plan;
 - (3) the agency's proposed notice of intent to adopt rules, notice of hearing, or dual notice under part 1400.2080; and
 - (4) an explanation of why the agency believes that its additional notice plan complies with Minnesota Statutes, section 14.14, subdivision 1a, or 14.22.

Subp. 3. **Review.** If a proposed additional notice plan is filed with the office, a judge must review, and approve or disapprove it within five working days after the office receives it. The judge must approve the notice plan if the judge finds that the notice plan meets the requirements of the applicable statute.

Subp. 4. **Approval or disapproval.** An approved additional notice plan is the office's final determination that the additional notice plan is adequate if the agency implements the additional notice plan. If the additional notice plan is disapproved, the judge must explain why and tell the agency what changes are necessary for approval. The agency may resubmit the additional notice plan for review after changing it. The judge must review and approve or disapprove the revised additional notice plan within five working days after the office receives it.

Statutory Authority: *MS s 14.386; 14.388; 14.51; 15.474*

History: *20 SR 2058; 26 SR 391*

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