

1400.2085 NOTICE OF PROPOSED EXPEDITED RULE.

Subpart 1. **General content.** A notice of intent to adopt expedited rules under Minnesota Statutes, section 14.389, subdivisions 1 to 4, must contain the information in subpart 2. If an agency is accepting requests for a public hearing under Minnesota Statutes, section 14.389, subdivision 5, the notice must also contain the information in subpart 3. Part 1400.2570 contains recommended forms for these notices.

Subp. 2. **Contents of expedited rule notices.** All notices of intent to adopt expedited rules must state:

A. that the agency intends to adopt, amend, or repeal rules under the expedited process and identify the parts of this chapter and Minnesota Statutes, section 14.389;

B. a citation to the statutory authority for the rule and the statutory authority for the rule to be adopted under the expedited process;

C. that the proposed rule is attached to the notice or if the text of the proposed rule is not attached, a description of the nature and effect of the proposed rule and how to obtain a free copy from the agency;

D. if applicable, that an entire rule is being repealed and a citation to the rule;

E. that the public has 30 days to comment in support of or in opposition to the rule or any part of it, and that comment is encouraged;

F. how persons must submit their comments, including whether the agency will accept e-mail comments;

G. the calendar date that the comment period ends;

H. that each comment should identify the part of the rule addressed, any change proposed, and the reason for the suggested change;

I. if no hearing is held, that the agency must, after adopting the rule, submit the rule to the office for review for legality;

J. that persons who wish to comment on the legality of the rule must do so during the 30-day comment period;

K. that persons may request to be notified of the date that the rule is submitted to the office for review and how to make that request;

L. that the proposed rule may be modified if the modifications do not make the rule substantially different as defined under Minnesota Statutes, section 14.05, subdivision 2, paragraphs (b) and (c);

M. that persons may request to be placed on the agency's mailing list to receive notice of future rule proceedings;

- N. any other information required by law or rule to be included in the notice; and
- O. the signature of the person authorized to give notice of intent to adopt rules.

Subp. 3. **Additional notice contents when agency accepts requests for public hearing.** If an agency publishes notice under Minnesota Statutes, section 14.389, subdivision 5, the notice must also state:

A. that if 100 or more persons submit a written request for hearing during the comment period, a public hearing must be held on the rules unless a sufficient number later withdraw their requests in writing;

B. that any person requesting a hearing must include that person's name and address, must identify the portion of the rule to which the person objects or a statement that the person objects to the entire rule, and that a request that does not provide this information is invalid and will not count when determining whether a public hearing must be held;

C. that any person requesting a hearing is encouraged to propose changes to the rule;

D. how persons must submit their request for hearing; and

E. that if a public hearing is held the agency must proceed under Minnesota Statutes, sections 14.131 to 14.20.

Subp. 4. **Timing.** All notices for expedited rules must be mailed at least 33 days before the end of the comment period, and must be published in the State Register at least 30 days before the end of the comment period. Depositing a mailing in the state of Minnesota's central mail system for United States mail satisfies the mailing requirement of this subpart.

Subp. 5. **Certificates of mailing and accuracy of mailing list.** The agency must prepare a certificate of mailing the notice to its rulemaking mailing list and a certificate of the accuracy of its mailing list.

Subp. 6. **Procedure when public hearing is required.** If a public hearing is required, the rule may be adopted by the agency only after complying with all of the requirements for rules adopted after a public hearing, Minnesota Statutes, sections 14.131 to 14.20. This includes preparing a statement of need and reasonableness and publishing and mailing a notice of rule hearing under Minnesota Statutes, section 14.14, subdivision 1a. In addition to the notice requirements in Minnesota Statutes, section 14.14, subdivision 1a, the agency must also send the notice of rule hearing to those persons who requested a public hearing.

Statutory Authority: *MS s 14.51; 15.474*

History: *26 SR 391*

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