

1400.2220 AGENCY PRESENTATION AT HEARING.

Subpart 1. **Rulemaking documents.** The agency must place into the hearing record the following documents:

- A. the request for comments published in the State Register;
- B. the petition for rulemaking, if the rule was proposed in response to it;
- C. the proposed rule, including the revisor's approval;
- D. the statement of need and reasonableness;
- E. a copy of the transmittal letter or a certificate showing that the agency sent a copy of the statement of need and reasonableness to the Legislative Reference Library;
- F. the notice of hearing or dual notice as mailed and as published in the State Register;
- G. the certificate of mailing the notice of hearing and certificate of accuracy of its mailing list. Part 1400.2550 is a recommended certificate form;
- H. a certificate of additional notice if given or a copy of the transmittal letter;
- I. any written comments on the proposed rule received by the agency during the comment period;
- J. if the chief judge has authorized the agency to omit from the notice of hearing published in the State Register the text of any proposed rule, a copy of the document authorizing the omission; and
- K. any other document or evidence to show compliance with any other law or rule which the agency is required to follow in adopting this rule. Examples include Minnesota Statutes, section 3.9223, subdivision 4 (council of Chicano/Latino people), 14.111 (farming operations), or 14.116 (notice to legislators).

Subp. 2. **Copies available.** The agency must have copies of the proposed rules and the statement of need and reasonableness available at the hearing.

Subp. 3. **Showing.** The agency must make its affirmative presentation of facts showing the need for and the reasonableness of the proposed rules and must present any other evidence necessary to fulfill all substantive and procedural requirements of law or rule. The agency may choose to rely on the statement of need and reasonableness as its presentation and the statement may be introduced as an exhibit into the record as though read.

Subp. 4. **Agency representatives present.** Agency representatives or other persons thoroughly familiar with the proposed rules and the statement of need and reasonableness

must be available at the hearing for questioning by the judge and other interested persons or to briefly summarize all or a portion of the statement if requested by the judge.

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

History: *20 SR 2058; 26 SR 391*

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