

1400.2410 REVIEW OF EXPEDITED RULES ADOPTED WITHOUT A PUBLIC HEARING.

Subpart 1. **Applicability.** This part applies to review of expedited rules adopted by agencies under Minnesota Statutes, section 14.389, where no public hearing is held.

Subp. 2. **Filing.** The agency must file the following documents with the office:

- A. the proposed rule, including the revisor's approval;
- B. the notice of intent to adopt expedited rules as mailed and as published in the State Register;
- C. the certificate of mailing the notice of intent to adopt expedited rules and certificate of the accuracy of its mailing list;
- D. a certificate of additional notice, if given, or a copy of the transmittal letter;
- E. all written comments and submissions on the proposed rule;
- F. if required by Minnesota Statutes, section 14.25, subdivision 2, the notice of withdrawal of hearing request, evidence that the notice of withdrawal was sent to all persons who requested a hearing, and any responsive comments received;
- G. one copy of the adopted rule, showing any modifications to the proposed rule and the revisor's approval of them;
- H. if the agency adopts a substantially different rule using the procedure in part 1400.2110, a copy of the notice that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups;
- I. the order adopting the rule that complies with the requirements in part 1400.2090;
- J. the notice of submission of the rule to the office, if anyone requested this notice, and a copy of the transmittal letter or certificate showing that the agency sent this notice; and
- K. any other document or evidence to show compliance with any other law or rule that the agency is required to follow in adopting this rule.

Subp. 3. **Review.** A judge must review the agency's filing and either approve or disapprove it within 14 days after the office receives it, unless it is withdrawn. In reviewing the filing, the judge must decide whether the rule meets the standards of part 1400.2100, items A and C to H.

Subp. 4. **Withdrawal of rule.** The agency may withdraw an expedited rule from review by submitting a notice of withdrawal signed by a person authorized to withdraw the rule unless the withdrawal of the rule or a portion of the rule makes the remaining rules

substantially different. The notice of withdrawal must explain the person's authority to withdraw the rule. The office must return the agency's filing promptly after receiving this request.

Subp. 5. **Approval.** If the expedited rule is approved, either on initial review or on resubmission, the agency may publish the notice of adoption in the State Register. If the final expedited rule is different from the rule originally published in the State Register, the agency must publish a copy of the changes in the State Register. The agency must file one copy of the rule with the governor. The office must file three copies of the rule with the secretary of state. A rule does not take effect unless approved.

Subp. 6. **Disapproval.** If the rule is disapproved, the judge must state in writing the reasons for the disapproval and what changes or actions are necessary for approval. The agency must resubmit the rule to the judge for review after changing it. The judge must review and approve or disapprove the resubmitted rule within five working days after receiving it.

Subp. 7. **Administrative law judge's decision.** The office must notify those persons who requested notification that the judge's decision is available. The office must send a copy of the judge's decision to the Legislative Coordinating Commission, the revisor, and the attorney general. The office must also send the agency a copy of the judge's decision and promptly return the agency's filing.

Subp. 8. **Review by chief judge.** An agency may ask the chief judge to review an expedited rule that has been disapproved by a judge. The agency must make this request within five working days of receiving the judge's decision. The chief judge must review the agency's filing and, within 14 days of receiving it, either approve or disapprove it under the standards of subpart 3.

Statutory Authority: *MS s 14.51; 15.474*

History: *26 SR 391*

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