

1 Office of the Attorney General

2

3 Adopted Rules Relating to Rule Reviews

4

5 Rules as Adopted

6 2010.0200 AUTHORITY.

7 Parts 2010.0200 to 2010.1400 govern the submittal to and
8 review by the attorney general of rules adopted without a public
9 hearing pursuant to Minnesota Statutes, sections 14.22 to 14.28
10 and emergency rules adopted pursuant to Minnesota Statutes,
11 sections 14.29 to 14.36 by agencies pursuant to the
12 Administrative Procedure Act, Minnesota Statutes, chapter 14.

13 2010.0300 DOCUMENTS NECESSARY FOR REVIEW OF A RULE ADOPTED
14 WITHOUT A PUBLIC HEARING.

15 To submit a rule adopted without a public hearing to the
16 attorney general for review and approval pursuant to Minnesota
17 Statutes, section 14.26, the agency must submit to the attorney
18 general the following documents:

19 A. A copy or photocopy of the notice of solicitation
20 of outside information or opinions as published in the State
21 Register, if the agency sought to obtain information or opinions
22 in preparing to propose a rule from sources outside the agency
23 as provided by Minnesota Statutes, section 14.10. For the
24 recommended format of the notice, see part 2010.9900.

25 B. A copy of the petition for adoption, suspension,
26 amendment, or repeal of a rule if the agency has adopted the
27 rule in response to a petition filed pursuant to Minnesota
28 Statutes, section 14.09 and part 2010.0600. For the prescribed
29 format of the petition, see part 2010.9905.

30 C. If the agency is a multi-member agency as provided
31 in Minnesota Statutes, section 15.0597, subdivision 1a, the
32 certificate of the multi-member agency's authorizing resolution
33 or a copy of a delegation of authority. The resolution must
34 direct and delegate to an individual the authority to sign and
35 to give the notice of the agency's proposed-adoption-of intent



1 to adopt the rule without a public hearing. The delegation of
 2 authority must expressly authorize an individual to sign and to
 3 give the notice of the agency's ~~proposed-adoption-of~~ intent to
 4 adopt a rule without a public hearing. The resolution or
 5 delegation of authority must be adopted at a meeting duly called
 6 and attended by a quorum. For the recommended format of the
 7 resolution, see part 2010.9910.

8 D. A copy of the proposed rule with a certificate of
 9 approval as to form by the revisor of statutes attached.

10 E. The notice of ~~proposed-adoption-of~~ intent to adopt
 11 a rule without a public hearing ~~which~~ as mailed. The notice
 12 must be signed by a person authorized to adopt the rule or
 13 authorized to sign and give notice of the intent to adopt the
 14 rule without a public hearing and must contain the following:

15 (1) A statement that the agency ~~proposes~~ intends
 16 to adopt a rule without a public hearing pursuant to the
 17 authority of [citation to the specific statutory authority for
 18 the proposed rule] and is following the procedures set forth
 19 in the Administrative Procedure Act for adopting rules without a
 20 public hearing in Minnesota Statutes, sections 14.22 to 14.28.

21 (2) A statement that the public has 30 days in
 22 which to submit comment in support of or in opposition to the
 23 proposed rule or any part or subpart of the proposed rule and
 24 that comment is encouraged.

25 (3) A statement that each comment should identify
 26 the portion of the proposed rule addressed, the reason for the
 27 comment and any change proposed.

28 (4) A statement that if 25 or more persons submit
 29 a written request for a public hearing within the 30-day comment
 30 period, a public hearing will be held unless a sufficient number
 31 withdraw their request in writing. If the agency is fixing fees
 32 by rulemaking pursuant to Minnesota Statutes, section 16A.128,
 33 subdivision 2a, on or before July 1, 1987, subitem (15) is
 34 applicable.

35 (5) A statement of the manner in which persons
 36 may submit comments or requests for a public hearing.

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1 (6) A statement that any person requesting a
2 public hearing should state his or her name and address, and is
3 encouraged to identify the portion of the proposed rule
4 addressed, the reason for the request, and any change proposed.

5 (7) A statement that if a public hearing is
6 required, the agency will proceed pursuant to Minnesota
7 Statutes, sections 14.131 to 14.20.

8 (8) A statement that the proposed rule may be
9 modified if the modifications are supported by data and views
10 submitted to the agency and do not result in a substantial
11 change in the proposed rule as noticed.

12 (9) A statement that if no hearing is required,
13 upon adoption of the rule, the rule and the required supporting
14 documents will be submitted to the attorney general for review
15 as to legality and form to the extent form relates to legality;
16 a statement that any person may request notification of the date
17 of submission to the attorney general; and a statement of the
18 manner in which the request must be made.

19 (10) If an entire rule is proposed to be
20 repealed, a statement stating that fact and citing the rule to
21 be repealed.

22 (11) A statement that the proposed rule is
23 attached to the notice; or if the proposed rule is not attached
24 to the notice sent to persons on the agency rulemaking mailing
25 list, a statement ~~summarizing~~ describing the nature and effect
26 of the proposed rule and the manner in which a free copy may be
27 requested.

28 (12) A statement that the statement of need and
29 reasonableness is available to the public and the manner in
30 which that document may be requested.

31 (13) If required by Minnesota Statutes, section
32 14.11, subdivision 1, a statement relating to the expenditure of
33 public money by local public bodies.

34 (14) If the agency elects to comply with
35 Minnesota Statutes, section 14.115, subdivision 4, by following
36 paragraph (a) of the statute, a statement that the proposed rule

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1 will have an impact on small businesses and a description of the
2 probable quantitative and qualitative impact of the proposed
3 rule, economic or otherwise, upon affected classes of persons as
4 provided by Minnesota Statutes, section 14.115, subdivision 4,
5 paragraph (a).

6 (15) If the agency is fixing fees by rulemaking
7 without a public hearing pursuant to Minnesota Statutes, section
8 16A.128, subdivision 2a, on or before July 1, 1987, subitem (4)
9 of this subpart is inapplicable and is substituted with a
10 statement that no public hearing need be held unless 20 percent
11 of the persons who will be required to pay the fee submit to the
12 agency during the 30-day period allowed for comment a written
13 request for a public hearing on the proposed rule. For fees
14 established or adjusted after July 1, 1987, subitem (4) is
15 applicable.

16 (16) Any other notices required by law or rule to
17 be included in the notice of proposed-adoption-of intent to
18 adopt a rule without a public hearing.

19 ~~(17)-The-notice-of-proposed-adoption-of-a-rule~~
20 ~~without-a-public-hearing-must-be-signed-by-a-person-authorized~~
21 ~~to-adopt-the-rule-or-authorized-to-sign-and-to-give-notice-of~~
22 ~~proposed-adoption-of-a-rule-without-a-public-hearing.~~

23 For the recommended format of the notice, see part
24 2010.9915.

25 F. The statement of need and reasonableness in
26 support of the proposed rule complying with part 2010.0700.

27 G. The affidavit of mailing the notice of proposed
28 adoption-of intent to adopt a rule without a public hearing.
29 The affidavit or affidavits must state that the mailing list
30 maintained by the agency pursuant to Minnesota Statutes,
31 sections 14.22 and 14.14, subdivision 1a is accurate, complete,
32 and current and that the notice of proposed-adoption-of intent
33 to adopt the rule without a public hearing was mailed to all
34 persons and groups whose names appear on the list. If the
35 person who mailed the notice is not the same person who can
36 attest to the accuracy of the mailing list, separate affidavits

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1 signed by the appropriate person must be submitted. For the
2 recommended format of the affidavit, see part 2010.9920.

3 H. A copy or photocopy of the notice of ~~proposed~~
4 ~~adoption-of~~ intent to adopt the rule without a public hearing as
5 published in the State Register. The notice as published must
6 contain the statements required by part 2010.0300, item E.

7 I. Four copies of the rule as adopted. Any
8 modification made to the proposed rule must be reflected on the
9 rule as adopted and be approved as to form by the revisor of
10 statutes.

11 J. If the agency is a multi-member agency as provided
12 in Minnesota Statutes, section 15.0597, subdivision 1a, the
13 certificate of the multi-member agency's resolution adopting the
14 rule. The resolution must be adopted at a meeting duly called
15 and attended by a quorum.

16 The resolution must approve and adopt the rule and
17 authorize a named individual to:

18 (1) sign findings of fact, conclusions, and order
19 adopting the rule;

20 (2) ~~modify the rule if necessary to obtain~~
21 ~~approval of the rule by the attorney general and such~~
22 ~~modification does not raise significant new legal issues;~~ and

23 (3) perform the necessary acts to provide that
24 the rule has the force and effect of law. ~~The resolution must~~
25 ~~be adopted at a meeting duly called and attended by a quorum~~ If
26 the multi-member agency is so empowered, the resolution may also
27 authorize the named person to modify the rule under stated
28 circumstances or as necessary to obtain the approval of the rule
29 by the attorney general. For the recommended format of the
30 resolution, see part 2010.9925.

31 K. The findings of fact, conclusions, and order
32 adopting the **emergency** rule which must contain the following:

33 (1) a statement that proper notice of ~~proposed~~
34 ~~rulemaking~~ intent to adopt a rule without a public hearing was
35 given;

36 (2) a statement that the statement of need and

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1 reasonableness was prepared before ~~the date of~~ the notice of
 2 ~~proposed adoption of~~ intent to adopt a rule without a public
 3 hearing was mailed to all persons on the rulemaking mailing list
 4 and published in the State Register and was available to the
 5 public;

6 (3) for rules that establish or adjust fees after
 7 July 1, 1987, a statement that before the notice of intent to
 8 adopt rules was submitted to the State Register, a copy of the
 9 notice and the proposed rule was sent to the chairs of the house
 10 appropriations committee and senate finance committee;

11 (4) a statement that all persons were given the
 12 opportunity to submit comment on the proposed rule for 30 days
 13 after the notice of proposed rulemaking intent to adopt a rule
 14 without a public hearing;

15 (4) (5) a statement of the number of persons that
 16 requested a public hearing and the number of persons that
 17 requested a public hearing and withdrew their request;

18 (5) (6) if any changes were made between the rule
 19 as proposed and the rule as adopted, findings of fact and
 20 conclusions supporting the reasons for the changes and
 21 explaining why the changes do not constitute substantial changes
 22 as provided in the attorney general rules, part 2010.1000, item
 23 D;

24 (6) (7) if the agency received no requests for a
 25 hearing, or received no submissions or comments on the rule
 26 required to be submitted to the attorney general by item L, or
 27 received no requests for notice of submission of the adopted
 28 rule to the attorney general, an applicable statement to that
 29 effect; and

30 (7) (8) a statement that the rule as adopted is
 31 needed and reasonable and that the rule is hereby ordered to be
 32 adopted and the date on which the order is signed.

33 The findings of fact, conclusions, and order adopting the
 34 rule must be signed by a person authorized to adopt the rule or
 35 authorized to sign the findings of fact, conclusions, and order
 36 adopting the rule. For the recommended format of the findings

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1 of fact, conclusions, and order, see part 2010.9930.

2 L. All written requests, submissions, or comments on
3 the rule received by the agency except requests solely for
4 copies of the rule or of the statement of need and
5 reasonableness.

6 M. The declaration of the attorney in the attorney
7 general's office who represents the agency. The declaration
8 must state:

9 (1) that the attorney has examined the rule and
10 the rulemaking record;

11 (2) that the Administrative Procedure Act and
12 chapter 2010 have been followed with a listing of any
13 exceptions; and

14 (3) for attorney general billing purposes, the
15 four-digit docket client code is For the recommended
16 format, see part 2010.9935.

17 N. The notice of submission of the rule to the
18 attorney general, if applicable. If any persons requested
19 notification of the date of submission of the rule to the
20 attorney general, the notice must be given on the same day the
21 rule is submitted to the attorney general. The notice must
22 contain the following:

23 (1) the date of submission of the rule to the
24 attorney general;

25 (2) if the proposed rule has been modified, the
26 notice must state that fact and must state that a free copy of
27 the rule as modified is available upon request from the
28 agency or that a copy of the rule as modified is enclosed with
29 this notice;

30 (3) the attorney general rule review time period
31 ~~and-comment-deadline~~;

32 (4) a statement that comments may be submitted to
33 the attorney general and that any comments submitted to the
34 ~~attorney general~~ must address only the issue of legality of the
35 rule or the legality of the specific parts or subparts of the
36 rule and make a reference to the attorney general standards of

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1 review as set forth in part 2010.1000;

2 (5) the length of the comment period;

3 (6) a statement that upon written request to the
4 attorney general a copy of the attorney general decision will be
5 provided;

6 (7) the address of the attorney general division
7 where comments and requests must be submitted; and

8 ~~(6)~~ (8) a statement that any written comments to
9 the attorney general must also be submitted simultaneously to a
10 named person for the agency and the address of that person.

11 For the recommended format of the statement, see part
12 2010.9940.

13 O. The affidavit of mailing notice of submission of
14 the rule to the attorney general, if applicable. The affidavit
15 must state that a copy of the notice of submission of the rule
16 to the attorney general was mailed to all persons and
17 associations who requested the notification. For the
18 recommended format of the affidavit, see part 2010.9945.

19 2010.0400 DOCUMENTS NECESSARY FOR REVIEW OF EMERGENCY RULE.

20 To submit an emergency rule to the attorney general for
21 review and approval pursuant to Minnesota Statutes, section
22 14.32, the agency must submit to the attorney general the
23 following documents:

24 A. A copy or photocopy of the notice of solicitation
25 of outside information or opinions, as published in the State
26 Register, if the agency sought to obtain information or opinions
27 in preparing to propose a rule from sources outside the agency
28 as provided by Minnesota Statutes, section 14.10. For the
29 recommended format of the notice, see part 2010.9900.

30 B. A copy of the petition for adoption, suspension,
31 amendment, or repeal of a rule if the agency has adopted the
32 rule in response to a petition filed pursuant to Minnesota
33 Statutes, section 14.09 and part 2010.0600. For the prescribed
34 format of the petition, see part 2010.9905.

35 C. If the agency is a multi-member agency as provided

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1 in Minnesota Statutes, section 15.0597, subdivision 1a, the
 2 certificate of the multi-member agency's authorizing resolution
 3 or a copy of a delegation of authority. The resolution must
 4 direct and delegate to an individual the authority to sign and
 5 to give the notice of the multi-member agency's ~~proposed~~
 6 ~~adoption-of~~ intent to adopt the emergency rule. The delegation
 7 of authority must expressly authorize an individual to sign and
 8 to give the notice of the agency's ~~proposed-adoption-of~~ intent
 9 to adopt the emergency rule. The resolution or delegation of
 10 authority must be adopted at a meeting duly called and attended
 11 by a quorum. For the recommended format of the resolution, see
 12 part 2010.9910.

13 D. A copy of the proposed emergency rule with a
 14 certificate of approval as to form by the revisor of statutes
 15 attached.

16 E. The notice of ~~proposed-adoption-of~~ intent to adopt
 17 the emergency rule ~~which~~ as mailed. The notice must be signed
 18 by a person authorized to adopt the rule or authorized to sign
 19 and give notice of the intent to adopt the emergency rule and
 20 must contain the following:

21 (1) A statement that the agency ~~proposes~~ intends
 22 to adopt the emergency rule pursuant to authority of [citation
 23 to the specific statutory authority to adopt the emergency rule]
 24 and is following the procedures set forth in the Administrative
 25 Procedure Act for adopting emergency rules in Minnesota
 26 Statutes, sections 14.29 to 14.36.

27 (2) A statement that all persons have 25 days
 28 after publication, or a longer period of time as specified in
 29 the notice, to submit data and views on the proposed emergency
 30 rule or any part or subpart of the rule in writing.

31 (3) A statement of the manner in which persons
 32 may submit written comments to the agency.

33 (4) A statement that the proposed emergency rule
 34 is attached to the notice; or, if the proposed rule is not
 35 attached to the notice sent to persons on the agency rulemaking
 36 mailing list, a statement summarizing describing the nature and

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1 effect of the proposed rule.

2 (5) A statement that a free copy of the proposed
3 emergency rule is available upon request from the agency and the
4 manner in which the request may be made.

5 (6) A statement that the proposed emergency rule
6 may be modified if the modifications are supported by data and
7 views submitted to the agency and do not result in a substantial
8 change in the proposed emergency rule as noticed.

9 (7) A statement that the emergency rule and its
10 supporting documents will be submitted to the attorney general
11 for review as to legality and form to the extent form relates to
12 legality; a statement that any person may request notification
13 of the date of submission to the attorney general; and a
14 statement of the manner in which the request must be made.

15 (8) A statement of the effective period of the
16 proposed emergency rule in accordance with Minnesota Statutes,
17 section 14.35.

18 (9) If required by Minnesota Statutes, section
19 14.11, subdivision 1, a statement relating to the expenditure of
20 public money by local public bodies.

21 (10) Any other notices required by law or rule to
22 be included in the notice of proposed-adoption-of intent to
23 adopt an emergency rule.

24 ~~(11)-The-notice-of-the-proposed-adoption-of~~
25 ~~emergency-rule-must-be-signed-by-a-person-authorized-to-adopt~~
26 ~~the-rule-or-authorized-to-sign-and-to-give-notice-of-proposed~~
27 ~~adoption-of-emergency-rule-~~

28 For the recommended format of the notice, see part
29 2010.9950.

30 F. The affidavit of mailing the notice of proposed
31 adoption-of intent to adopt the emergency rule. The affidavit
32 or affidavits must state that the mailing list maintained by the
33 agency pursuant to Minnesota Statutes, section 14.30 is
34 accurate, complete, and current and that the notice of proposed
35 adoption-of intent to adopt the emergency rule was mailed to all
36 persons and groups whose names appear on the list. If the

1 person who mailed the notice is not the same person who can
 2 attest to the accuracy of the mailing list, separate affidavits
 3 signed by the appropriate person must be submitted. For the
 4 recommended format of the affidavit, see part 2010.9920.

5 G. A copy or photocopy of the notice of ~~proposed~~
 6 ~~adoption-of~~ intent to adopt the emergency rule as published in
 7 the State Register. The notice as published must contain the
 8 statements required by part 2010.0400, item E.

9 H. Four copies of the emergency rule as adopted. Any
 10 modifications made to the proposed rule must be reflected on the
 11 rule as adopted and be approved as to form by the revisor of
 12 statutes.

13 I. If the agency is a multi-member agency as provided
 14 in Minnesota Statutes, section 15.0597, subdivision 1a, the
 15 certificate of the multi-member agency's resolution adopting the
 16 emergency rule. The resolution must be adopted at a meeting
 17 duly called and attended by a quorum.

18 The resolution must approve and adopt the rule and
 19 authorize a named individual to:

20 (1) sign findings of fact, conclusions, and order
 21 adopting the rule;

22 (2) ~~modify the rule if necessary to obtain~~
 23 ~~approval of the rule by the attorney general and such~~
 24 ~~modification does not raise significant new legal issues;~~ and

25 (3) perform the necessary acts to provide that
 26 the emergency rule has force and effect of law. ~~The resolution~~
 27 ~~must be adopted at a meeting duly called and attended by a~~
 28 ~~quorum~~ If the multi-member agency is so empowered, the
 29 resolution may also authorize the named person to modify the
 30 rule under stated circumstances or as necessary to obtain
 31 approval of the rule by the attorney general. For the

32 recommended format of the resolution, see part 2010.9925.

33 J. The findings of fact, conclusions, and order
 34 adopting the emergency rule which must contain the following:

35 (1) a statement that proper notice of ~~proposed~~
 36 ~~emergency-rulemaking~~ intent to adopt a rule was given;

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1 (2) a statement that all persons were given the
 2 opportunity to submit written comment for at least 25 days after
 3 publication of the notice of proposed intent to adopt the
 4 emergency rulemaking rule;

5 (3) if any changes were made between the
 6 emergency rule as proposed and the emergency rule as adopted,
 7 findings of fact and conclusions supporting the reasons for the
 8 changes and explaining why the changes do not constitute
 9 substantial changes as provided in attorney general rule part
 10 2010.1000, item D;

11 (4) if the agency received no submissions or
 12 comments on the rule required to be submitted to the attorney
 13 general pursuant to item K, or received no requests for notice
 14 of submission of the adopted emergency rule to attorney general;
 15 an applicable statement to that effect; and

16 (5) a statement that the emergency rule is hereby
 17 ordered to be adopted and the date on which the order is signed.

18 The findings of fact, conclusion, and order adopting the
 19 emergency rule must be signed by a person authorized to adopt
 20 the emergency rule or authorized to sign the findings of fact,
 21 conclusions, and order adopting the emergency rule. For the
 22 recommended format of the findings of fact, conclusions, and
 23 order, see part 2010.9955.

24 K. All written requests, submissions, and comments on
 25 the rule received by the agency except requests solely for
 26 copies of the rule.

27 L. The declaration of the attorney in the attorney
 28 general's office who represents the agency. The declaration
 29 must state:

30 (1) that the attorney has examined the rule and
 31 the rulemaking record;

32 (2) that the Administrative Procedure Act and
 33 chapter 2010 have been followed with a listing of any exceptions;
 34 and

35 (3) for attorney general billing purposes, the
 36 four-digit docket client code is For the recommended

1 format, see part 2010.9935.

2 M. The notice of submission of the emergency rule to
3 the attorney general, if applicable. If any persons requested
4 notification of the date of submission of the emergency rule to
5 the attorney general, the notice must be given mailed on the
6 same day the rule is submitted to the attorney general. The
7 notice must contain the following:

8 (1) the date of submission of the emergency rule
9 to the attorney general;

10 (2) if the emergency proposed emergency rule has
11 been modified, the notice must state that fact and must state
12 that a free copy of the emergency rule as modified is available
13 upon request from the agency or that a copy of the rule as
14 modified is enclosed with this notice;

15 (3) the attorney general rule review time period
16 and-comment-deadline;

17 (4) a statement that comments may be submitted to
18 the attorney general and that any comments submitted to the
19 attorney-general must address only the issue of legality of the
20 rule or the legality of the specific parts or subparts of the
21 rule and make a reference to the attorney general standards of
22 review as set forth in part 2010.1000;

23 (5) the length of the comment period;

24 (6) a statement that upon written request to the
25 attorney general a copy of the attorney general decision will be
26 provided;

27 (7) the address of the attorney general division
28 where comments and requests must be submitted; and

29 ~~(6)~~ (8) a statement that any written comments to
30 the attorney general must also be submitted simultaneously to a
31 named person for the agency and the address of that person.

32 For the recommended format of the statement, see part
33 2010.9960.

34 N. The affidavit of mailing the notice of submission
35 of the emergency rule to the attorney general, if applicable.
36 The affidavit must state that a copy of the notice of submission

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1 of the rule to the attorney general was mailed to all persons
 2 and associations who requested the notification. For the
 3 recommended format of the affidavit, see part 2010.9945.

4 2010.0500 RULE SUBMISSION AND AGENCY FAILURE TO SUBMIT REQUIRED
 5 DOCUMENTS.

6 Subpart 1. Rule submission. A rule is considered
 7 submitted to the attorney general when the rule and the record
 8 consisting of the required documents are received at the Office
 9 of the Attorney General, Administrative/Finance Division located
 10 at 204 Administration Building, 50 Sherburne Avenue, Saint Paul,
 11 Minnesota 55155.

12 Subp. 2. Failure to submit required documents. Failure to
 13 submit all the required documents makes a submission
 14 incomplete. The attorney general must promptly inform the
 15 agency of the missing documents. If the missing documents
 16 include the required four copies of the rule as adopted,
 17 findings of fact, conclusions and order, or the statement of
 18 need and reasonableness for a rule adopted without a public
 19 hearing, the rule review period will not be initiated. For
 20 other missing documents, if the agency submits the missing
 21 documents to the attorney general within the attorney general
 22 review period, the submission shall be deemed complete and the
 23 period of review shall continue to run. If the missing
 24 documents are not submitted within the review period, the rule
 25 must either be withdrawn from ~~reviewal~~ review or rejected by the
 26 attorney general.

27 2010.0600 PETITION FOR ADOPTION OF RULE.

28 Subpart 1. Contents. Petitions to an agency requesting
 29 the adoption, suspension, amendment, or repeal of a rule
 30 pursuant to Minnesota Statutes, section 14.09 must contain the
 31 following:

32 A. the name and address of the petitioner and, if
 33 applicable, the title or the group represented;

34 B. a statement that the petitioner requests the
 35 agency to:

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- 1 (1) adopt a new rule governing _____;
- 2 (2) amend Minnesota Rules, part _____;
- 3 (3) suspend Minnesota Rules, part _____;

4 or

- 5 (4) repeal Minnesota Rules, part _____;

6 C. a statement explaining the need or reason for the
7 rulemaking request; and

8 D. for a new rule, the petitioner's proposed language
9 for the new rule. For amendments to an existing rule, the rule
10 text must be repeated, proposed deletions stricken and
11 substituted or added language underscored. If the petitioner is
12 unable to propose new rule language, he or she may provide a
13 detailed description of the rule desired.

14 For the prescribed format of the petition, see part
15 2010.9905.

16 Subp. 2. **Service of petition.** The petition must be served
17 on the agency head or executive director of the affected agency
18 personally or by United States mail at the business address of
19 the agency.

20 Subp. 3. **Agency response.** The agency must reply within 60
21 days from the receipt of the petition. The reply must be in
22 writing, respond specifically to all issues raised in the
23 petition and detail its planned disposition of the request. The
24 response must be signed by an individual authorized to adopt a
25 rule or if the agency is a multi-member agency as provided in
26 Minnesota Statutes, section 15.0597, subdivision 1a, by a member
27 or officer of the multi-member agency. If the agency adopts the
28 rule pursuant to the petition, a copy of the petition must be
29 submitted by the agency to the attorney general in accordance
30 with part 2010.0300, item B or 2010.0400, item B.

31 2010.0700 STATEMENT OF NEED AND REASONABLENESS.

32 The statement of need and reasonableness must contain a
33 summary of the evidence and arguments that support both the need
34 for and reasonableness of the proposed agency action of adopting
35 a rule without a public hearing. In justifying the need for and

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1 reasonableness of the action, the agency must explain what
2 circumstances have created the need for the rule or its
3 amendment which required administrative action and why the
4 proposed rulemaking action is an appropriate solution for
5 meeting the need. The statement must explain the evidence
6 relied upon and how that evidence rationally relates to the
7 choice of action taken. A general statement of statutory
8 implementation or restating the proposed rule will not suffice.
9 The statement of need and reasonableness must also contain the
10 following:

11 A. if required by Minnesota Statutes, section 14.115,
12 a statement documenting the agency's consideration of methods
13 for reducing the impact of the rule on small businesses and the
14 results pursuant to Minnesota Statutes, section 14.115,
15 subdivision 2;

16 B. if required by Minnesota Statutes, section
17 16A.128, subdivision 1, the approval of the commissioner of
18 finance if the rule sets or adjusts a fee charged; and

19 C. any information required by any other law or rule
20 to be included in the statement of need and reasonableness.

21 2010.0800 RULE REVIEW TIME PERIOD.

22 Subpart 1. Rule adopted without public hearing. The
23 attorney general must approve or disapprove the rule adopted
24 without a public hearing within 14 calendar days after
25 submission. In computing the calendar day time period, the day
26 of the submission of the rule to the attorney general is not
27 included. Saturdays, Sundays, and legal holidays are included
28 in the computation. The last day of the period so computed is
29 included unless it is a Saturday, Sunday, or legal holiday, in
30 which event, the period runs until the end of the next day which
31 is not a Saturday, Sunday, or legal holiday. The attorney
32 general may not approve a rule adopted without a public hearing
33 for eight calendar days after submission to the attorney general
34 to assure persons time to comment on the legality of the rule.
35 The eight-day minimum review period does not apply to a rule

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1 being resubmitted to the attorney general unless the resubmitted
2 rule raises significant new legal issues. For resubmission of
3 rules, see part 2010.1300.

4 Subp. 2. **Emergency rule.** The attorney general must
5 approve or disapprove the emergency rule on the tenth working
6 day after submission to the attorney general. In computing
7 working day time period, the day of the submission to the
8 attorney general is not included. Saturdays, Sundays, and legal
9 holidays are not included in the computation. The last day of
10 the period so computed is included.

11 2010.0900 WRITTEN COMMENTS TO THE ATTORNEY GENERAL.

12 Subpart 1. **Written comments.** Any person or association
13 may submit written comments concerning the legality of a rule.
14 Comments to the attorney general must address the specific rule
15 or part or subparts of the rule and must address the issue of
16 legality only. Persons or associations submitting written
17 comments to the attorney general must simultaneously submit a
18 copy of their comments to the named person in the notice of
19 submission for the agency. The agency may respond to the
20 comments within the limits of the statutory rule review period.
21 If the agency submits a written response to the attorney
22 general, the agency must simultaneously submit a copy of its
23 response to the person or associations that submitted the
24 comments to the attorney general.

25 Subp. 2. **Comment period.** Written comments concerning a
26 rule adopted without a public hearing must be received by the
27 attorney general within eight calendar days after submission to
28 the attorney general to assure time for the agency to respond.
29 Written comments concerning an emergency rule must be received
30 by the attorney general within seven working days after
31 submission to the attorney general to assure time for the agency
32 to respond. The address to submit comments to the attorney
33 general is the same as set out in part 2010.0500 and the
34 computation for the comment period is the same as for the rule
35 review period computation in part 2010.0800.

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1 2010.1000 STANDARDS OF REVIEW.

2 A rule must be disapproved by the attorney general if:

3 A. The rule as submitted is not a statement of
4 general applicability and future effect adopted to implement or
5 make specific the law enforced or administered by the agency or
6 to govern the agency's organization or procedures.

7 B. The agency has failed to comply with the
8 applicable provisions of the Administrative Procedure Act,
9 Minnesota Statutes, chapter 14, the agency's enabling statute,
10 the attorney general rule parts 2010.0200 to 2010.1400 or other
11 applicable law.

12 C. The rule exceeds the statutory authority conferred
13 on the agency, conflicts with the statutes or any other relevant
14 law, or has no reasonable relationship to statutory purposes.

15 D. There is a substantial change in the rule as
16 adopted from the proposed rule as noticed. ~~An adopted rule is~~
17 ~~considered substantially different from the proposed rule as~~
18 ~~noticed if it introduces significant new subject matter which a~~
19 ~~reasonable person, on the basis of the rulemaking notice, would~~
20 ~~not have anticipated would be raised during the rulemaking~~
21 proceeding A change, by additions or deletions or other
22 modifications to a proposed rule, is substantial if it:

23 (1) affects classes of persons who could not
24 reasonably have been expected to comment on the proposed rule as
25 originally noticed;

26 (2) introduces significant new subject matter
27 which a reasonable person, on the basis of the proposed rule as
28 originally noticed, would not have anticipated would occur
29 during the rulemaking proceeding; or

30 (3) makes a major substantive change that was not
31 raised by the proposed rule as originally noticed in such a way
32 as to invite reaction.

33 E. For a rule adopted without a public hearing, the
34 record does not demonstrate a rational basis for the need for
35 and reasonableness of the proposed rule. This criteria

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1 criterion does not apply to emergency rules.

2 F. The rule grants the agency discretion beyond that
3 permitted by its enabling legislation.

4 G. The rule improperly delegates the agency's powers
5 to another agency, person, or body.

6 H. The rule is vague or ambiguous in violation of the
7 constitutional principles of due process or equal protection.

8 I. The rule, by its terms, cannot have the force and
9 effect of law.

10 J. The rule is unconstitutional or, in the case of
11 emergency rules, is unreasonable.

12 2010.1100 WITHDRAWAL OF RULE FROM REVIEW BY ATTORNEY GENERAL.

13 The agency may withdraw a rule from review by the attorney
14 general. To withdraw a rule after it has been submitted to the
15 attorney general, a written order of withdrawal of the rule from
16 review must be submitted to the attorney general. The written
17 order must state the date of withdrawal and be signed by a
18 person authorized to adopt the rule or sign the findings of
19 fact, conclusions, and order adopting the rule.

20 2010.1200 DISAPPROVAL.

21 If a rule is disapproved, the attorney general must state
22 in writing the reasons for disapproval and make recommendations
23 to overcome the deficiencies. The statement of the reasons for
24 disapproval must be sent to the agency, the chief administrative
25 law judge, the legislative commission to review administrative
26 rules, and the revisor of statutes, and persons who requested to
27 receive a copy of the decision. Upon disapproval, the review
28 period terminates and the rule must neither be filed in the
29 office of the secretary of state nor published unless the rule
30 is resubmitted and approved upon resubmission.

31 2010.1300 RESUBMISSION.

32 Subpart 1. **Resubmission.** To resubmit a rule which was
33 withdrawn or disapproved by the attorney general, the following
34 documents must be submitted:

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1 A. A supplemental findings of fact, conclusions, and
 2 order adopting the rule. The order must be signed by a person
 3 authorized to adopt the rule or authorized to sign the findings
 4 of fact, conclusion, and order adopting the rule. If any
 5 modifications were made to the rule since the rule was withdrawn
 6 or disapproved, findings of facts and conclusions must be set
 7 forth supporting the reasons for the changes and explain why the
 8 changes do not constitute substantial changes.

9 B. ~~If the revision raises significant new legal~~
 10 ~~issues and~~ A supplemental certificate of the multi-member
 11 agency's resolution if:

12 (1) the agency is a multi-member agency as
 13 provided in Minnesota Statutes, section 15.0597, subdivision 1a7
 14 ~~a new certificate of the agency's resolution must be submitted~~
 15 in;

16 (2) modifications were made to the rule since the
 17 rule was withdrawn or disapproved; and

18 (3) the certificate of the agency's resolution
 19 submitted in accordance with part 2010.0300, item J, or
 20 2010.0400, item I does not authorize the modification by the
 21 person who signed the supplemental findings of fact,
 22 conclusions, and order. The supplemental certificate of the
 23 agency's resolution must be in accordance with part 2010.0300,
 24 item J or 2010.0400, item I.

25 C. If any modifications were made to the rule as
 26 adopted since the rule was withdrawn or disapproved, four copies
 27 of the rule as adopted with the modifications reflected and
 28 approved as to form by the revisor of statutes.

29 D. A new notice of submission of the rule to the
 30 attorney general mailed to any persons who requested
 31 notification pursuant to Minnesota Statutes, section 14.26 or
 32 14.32. The notice of submission to the attorney general must
 33 comply with part 2010.0300, item N or 2010.0400, item M.

34 E. The affidavit of mailing for the notice of
 35 submission of the rule to the attorney general, if applicable.
 36 The affidavit must comply with part 2010.0300, item O or

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1 2010.0400, item N.

2 F. Any other documents necessary to demonstrate that
3 the procedural or substantive deficiencies have been remedied.

4 Subp. 2. Resubmission review time period. The attorney
5 general review period for resubmission is the same as for the
6 initial submission of the rule with one exception. If the
7 resubmitted rule was adopted without a public hearing and does
8 not raise significant new legal issues, the eight-day minimum
9 review period does not apply. For the general review period,
10 see part 2010.0800.

11 2010.1400 APPROVAL OF RULE.

12 Subpart 1. Approval. If the rule is approved, the
13 attorney general shall promptly file two copies of the rule with
14 the secretary of state. A copy of the approval memo must be
15 sent to the agency, the chief administrative law judge, and the
16 legislative commission to review administrative rules, and
17 persons who requested to receive a copy of the decision.

18 Subp. 2. Return of record. Upon approval of a rule, the
19 attorney general shall return to the agency one approved copy of
20 the rule, any extra copies of documents and any petitions,
21 requests, submissions, or comments directed to the agency.

22 2010.9900 RECOMMENDED NOTICE OF SOLICITATION OF OUTSIDE
23 INFORMATION OR OPINIONS.

24 Department of _____
25 _____ Division

26 Notice of Solicitation of Outside Information or Opinions
27 Regarding Proposed Rule Governing _____

28 Notice is hereby given that the State _____
29 [name of agency] is seeking information or opinions from sources
30 outside the agency in preparing to propose the [adoption]
31 [amendment] [suspension] [repeal] of the rule governing
32 _____. The adoption of the rule is authorized by
33 Minnesota Statutes, section _____, which [permits] [requires]
34 the agency to _____.

35 The State _____ requests information and opinions

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1 concerning the subject matter of the rule. Interested persons
2 or groups may submit data or views on the subject matter of
3 concern in writing or orally. Written statements should be
4 addressed to: [name and address] _____

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

9 All statements of information and opinions shall be
10 accepted until _____. Any written material received
11 by the State _____ shall become part of the
12 rulemaking record to be submitted to the attorney general or
13 administrative law judge in the event that the rule is adopted.

14
15
16
17 Date _____ Commissioner [Name] _____
18
19
20 [Title] _____
21

22 2010.9905 PETITION FOR ADOPTION OF RULE.

23 State of Minnesota PETITION FOR
24 Department of _____ PROPOSED RULE, OR
25 RULE CHANGE
26

27 NAME _____

28 GROUP REPRESENTED OR TITLE (if applicable) _____

29 ADDRESS _____

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

31 ___ Adopt a new rule governing _____

32 ___ Amend Minnesota Rules, part _____

33 ___ Suspend Minnesota Rules, part _____

34 ___ Repeal Minnesota Rules, part _____

35 Explanation of the need or reason for the rulemaking action:
36 (the agency will use your reasons as part of the basis for its
37 decision, so your explanation must be in detail as much as
38 possible).

39

40

41

1 (Use additional pages if necessary.)
2
3 For a new rule, if possible, state the proposed new
4 language of the rule. For amendments, if possible, repeat the
5 text of the rule, strike through any deletions and underscore
6 substituted or added language. If you are unable to propose new
7 rule language, provide a detailed description of the rule
8 desired.

9
10
11 (Use additional pages if necessary.)

12 This petition must be served on the agency head or the
13 executive director of the agency personally or by United States
14 mail. Pursuant to Minnesota Rules, part 2010.0600, subpart 3
15 the agency must respond in writing within 60 days of receipt of
16 the petition.

17 _____
18 Date Signature of Petitioner

19 2010.9910 RECOMMENDED CERTIFICATE OF AUTHORIZING RESOLUTION FOR
20 RULE WITHOUT A PUBLIC HEARING OR EMERGENCY RULE:

21 CERTIFICATE OF THE

22 _____
23 AUTHORIZING RESOLUTION

24 I, _____, do hereby certify that I am a member
25 and the _____(office), of the _____
26 _____, a [board] [commission] duly authorized under
27 the laws of the State of Minnesota, and that the following is a
28 true, complete, and correct copy of a resolution adopted at a
29 meeting of the _____ duly and properly called
30 and held on the ___ day of _____, 19___, that a
31 quorum was present, and that a majority of those present voted
32 for the resolution which has not been rescinded or modified.

33 "RESOLVED, that _____, [the executive
34 director] [a member] of the _____, is
35 hereby granted the authority and directed to sign and
36 to give the Notice of the [Board's] [Commission's]

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OFFICE BY:

1 ~~Proposed-Adoption-of~~ Intent to Adopt [a rule without a
 2 public hearing] [an Emergency rule] governing
 3 _____ (describe nature of the rule) to
 4 all persons who have registered their names with the
 5 [Board] [Commission] for that purpose and publish the
 6 Notice and rule in the State Register, and to perform
 7 any and all acts incidental thereto."

8 IN WITNESS WHEREOF, I have hereunto subscribed my name this
 9 ___ day of _____, 19__.

10 _____
 11 (Officer of the Board)
 12
 13
 14

15 Attest by one other Board member

16 2010.9915 RECOMMENDED NOTICE OF ~~PROPOSED-ADOPTION-OF~~ INTENT TO
 17 ADOPT A RULE WITHOUT A PUBLIC HEARING.

18 Department of _____

19 In the Matter of the Proposed	NOTICE OF PROPOSED
20 Adoption of the Rule of	ADOPTION-OF <u>INTENT TO</u>
21 the State _____	<u>ADOPT A RULE WITHOUT</u>
22 Governing _____	<u>A PUBLIC HEARING</u>

23
 24 Notice is hereby given that the State _____
 25 ~~proposes~~ intends to adopt the above-entitled rule without a
 26 public hearing following the procedures set forth in the
 27 Administrative Procedure Act for adopting rules without a public
 28 hearing in Minnesota Statutes, sections 14.22 to 14.28. The
 29 statutory authority to adopt the rule is [specific statutory
 30 citation.]

31 All persons have 30 days in which to submit comment in
 32 support of or in opposition to the proposed rule or any part or
 33 subpart of the rule. Comment is encouraged. Each comment
 34 should identify the portion of the proposed rule addressed, the
 35 reason for the comment, and any change proposed.

36 Any person may make a written request for a public hearing
 37 on the rule within the 30-day comment period. If 25 or more
 38 persons submit a written request for a public hearing within the
 39 30-day comment period, a public hearing will be held unless a
 40 sufficient number withdraw their request in writing. Any person
 41 requesting a public hearing should state his or her name and

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1 address, and is encouraged to identify the portion of the
2 proposed rule addressed, the reason for the request, and any
3 change proposed. If a public hearing is required, the agency
4 will proceed pursuant to Minnesota Statutes, sections 14.131 to
5 14.20.

6 Comments or written requests for a public hearing must be
7 submitted to:

8 [Name, address, and telephone number]

9 The proposed rule may be modified if the modifications are
10 supported by data and views submitted to the agency and do not
11 result in a substantial change in the proposed rule as noticed.

12 [A copy of the proposed rule is attached to this notice.]

13 or


14 [The rule proposed for adoption relates to the following
15 matters (informative statement ~~summarizing~~ describing the nature
16 and effect of the proposed rule). A free copy of the rule is
17 available upon request from _____.]

18 A Statement of Need and Reasonableness that describes the
19 need for and reasonableness of each provision of the proposed
20 rule and identifies the data and information relied upon to
21 support the proposed rule has been prepared and is available
22 from _____ upon request.

23 [If applicable, other notices which are required or chosen
24 to be inserted in the Notice of ~~Proposed-Adoption-of~~ Intent to
25 Adopt a Rule Without a Public Hearing must be inserted, for
26 example, Minnesota Statutes, section 14.11, subdivision 1,
27 14.115, subdivision 4, or 16A.128, subdivision 2a.]

28 If no hearing is required, upon adoption of the rule, the
29 rule and the required supporting documents will be submitted to
30 the Attorney General for review as to legality and form to the
31 extent the form relates to legality. Any person may request
32 notification of the date of submission to the Attorney General.

33 Persons who wish to be advised of the submission of this
34 material to the Attorney General, or who wish to receive a copy
35 of the adopted rule, must submit the written request to
36 _____.

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OFFICE BY: 

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Date [Name]
Commissioner-of-

[Title]

8 2010.9920 RECOMMENDED AFFIDAVIT OF MAILING THE NOTICE OF
9 PROPOSED-ADOPTION-OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC
10 HEARING OR AN EMERGENCY RULE AND CERTIFICATE OF MAILING LIST.

11 In the Matter of the Proposed Adoption AFFIDAVIT OF MAILING
12 of the Rule of the State _____ THE NOTICE OF PRO-
13 Governing _____ POSED-ADOPTION-OF
14 INTENT TO ADOPT [A
15 RULE WITHOUT A PUBLIC
16 HEARING] [AN EMERGENCY
17 RULE] AND CERTIFICATE
18 OF MAILING LIST

19 STATE OF MINNESOTA)
20)ss.
21 COUNTY OF [_____])
22 _____, being first-duty

23 sworn deposes-and says:

24 I hereby certify that the list of persons and associations
25 who have requested, pursuant to Minnesota Statutes, sections
26 14.14, subdivision 1a and 14.22 or 14.30, that their names be
27 placed on the state _____ rulemaking mailing list is
28 accurate, complete, and current as of this ___ day of
29 _____, 19__.

30 That on the _____ day of _____, 19____, at the
31 City of [_____] , County of [_____] , State of Minnesota, I
32 mailed the attached Notice of Proposed-Adoption-of Intent to
33 Adopt [A Rule Without a Public Hearing] [an Emergency Rule] by
34 depositing in the [State of Minnesota Central Mail System for
35 United States mailing] [United States mail], a copy thereof,
36 with postage prepaid, to all persons and associations on the
37 aforementioned mailing list.

38
39
40 _____ [Name]
41 Subscribed and sworn to before me
42 this ___ day of _____, 19 __. [Title]
43
44 _____

45 2010.9925 RECOMMENDED CERTIFICATE OF RESOLUTION ADOPTING THE
46 [RULE WITHOUT A PUBLIC HEARING] [EMERGENCY RULE].

47 CERTIFICATE OF THE APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

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RESOLUTION ADOPTING THE RULE

I, _____, do hereby certify that I am a member and the _____ (office) of the _____, a [board] [commissioner commission] 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 _____, duly and properly called and held on the ___ day of _____, 19___, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to _____ is approved and adopted, pursuant to authority vested in the _____ by Minnesota Statutes _____. _____, the _____ [executive director] [a member] of the _____, is authorized to sign the findings of fact, conclusions, and order adopting the rule and [(optional authorization:) further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general when ~~such-modification-does-not-raise-significant-new-legal issues-and~~ (or other stated circumstances) and] to perform the necessary acts to provide that the rule 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 _____

2010.9930 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING THE RULE WITHOUT PUBLIC HEARING.

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption FINDINGS OF FACT,

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: _____

1	of the Rule of the State _____	CONCLUSIONS, AND
2	Governing _____	ORDER ADOPTING
3		RULE WITHOUT
4		PUBLIC HEARING

5
6 Notice of the [Commissioner's] [Board's] ~~proposed-adoption~~
7 ~~of~~ [Commission's] intent to adopt the above-entitled rule was
8 published in the State Register on _____, 19 ____ and
9 was sent by United States mail to all persons on the list
10 maintained by the agency pursuant to Minnesota Statutes,
11 sections 14.14, subdivision 1a and 14.22 on _____,
12 19___. The statement of need and reasonableness was prepared
13 before the ~~date-of-the~~ notice of ~~proposed-adoption-of~~ intent to
14 adopt a rule without a public hearing was mailed to all persons
15 on the rulemaking mailing list and published in the State
16 Register and was available to the public. [For rules that
17 establish or adjust fees after July 1, 1987: Before the notice
18 was submitted to the State Register, a copy of the notice of
19 intent to adopt rules without a public hearing and the proposed
20 rule was sent to the chairs of the house appropriations
21 committee and senate finance committee.]

22 All persons were given the opportunity to submit comment on
23 the rule for 30 days after notice of proposed rulemaking. [The
24 agency received _____ requests for a public hearing [, of which
25 _____ were subsequently withdrawn]. Therefore, the agency did
26 not receive request for a public hearing from 25 or more persons
27 which were not withdrawn.] or [No requests for a public hearing
28 on the rule were received by the agency.]

29 [If applicable: No submissions or comments on the rule
30 were received by the agency. No requests for notice of
31 submission to the attorney general were received by the agency.]

32 Based on the comments and evidence in the record before the
33 agency, I find the following:

34 [If any changes were made between the rule as proposed and
35 the rule as adopted, findings of fact and conclusions supporting
36 the reasons for the changes and explanations why the changes do
37 not constitute substantial changes as provided in the attorney
38 general rules, part 2010.1000, item D must be set forth.]

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: _____

1 The above-captioned rule is needed and reasonable.
 2 NOW, THEREFORE, IT IS ORDERED that the rule identified as
 3 _____ [as modified] is adopted this ____
 4 day of _____, 19____, pursuant to authority vested in
 5 [me] [the Board] [the Commission] by Minnesota Statutes, section
 6 _____.

7
 8
 9 [Name] _____
 10
 11 COMMISSIONER-OF-----
 12 [Title] _____

13 2010.9935 RECOMMENDED DECLARATION OF COUNSEL.

14 In the Matter of the Adoption of the Rule of the State _____ DECLARATION OF
 15 of the Rule of the State _____ COUNSEL
 16 Governing _____

17 I, _____, Special Assistant Attorney General,
 18 do hereby declare that I have examined the above-captioned rule,
 19 and the supporting rulemaking record, and that, based on my
 20 examination, the Administrative Procedure Act and Minnesota
 21 Rules, chapter 2010 have been followed. Any exceptions are
 22 listed below. For Attorney General billing purposes, the
 23 four-digit docket client code is _____.

24
 25 _____
 26 (Attorney's Name)
 27 Special Assistant
 28 Attorney General

28 Dated: _____

29 2010.9940 RECOMMENDED NOTICE OF SUBMISSION OF RULE ADOPTED
 30 WITHOUT PUBLIC HEARING TO ATTORNEY GENERAL.

31 STATE OF MINNESOTA

32 DEPARTMENT OF _____

33 In the Matter of the Proposed Adoption of the Rule of the State _____ NOTICE OF SUBMISSION
 34 of the Rule of the State _____ OF RULE ADOPTED
 35 Governing _____ WITHOUT PUBLIC
 36 HEARING TO THE
 37 ATTORNEY GENERAL

38 Pursuant to your request and in accordance with Minnesota
 39 Statutes, section 14.26:

40 PLEASE TAKE NOTICE that the above-captioned rule as adopted
 41 has been submitted to the Office of the Attorney General on the
 42 date of this notice, _____, 19____, for review
 43 as to legality and form to the extent form relates to legality.
 44 The proposed rule, the rule as adopted, all the notices, the

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1 Statement of Need and Reasonableness, all written comments and
2 requests for a hearing received, and other required documents
3 also have been submitted to the Attorney General.

4 [(If the proposed rule has been modified:) The
5 proposed rule which was published in the State Register and made
6 available to the public on _____, 19____, has been
7 modified. A free copy of the rule as modified as well as the
8 findings of fact, conclusions, and order explaining the
9 amendments and adopting the rule is available upon request from
10 _____ . (or) A copy of the rule as modified
11 is enclosed with this notice.]

12 The rule must be approved or disapproved by the Attorney
13 General within 14 calendar days of the date of submission to the
14 attorney general. You may submit written comments to the
15 attorney general on the legality of the rule. Any written
16 comments must be submitted within eight calendar days of the
17 date of submission of the rule to the Attorney General. Your
18 comments must address only the issue of legality of the rule or
19 the legality of the specific parts or subparts of the rule. The
20 attorney general standards for review are set forth in Minnesota
21 Rules, part 2010.1000. You may receive a copy of the attorney
22 general decision upon written request to the attorney general.
23 Your comments or requests for the decision must be directed to:

24 The Office of the Attorney General
25 204 Administration Building
26 50 Sherburne Avenue
27 Saint Paul, Minnesota 55155
28 Telephone Number: (612) 296-1288
29

30 Any written comments submitted to the Attorney General must
31 be submitted simultaneously to:

32 [Name, address, and phone number of
33 appropriate person in the agency]

34 [Name] _____
35 Commissioner of _____
36 [Title] _____

37 Dated: _____

38 2010.9945 RECOMMENDED AFFIDAVIT OF MAILING THE NOTICE OF
39 SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING OR EMERGENCY
40 RULE TO ATTORNEY GENERAL.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 In the Matter of the Proposed Adoption
2 of the Rule of the State _____
3 Governing _____
4

AFFIDAVIT OF
MAILING THE NOTICE
OF SUBMISSION OF
[RULE ADOPTED
WITHOUT PUBLIC
HEARING]
[EMERGENCY RULE]
TO THE ATTORNEY
GENERAL

5
6
7
8
9
10 STATE OF MINNESOTA)
11)ss.
12 COUNTY OF [_____])
13

_____, being first-duly
14 sworn, ~~deposes and~~ says:

15 That on the _____ day of _____, 19
16 _____, in the City of [_____], County of [_____], State of
17 Minnesota, I mailed the attached Notice of Submission to the
18 Attorney General by depositing in the [State of Minnesota
19 Central Mail System for United States mailing] or [United States
20 mail], a copy thereof, with postage prepaid, to all persons and
21 associations who requested notice that the rule in the
22 above-entitled matter has been submitted to the Attorney General.

23
24 _____ [Name]
25
26 Subscribed and sworn to before me
27 this ____ day of _____, 19___. [Title]
28
29 _____

30 2010.9950 RECOMMENDED NOTICE OF PROPOSED-ADOPTION-OF INTENT TO
31 ADOPT AN EMERGENCY RULE.

32 Department of _____

33 In the Matter of the Proposed Adoption
34 of Emergency Rule of the State _____
35 Governing _____
36
37

NOTICE OF PROPOSED
ADOPTION-OF INTENT
TO ADOPT AN
EMERGENCY RULE

38 Notice is hereby given that the State _____
39 ~~proposes~~ intends to adopt the above-entitled emergency rule.
40 The statutory authority to adopt the emergency rule is contained
41 in Minnesota Statutes, section _____. The agency, in
42 adopting the rule, is following the procedures set forth in the
43 Administrative Procedure Act for adopting emergency rules in
44 Minnesota Statutes, sections 14.29 to 14.36.

45 All persons have 25 days [or longer specified time] after
46 publication to submit data and views on the proposed emergency
47 rule or any part or subpart of the rule in writing. Any

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REVISOR OF STATUTES
OFFICE BY:

1 comments must be submitted to:

2 [Name, address, and telephone number]

3 [A copy of the proposed rule is attached to this notice.]

4 or

5 [The rule proposed for adoption relates to the following
6 matters (informative statement ~~summarizing~~ describing the nature
7 and effect of the proposed rule).]

8 A free copy of the proposed emergency rule is available by
9 contacting _____.

10 The proposed emergency rule may be modified if the
11 modifications are supported by data and views submitted to the
12 agency and do not result in a substantial change in the proposed
13 emergency rule as noticed.

14 Upon adoption of the emergency rule by the agency, the
15 emergency rule as adopted and its supporting documents will be
16 delivered to the Attorney General for review as to legality and
17 form to the extent form relates to legality. Any person may
18 request notification of the date of submission to the Attorney
19 General. Persons who wish to be advised of the submission of
20 this material to the Attorney General, or who wish to receive a
21 copy of the adopted rule, must submit the written request to
22 _____.

23 The emergency rule will take effect five working days after
24 approval by the Attorney General and be effective for _____
25 days. The emergency rule will be continued in effect for an
26 additional _____ days if the agency gives notice of continuation
27 in accordance with Minnesota Statutes, section 14.35.

28 [If applicable, other notices which are required to be
29 inserted in the Notice of ~~Proposed-Adoption-of~~ Intent to Adopt
30 Emergency Rules must be inserted.]

31 _____
32 Date [Name]
33 Commissioner-of-
34 _____
35 [Title]

36 2010.9955 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS, AND ORDER
37 ADOPTING EMERGENCY RULE.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

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STATE OF MINNESOTA

DEPARTMENT OF _____

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

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING
EMERGENCY RULE

Notice of the [Commissioner's] [Board's] ~~proposed-adoption~~
of [Commission's] intent to adopt the above-entitled emergency
rule 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 14.30 on _____, 19__.

All persons were given the opportunity to submit written
comment on the rule for at least 25 days after notice of
proposed rulemaking.

[If applicable: No submissions or comments on the rule
were received by the agency. No requests for notice of
submission to the attorney general were received by the agency].

[If any changes were made between the rule as proposed and
the rule as adopted, findings of fact and conclusions supporting
the reasons for the changes, and explanations why the changes do
not constitute substantial changes as provided in the attorney
general rules part 2010.1000, item D must be set forth.]

NOW, THEREFORE, IT IS ORDERED that the rule identified as
_____ [as modified] is adopted this
_____ day of _____, 19__, pursuant to authority
vested in [me] [the Board] [the Commission] by Minnesota
Statutes, section _____.

[Name] _____
COMMISSIONER-OF-----
[Title] _____

2010.9960 RECOMMENDED NOTICE OF SUBMISSION OF THE EMERGENCY RULE
TO ATTORNEY GENERAL.

STATE OF MINNESOTA

DEPARTMENT OF _____

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

NOTICE OF SUBMISSION
OF EMERGENCY RULE
TO THE ATTORNEY
GENERAL

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 Pursuant to your request and in accordance with Minnesota
2 Statutes, section 14.32:

3 PLEASE TAKE NOTICE that the above-captioned emergency rule
4 as adopted has been submitted to the Office of the Attorney
5 General on the date of this notice, _____, 19____, for
6 review as to legality and form to the extent form relates to
7 legality. The proposed emergency rule, the rule as adopted, all
8 the notices, all written comments received and other required
9 documents also have been submitted to the attorney general.

10 [(If the proposed emergency rule has been modified:)
11 The proposed emergency rule which was published in the State
12 Register and made available to the public on _____,
13 19____, has been modified. A free copy of the emergency rule as
14 modified as well as the findings of fact, conclusions, and order
15 explaining the amendments and adopting the rule is available
16 upon request from _____. (or) A copy of the
17 rule as modified is enclosed with this notice.]

18 The rule must be approved or disapproved by the Attorney
19 General on the tenth working day following date of receipt of
20 the rule. You may submit written comments to the Attorney
21 General. Any written comments must be submitted within seven
22 working days of the date of this notice. Your comments must
23 address only the issue of legality of the rule or the legality
24 of the specific parts or subparts of the rule. The attorney
25 general standards for review are set forth in Minnesota Rules,
26 part 2010.1000. You may receive a copy of the attorney general
27 decision upon written request to the attorney general. Your
28 comments or requests for the decision must be directed to:

29 The Office of the Attorney General
30 204 Administration Building
31 50 Sherburne Avenue
32 Saint Paul, Minnesota 55155
33 Telephone: (612) 296-1288
34

35 Any written comments submitted to the Attorney General must
36 be submitted simultaneously to:

37 [Name, address, and phone number of
38 appropriate person in the agency]
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Commissioner [Name]

[Title]

Dated: _____

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7 REPEALER: Minnesota Rules, parts 2000.0200; 2000.0300;
8 2000.0400; 2000.0500; 2000.0600; 2000.0700; 2000.0800;
9 2000.0900; 2000.1000; 2000.9900; 2000.9905; 2000.9910;
10 2000.9915; 2000.9920; 2000.9925; 2000.9930; 2000.9935;
11 2000.9940; 2000.9945; 2000.9950; 2000.9955; 2000.9960;
12 2000.9965; 2000.9970; 2000.9975; 2000.9977; 2000.9980;
13 2000.9983; 2000.9985; are repealed.