

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
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Our File No. 678

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9/25
DATE FOR REVIEW 9/5
DATE DUE 3/11

Adopted w/a hearing ____
Adopted w/o a hearing X
Temporary rule ____

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting Orig? still need until rule effective

✓ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
—— Date of Hearing

— Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice of rulemaking
—— At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
✓ At least 30/20 days prior to hearing/adoption

___ Hearing Examiner's Report

___ Chief Hearing Examiner's Report(s)
___ Approving H.E.'s Report
___ Approving agency action

✓ Agency's Findings of Fact

___ LCRAR Report or agency Affidavit

— Certificate of Board's Resolution Adopting Rules

— Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

— Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

STATEMENT OF NEED AND REASONABLENESS

I. Adoption of Rules Governing the Review of Rules and Petitions for Rule Making, and the Repeal of Rules Relating to Rule Making (Non-Contested Cases).

Minnesota Statutes section 15.0412, subdivisions 4e, 4h, and 5 provide that the Attorney General shall review rules adopted by state agencies. Section 15.0412, subd. 3 provides that agencies "shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly effect the rights of or procedures available to the public." Taken together, these subdivisions establish the authority of the Attorney General to adopt rules governing the review of agency rules. Additionally, Minn. Stat. § 15.0415 authorizes the Attorney General to adopt rules relating to the form and procedures for the submission, consideration, and disposition of petitions for the adoption of a rule.

Since January, 1971 the office of the Attorney General has reviewed agency rules pursuant to Rules and Regulations of the

Attorney General, AttyGen 301-325. These existing rules are directed toward the review of rules that have been heard by the Office of Administrative Hearings, formerly the Hearing Examiner's Office, and do not address the review of temporary (emergency) rules or rules adopted without a public hearing pursuant to Minn. Stat. § 15.0312, subd. 4h. The proposed rules of the Attorney General set forth procedures for the review of rules that have gone through the hearing process, rules adopted without a public hearing, and rules adopted as temporary rules.

At present, the Attorney General is charged by Minn. Stat. § 15.0412 with the review of a rule as to its "form and legality." Effective July 1, 1981, the Attorney General, pursuant to the same subdivision as amended, is directed to review a rule as to its "legality and its form to the extent the form relates to legality." These tasks necessitate that the Attorney General obtain a series of documents from an agency promulgating rules so that a determination may be made as to whether the agency has complied with the Minnesota Administrative Procedure Act and, accordingly, has adopted rules in a "legal" manner. It will be observed that this "need"for accurate and adequate documentation permeates the Attorney General's proposed rules.

With this background, the need for and reasonableness of each of the proposed rules is as follows:

A. Repeal of AttyGen 301-325.

Because of the many changes in text and organization, and additions to and deletions from the present rules, it was determined that the necessary manner in which to proceed in this matter is to

repeal the old rules and adopt completely new rules. Although the new rules relating to the review of rules adopted with a public hearing are derived substantially from the old rules, very little remains exactly the same.

B. 1 MCAR § 1.201.

This section defines the applicability and scope of these rules and is necessary to acquaint readers with the material that follows.

C. 1 MCAR § 1.202-.204.

These sections set forth the documents required by the Attorney General for the review of rules for form and legality. The documents that are required are necessary to demonstrate that the procedures followed by an agency in promulgating rules have conformed to provisions of the law contained in the Minnesota Administrative Procedure Act (APA). In some cases the content of specific documents is described to establish compliance with statutory provisions.

Similar documents may be required in each of the three types of rule making. In such instances, the required documents will be discussed together.

§§ 1.202 A, 1.203 A, and 1.204 A.

The number of copies required of the Rule as Adopted is necessary because of the filing requirements and the desire on the part of the Attorney General and the agency to have a stamped and approved copy in their individual files. The original and one copy will be filed with the Secretary of State, one copy will be retained in the Attorney General's permanent file, and one copy will be returned to the agency with the Attorney General's stamp of approval.

In many instances rules as adopted contain language different from the rules as proposed. Because part of the Attorney General's review for legality encompasses such changes, requiring that one copy show changes from the rules as proposed facilitates the Attorney General's review and substantially reduces the time spent comparing adopted rules with proposed rules.

§§ 1.202 B, 1.203 B, and 1.204 B.

An order adopting rules is necessary to demonstrate an agency's official act of adoption and to show that the rules have been adopted by the proper authority. Again, the number of copies is necessary as a result of the filing requirements, similar to those with respect to rules as adopted.

Paragraph 1 in each rule sets forth the necessary information to be included in the Order Adopting to establish the agency's conformance with statutory provisions regarding notice, public participation, or other statutory requirements. Requiring that the Order Adopting be separate from the Findings of Fact and Conclusions avoids the filing of the Findings with the Secretary of State. Often, the addition of the Findings to the Rules as Adopted and Order Adopting creates a lengthy and extremely cumbersome set of materials to be filed. Additionally, it is unnecessary to have such findings on file.

Paragraph 2 establishes that an Order Adopting must be signed by an authorized person. This is necessary to demonstrate that the rules have been promulgated by an authorized person. If the adopting agency is a board, the person who signs the Order Adopting must have the authority to do so. That authority must be given by the board and that delegation of authority must be documented in some manner.

When a rule is revised pursuant to Attorney General review,

it is proper that the new rule be adopted in a subsequent action by the agency and that a new Order Adopting the revised rule be signed, because a rule different from that originally adopted is in fact being adopted. If the rule is not amended in a substantive fashion or if the changes do not affect the meaning of the rule, it is unnecessary for a board to issue a new resolution, because the same substantive rule considered previously by the board is being acted upon.

§§ 1.202 C, 1.203 C, and 1.204 C.

This is the document that may be required under subsections B.2. discussed above and is set forth here to help create a list that can be followed more easily by an agency when determining what documents must be submitted to the Attorney General.

§§ 1.202 D and 1.203 D.

If an agency has solicited outside opinion regarding the rule that has been adopted, Minn. Stat. § 15.0412, subd. 6 requires that notice be given of the intent to solicit outside opinion. To establish that the APA has been followed and that therefore all procedural requirements have been met, this document must be submitted to the Attorney General.

§§ 1.202 E, 1.203 E, and 1.204 D.

In each instance an Order is necessary to show that the decision to commence rule promulgation has been made officially by the agency. As with the Order Adopting, the person signing the Order must have authority to do so, and therefore if the agency is a board, the board must authorize commencement of rulemaking and must document

its delegation of authority to sign the Order.

§§ 1.202 F, 1.203 F, and 1.204 E.

If an agency is a board, this document is necessary to establish that the decision to enter into rulemaking has been authorized by the board and that the person signing the official documents has authority to do so.

§§ 1.202 G and 1.203 G.

This notice is required by statute for the adoption of rules other than temporary rules. See Minn. Stat. § 15.0412, subds. 4 and 4h. A substantial portion of the required content of a Notice of Hearing is established in the rules of the Office of Administrative Hearings and the content of the Notice of Intent to Adopt a Rule Without Public Hearing is established in large measure by statute. With respect to section 1.203 G, additional information is specified. This information parallels that required in the Notice of Hearing and is necessary to provide persons with complete notice of various aspects of this rulemaking process.

§§ 1.202 H-I and 1.203 H-I.

These documents are necessary to evidence compliance with the statutory requirements of mailing the notice and to show that the list maintained by the agency was accurate and complete.

§§ 1.202 J, 1.203 J, and 1.204 F.

A copy of the Rule as Proposed is necessary so that the Attorney General can review the Rule as Proposed and compare it with the Rule as Adopted. Further, this document is required by Minn. Stat. § 15.0412, subds. 4e, 4h, and 5 to be submitted to the Attorney General.

§§ 1.202 K-L.

These documents are required to establish that the agency has complied with the requirements of Minn. Stat. § 15.0412, subds. 4d-4e relating to the role of Office of Administrative Hearings in the adoption of rules. Further these reports form a part of the record and must be reviewed by the Attorney General in considering compliance with rulemaking procedures.

§§ 1.202 M, 1.203 K, and 1.204 G.

This document is necessary to establish the basis for the agency's adoption of a rule. If an agency has changed its rule from the rule as proposed, the agency must have reasons for doing so, which should be reviewed by the Attorney General for compliance with the APA. Further, this document may be used to determine whether the person authorized to adopt the rule is knowledgeable as to the changes and the reasons therefor.

§ 1.202 N.

If an agency adopts a rule pursuant to a report issued by the Legislative Commission to Review Administrative Rules (LCRAR), that report must be available for the Attorney General to review in making a decision as to whether the rule has been adopted properly. If an agency submits a rule to the LCRAR and then adopts the rule without LCRAR action, it is particularly important for the Attorney General to be able to determine whether the agency has met the statutory requirements of Minn. Stat. § 15.0412, subd. 4d.

§ 1.202 O.

This document is necessary to show whether the agency has obtained the approval of the chief hearing examiner or the revisor

of statutes permitting the incorporation by reference. This is a legal requirement under Minn. Stat. § 15.0412, subd. 4a.

§§ 1.202 P and 1.203 L.

A Statement of Need and Reasonableness is a statutory requirement. Its submission to the Attorney General is necessary so that the Attorney General can determine that the agency has complied with Minn. Stat. § 15.0412, subds. 4c and 4h. Additionally, as part of the rulemaking record the APA requires its submission to the Attorney General. See Minn. Stat. § 15.0412, subds. 4e and 4h.

§§ 1.202 Q and 1.203 M.

If an agency acts pursuant to a petition for the adoption of a rule, the petition becomes a part of the record and is necessary to be submitted to the Attorney General to show the basis for the agency's action. The Attorney General has been directed by Minn. Stat. § 15.0415 to establish the format of the petition and has done so in Exhibit M. The elements of the petition form provide information as to the action that is desired, the wording that is proposed, and the reasons for the request, which may be used by the agency as its Statement of Need for and Reasonableness of the rule. The information requested on the form is not overly burdensome and is necessary so that the agency may know what action is being requested and how to proceed. Requiring that the petition be served on the head of the affected agency assures that the person responsible for acting on the proposed rule will be aware of the petition. Further, requiring the agency to act within sixty days both assures the requesting party of agency action without unnecessary delay and provides the agency with sufficient time to assess the request and to respond appropriately. To

assure the petitioner that his or her request actually has been considered and to inform the petitioner of the agency's position, it is required that the response be in writing, respond to the petition as a whole, and state what action the agency intends to take with respect to the issues raised in the petition. Moreover, the head of the affected agency, as the person responsible for adopting the proposed rule, should be the person to respond formally to the request.

§§ 1.202 R, 1.203 N, and 1.204 H.

In reviewing a rule for compliance with the APA, it is necessary for the Attorney General to have access to the record of a hearing, any exhibits or other evidence related to the proposed rule, and any written comments regarding the rule received by the agency. More specifically, Minn. Stat. § 15.0412, subd. 4h requires the submission to the Attorney General of written comments received by the agency in its adoption of rules without a public hearing. With respect to the adoption of temporary rules, Minn. Stat. § 15.0412, subd. 5 permits the agency to modify its proposed rule if the modification is supported by the data and views submitted to the agency. Thus, if a temporary rule as published has been modified, the data and views must be submitted to the Attorney General so it may be determined whether the data and views submitted support the modifications. In the case of a rule adopted with a public hearing, the complete record should be available so that the Attorney General may resolve questions about the adoption of the rule by reviewing the record. In some instances, a transcript rather than a tape recording may be necessary for adequate consideration of the rule and events associated with its promulgation; therefore it is necessary that the Attorney General be able to request

a hearing transcript. Further, the Minn. Stat. § 15.0412, subd. 4e provides that the Attorney General may make this request.

§§ 1.202 S and 1.203 O.

This document provides some assurance that rules submitted to the Attorney General for review have been examined, that all applicable procedures have been followed, and that the rules are being submitted in proper form. Having one person certify that he or she is familiar with the rules and has examined them somewhat consolidates responsibility for the submission. In this respect, the Attorney General also is informed of at least one person connected with the agency who is familiar with the complete rulemaking proceeding in the event that questions arise that can be resolved by contacting a knowledgeable person.

§§ 1.202 T and 1.203 P.

Because Minn. Stat. § 15.0412, subds. 4e and 4h require that all persons desiring notice of submission of the adopted rule to the Attorney General be so informed, the documents required in this section are necessary to verify that this requirement has been satisfied.

D. 1 MCAR § 1.205 A.

Minn. Stat. § 15.0412, subds. 4e, 4h, and 5 specify various time periods within which the Attorney General must act in reviewing rules that have been submitted for review: 20 days for rules adopted after a public hearing; 14 days for rules adopted without a public hearing; and 5 working days for temporary rules. If an agency does not submit all of the documents necessary to substantiate that the rule was adopted in compliance with all of the provisions of the APA, the Attorney

General may be unable to complete the review within the stated time period. Therefore, it is reasonable that the time period for the Attorney General's review should not begin until all of the required documents have been submitted by the agency.

E. 1 MCAR § 1.205 B.

In most instances the documents that are required to be submitted to the Attorney General are copies and therefore it is not burdensome on the agency to provide that those documents shall be retained in the Attorney General's file. Additionally, maintaining a file in the Attorney General's office is valuable in the event questions arise at a later date. It is not necessary, however, that the Attorney General retain copies of the hearing record, exhibits, or written comments submitted to the agency. Further, the original and two copies of the Rule as Adopted and Order Adopting will be distributed between the Secretary of State and the agency as required.

F. 1 MCAR § 1.206.

This section sets forth the duties of the Attorney General in the review of rules submitted by agencies. The review period for a particular type of rule is established by statute and must be followed. Stating that the review period shall begin the first day after receipt of the rule by the Attorney General clarifies exactly when the review period begins and permits a determination as to exactly when the review period ends.

§ 1.206 A.1-2.

These two sections set forth the Attorney General's duties regarding the filing of rules that have been approved. The provisions in these sections are required by Minn. Stat. § 15.0412.

§ 1.206 A.3-4.

Pursuant to Minnesota Statute, the Attorney General must state reasons for disapproval in writing. If a rule is disapproved, the adopting agency generally will change the rule and resubmit it to the Attorney General. Upon resubmission a period of time is necessary for review of the new material, but the full time period is not necessary because the complete record does not have to be reviewed. Therefore, a shorter period for review permits a reasonable time for the Attorney General to act. This also shortens the period of time that an agency must wait before its rule is approved. With respect to temporary rules, the period for review is shorter than ten calendar days and therefore will be followed upon resubmission.

§ 1.206 B.

Implicit in the statutory directive to agencies to notify interested persons of submission of adopted rules to the Attorney General is that such persons have an opportunity to submit to the Attorney General arguments and data relative to the legality of the rule. Therefore it is necessary to establish a time limit before which the Attorney General cannot approve a rule to permit interested persons to submit such comment. The ten day period for rules adopted with a public hearing is carried over from the existing Attorney General rules and is retained as a reasonable time without being unreasonably burdensome from the promulgating agency's perspective. For rules adopted without a public hearing, eight calendar days has been chosen to provide enough time for receipt of the notice of submission to the Attorney General and the submission of comments, but also provide the Attorney General with sufficient time after receipt of the comments to

review said comments and act upon the rule within the fourteen day period for review. To avoid the impropriety of ex parte comments by interested persons or associations, it is necessary that the Attorney General permit an agency to respond to the comments. The interchange of arguments and responses is facilitated by requiring persons or associations to submit a copy of their comments to the agency at the same time they submit their comments to the Attorney General and by requiring the agency in turn to submit a copy of its response, if any, to those persons.

§ 1.206 C.

Pursuant to Minnesota Statute, the Attorney General reviews rules for form and legality. This section briefly states the standards that the Office of the Attorney General uses in its review for legality to provide agencies and interested persons with some guidance as to the basis of arguments for or against a rule. The five subsections form the essential grounds for disapproval of a rule based on illegality. This section is essentially interpretive in nature.

G. 1 MCAR § 1.207.

The exhibits are included with the intention of providing agencies with some guidance as to an acceptable format for the necessary documents involved in rulemaking. With the exception of Exhibit M, the exhibits are merely recommended formats and are not intended to be required in the particular form shown. Exhibit M, however, will be the required format for a petition for adoption of a rule. The information included in the petition is necessary to provide the agency with sufficiently complete information so that the agency may act properly in responding to the petition. None of the information that is required will be burdensome upon an individual desiring a rule change.

II. Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218) and Model Rules for Contested Cases (AttyGen 402-425).

A. AttyGen 201-218.

This entire section is being repealed because of a change in Minnesota Statutes. Responsibility for the training of peace officers in Minnesota has been placed with the Commissioner of Public Safety and no longer resides with the Attorney General. Therefore, these rules have no further applicability.

B. AttyGen 401-425.

Under the Minnesota APA, the Office of Administrative Hearings is responsible for promulgating rules governing the procedural conduct of contested case hearings. Attorney General rules in this area are unnecessary and have no effect.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : WARREN SPANNAUS
Attorney General

DATE: 3/3/81

Attn: JERRY S. ANDERSON
Special Assistant Attorney General

FROM : MIKE MILLER
Special Assistant Attorney General

PHONE: 6-2639

SUBJECT: Adopted and Repealed Rules of the Attorney General

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

MM:JSA/gy

Enc.

cc: Duane Harves
Susan Robertson

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MIKE MILLER
Special Assistant
Attorney General
515 Transportation Building

DATE: February ~~17~~ 25, 1981

FROM : JUDITH V. WEHRWEIN JVW
Legal Assistant

PHONE: 296-3471

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (AttyGen 401-425).

Pursuant to Minn. Stat. § 15.0412, please find enclosed for your review the above referenced rules. This submission to you consists of the following documents:

1. Rules as Adopted. Three copies, one of which shows changes from Rules as Proposed.
2. Order Adopting. Two copies.
3. Notice of Intent to Solicit Outside Opinion.
4. Order for Notice of Intent to Adopt Rules without Public Hearing.
5. Notice of Intent to Adopt Rules without Public Hearing.
6. Affidavit of Mailing.
7. Mailing List Certificate.
8. Rules as Proposed, as published in the State Register.
9. Findings of Fact and Conclusions.
10. Statement of Need and Reasonableness.
11. Written Comments Received in Response to Notice.

RECEIVED
FEB 25 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

12. Certificate of Compliance.

13. Affidavit of Requests for Notice of Submission to the Attorney General.

Please feel free to contact me or Jerry Anderson, 296-4692, if you have any questions regarding these rules.

JVW:et

Enclosures

w/changes

Office of the Attorney General

Proposed Rules Governing Procedures for the Review of Rules and Petitions for Rulemaking, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (AttyGen 401-425).

Rules as Adopted.

Chapters 2-4, AttyGen 201-425. Repealed.

Chapter 2: Rule review procedures. (All new material.)

1 MCAR § 1.201. Applicability. These rules shall govern the submittal to and review by the Attorney General of rules adopted by agencies pursuant to Minn. Stat. § 15.0412.

1 MCAR § 1.202. Review of rules adopted with a public hearing. When an agency has adopted a rule after a public hearing pursuant to Minn. Stat. § 15.0412, subds. 4-4e, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. Rule as Adopted. The original and three copies of the Rule as Adopted shall be submitted. At least one of the copies shall reflect changes made in the rule from that originally published in the State Register by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-1). ~~The original and three~~ Two copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall indicate the time and place of the hearing and shall recite that proper notice was given, that all persons were given the opportunity to be heard, and that the rule adopted is needed and reasonable based on the record and applicable statutes. ~~The Order Adopting shall be separate from the Findings of Fact and Conclusions.~~

2. The Order Adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Notice of Intent to Solicit Outside Opinion and any written material received by the agency, as required by Minn. Stat. § 15.0412, subd. 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for Hearing. (For recommended format, see Exhibit B-1.)

F. Certificate of Board's Authorizing Resolution (ordering hearing), when applicable. (For recommended format, see Exhibit C-1.)

G. Notice of Hearing. (For recommended format, see Exhibit D-1.)

H. Affidavit of Mailing Notice of Hearing. (For recommended format, see Exhibit F.) The Affidavit of Mailing shall establish that the person executing the Affidavit served a copy of the Notice of Hearing on all persons and associations listed on the mailing list maintained by the agency ~~by depositing in the United States mail a copy of the Notice of Hearing, properly enveloped, with postage prepaid~~ pursuant to Minn. Stat. § 15.0412, and that such service was effected as required therein. The Affidavit of the person mailing the Notice of Hearing shall be ~~N~~notarized.

I. Mailing list Certificate. (For recommended format, see Exhibit E.)

J. Rule as Proposed. Either a copy of the State Register in which the Rule as Proposed was published or a photocopy of the relevant pages of that State Register, to include the Notice of Hearing and the Rule as Proposed, shall be submitted.

K. Hearing Examiner's Report.

L. Chief Hearing Examiner's Reports (as required pursuant to Minn. Stat. § 15.0412, subds. 4d-4e).

M. Agency's Findings of Fact and Conclusions. (For recommended format, see Exhibit G.) This document shall contain a finding or findings, based on the record, that each rule adopted is needed and reasonable and is within the agency's statutory authority. The Findings of Fact and Conclusions shall set forth the reasons for changes between the rule as proposed and rule as adopted, including discussion of relevant testimony, data, and evidence. Findings of Fact and Conclusions may be simply an adoption of the Hearing Exami-

ner's Findings, or an adoption of such Findings with exceptions taken. When exceptions are taken, the Findings of Fact and Conclusions shall set forth independent findings of the agency regarding the need for and reasonableness of each exception taken by the agency with citations to relevant testimony, data, and evidence. The Findings of Fact and Conclusions shall be signed by the person authorized to sign the Order Adopting the rule.

N. If the agency has submitted its proposed rule to the Legislative Commission to Review Administrative Rules, pursuant to Minn. Stat. § 15.0412, subd. 4d, the agency also shall submit either a copy of the Commission's Report or an Affidavit stating: the date on which the rule was submitted to the Commission, that 30 days have passed, and that the Commission has not issued a report.

O. Order of the Chief Hearing Examiner or, after July 1, 1981, the Revisor of Statutes permitting incorporation by reference, when applicable.

P. Statement of Need and Reasonableness. ~~If the agency acts pursuant to a Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (see Minn. Stat. § 15.0415) that sets forth the reasons that support a finding of need for and reasonableness of the rule, the Petition may be substituted for the Statement of Need and Reasonableness.~~

Q. Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (if the agency has adopted, suspended, amended, or repealed the rule in response to a Petition filed pursuant to Minn. Stat. § 15.0415).

1. The Petition shall be submitted to the agency in the form of Exhibit M.

2. The Petition shall be served on the head of the affected agency or board personally or by United States mail at the business address of the agency or board.

3. The agency or board shall have 60 days from receipt of the Petition to make its reply. The reply shall:

a. be in writing;

b. respond specifically to all issues raised in the Petition;

c. state the intended agency action, if any; and

d. be signed by the head of the affected agency or board, or any lawfully authorized delegate thereof.

R. Record. A transcript shall be prepared of hearings on a proposed rule if requested by the Attorney General. A copy of the transcript, if requested, all exhibits, and other relevant materials shall accompany a rule submitted to the Attorney General for review. If a prepared transcript has not been requested by the Attorney General or the Hearing Examiner, any other official recordation of the hearing (for example, tape recordings prepared by the Office of Administrative Hearings) shall be submitted when available.

S. Certificate of Compliance with Rulemaking Procedures. (For recommended format, see Exhibit J.)

T. Affidavit of Mailing Notice of Submission to the Attorney General and accompanying Notice. (For recommended formats, see Exhibits K and L.)

1 MCAR § 1.203. Review of rules adopted without a public hearing. When an agency has adopted a rule without a public hearing pursuant to Minn. Stat. § 15.0412, subd. 4h, the agency shall submit to the Attorney General one copy of the following documents, except as

otherwise provided herein.

A. Rule as Adopted. The original and three copies of the Rule as Adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the State Register by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-2.) ~~The original and three~~ Two copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall recite that proper Notice was given, that all persons were given the opportunity to submit comment on the proposed rule, that seven or more persons did not request a hearing, and that the rule adopted is needed and reasonable. ~~The Order Adopting the rule shall be separate from the Findings of Fact and Conclusions.~~

2. The Order Adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised

rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Notice of Intent to Solicit Outside Opinion and any written material received by the agency, as required by Minn. Stat. § 15.0412, subd. 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit B-2.) The Order shall be signed by an authorized person. If the agency is a board, the person signing the Order must be so authorized and a document of authority must be attached to the Order.

F. Certificate of Board's Authorizing Resolution (ordering notice), when applicable. (For recommended format, see Exhibit C-2.)

G. Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit D-2.) The Notice of Intent to adopt a Rule Without Public Hearing shall contain at a minimum the following:

1. A citation to the rule if the proposal is only to repeal or renumber the rule.

2. A statement that the agency has determined that adoption of the rule will not be controversial in nature.

3. A statement that persons wishing to comment on the proposed rule shall have 30 days in which to do so.

4. A statement that the rule may be modified as the result of comments received if the modifications are supported by

the data and views submitted to the agency and do not result in a substantial change in the proposed language.

5. A statement that unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held.

6. A statement regarding the manner in which a hearing may be requested.

7. A statement that if a hearing is required, the agency shall proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4f.

8. A statement that all persons wishing to be informed when the rule is submitted to the Attorney General may request such notice and a statement of the manner in which the request may be made.

9. A citation to the agency's statutory authority to promulgate the proposed rule.

10. If the proposed rule is not attached to the Notice, the Notice must clearly state the nature and effect of the proposed rule and include a statement announcing the availability and the means of obtaining upon request a copy of the proposed rule.

11. If required by Minn. Stat. § 15.0412, subd. 7, a statement relating to the expenditure of monies by local public bodies.

H. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit F.) The Affidavit of Mailing shall establish that the person executing the Affidavit served a copy of the Notice of Intent to Adopt a Rule Without Public Hearing on all persons and associations listed on the mailing list maintained by the agency pursuant to Minn. Stat. § 15.0412~~, subd. 4 by depositing in the United States mail a copy~~

~~of the Notice properly enveloped, with postage prepaid~~ and that such service was effected as required therein. The Affidavit of the person mailing the Notice shall be notarized.

I. Mailing list Certificate. (For recommended format, see Exhibit E.) The Certificate shall certify that the mailing list required by Minn. Stat. § 15.0412, subd. 4 was accurate and complete.

J. Rule as Proposed. Either a copy of the State Register in which the Rule as Proposed was published or a photocopy of the relevant pages of that State Register, to include the Notice of Intent to Adopt a Rule Without Public Hearing and the Rule as Proposed, shall be submitted.

K. Findings of Fact and Conclusions setting forth the reasons for changes between the Rule as Proposed and the Rule as Adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the Order Adopting the rule.

L. Statement of Need and Reasonableness. The Statement of Need and Reasonableness shall contain at a minimum a recitation of the reasons, arguments, and evidence that support a finding of need for and reasonableness of each rule. A general statement of statutory implementation will not suffice. If the agency acts pursuant to a Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (see Minn. Stat. § 15.0415) that sets forth reasons that support a finding of need for and reasonableness of the rule, the Petition may be substituted for the Statement of Need and Reasonableness.

M. Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (if the agency has adopted, suspended, amended, or repealed a rule in response to a Petition filed pursuant to Minn. Stat. § 15.0415). (See 1 MCAR § 1.202 Q.)

N. Written comments on the rule or requests for public hearing received by the agency, if any.

O. Certificate of Compliance With Rulemaking Procedures. (See Exhibit J.)

P. Affidavit of Mailing Notice of Submission to the Attorney General and accompanying Notice. (For recommended formats, see Exhibits K and L.)

1 MCAR § 1.204. Review of temporary rules. When an agency has adopted a temporary rule pursuant to Minn. Stat. § 15.0412, subd. 5, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. The original and three copies of the Temporary Rule as Adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the State Register by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-3.) ~~The original and three~~ Two copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall recite that proper notice was given and that all persons were given the opportunity to submit

comment on the proposed rule. ~~The Order Adopting the rule shall be separate from the Findings of Fact and Conclusions.~~

2. The Order shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Order for Publication. (For recommended format, see Exhibit B-3.) The Order for Publication must be signed by an authorized person. If the agency is a board, the person signing the Order must be so authorized and a document of authority must be attached to the Order for Publication.

E. Certificate of Board's Authorizing Resolution (ordering publication), when applicable. (For recommended format, see Exhibit C-3.)

F. Rule as Proposed. Either a copy of the State Register in which the Temporary Rule as Proposed was published or a photocopy

of the relevant pages of that State Register shall be submitted.

G. Findings of Fact and Conclusions setting forth the reasons for changes between the Rule as Proposed and the Rule as Adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the Order Adopting the rule.

H. Written comments on the rule received by the agency, if any.

I. Certificate of Compliance with Rulemaking Procedures. (See Exhibit J.)

1 MCAR § 1.205.

~~A.~~ Failure to submit the required documents shall cause a submission to be incomplete and shall terminate the Attorney General's review period. The Attorney General shall inform the agency of the missing documents; upon submission of the required documents, the period for review shall be that for an initial submission.

~~B. The documents required to be submitted to the Attorney General in 1 MCAR §§1.202-.204 shall be retained in the Attorney General's file, except for the original and two copies of the Rule as Adopted and Order Adopting the rule, and the record, including comments submitted to the agency.~~

1 MCAR § 1.206. Duties of the Attorney General.

A. A rule shall be approved or disapproved within the time period prescribed by statute. The review period shall begin the first day after receipt of the rule by the Attorney General.

1. Upon approval of a rule other than a temporary rule

the Attorney General shall notify the agency in writing of the approval and shall file the rule promptly in the Office of the Secretary of State. The agency shall be responsible for effecting publication in the State Register. Effective July 1, 1981, the Attorney General shall file a rule with the Secretary of State only after the rule has been endorsed by the Revisor of Statutes.

2. Upon approval of a temporary rule, the Attorney General shall notify the agency of the approval and the agency shall be responsible for filing the rule with the Secretary of State, if the agency desires, and effecting publication in the State Register. Effective July 1, 1981, the Attorney General shall file a temporary rule in the Office of the Secretary of State, but only after the rule has been endorsed by the Revisor of Statutes.

3. If a rule is disapproved and is returned for revision or additional argument, the reasons therefor shall be stated in writing and the rule shall not be filed in the Office of the Secretary of State or published in the State Register.

4. If a rule is disapproved and returned to an agency for revision or additional argument, the review period shall be terminated. Upon resubmission of a rule other than a temporary rule, the Attorney General shall approve or disapprove the rule within 10 calendar days after the date of resubmission. Upon resubmission of a temporary rule, the Attorney General shall approve or disapprove the rule within five working days after the date of resubmission.

B. Upon approval of a rule and completion of any additional duties with respect thereto, the Attorney General shall return to

the agency an approved copy of the rule and the record, including comments submitted to the agency.

~~B.~~ C. To permit persons or associations time to comment on the legality of a rule other than a temporary rule, the Attorney General shall not approve a rule adopted pursuant to Minn. Stat. § 15.0412, subds. 4-4e for ten calendar days after receipt and shall not approve a rule adopted pursuant to Minn. Stat. § 15.0412, subd. 4h for eight calendar days after receipt. Comments must be received by the Attorney General within these time periods. The Attorney General shall permit an agency to respond to such comments within the limits of the statutory rule review period. Persons or associations submitting written comments to the Attorney General shall submit simultaneously a copy of their comments to the agency adopting the rule. If an agency submits a written response to the Attorney General, the agency shall submit simultaneously a copy of its response to the persons or associations who submitted the comments that the response addresses.

~~C.~~ D. Approval as to form and legality. A rule shall be disapproved if:

1. The agency has failed to comply with the applicable provisions of the Minnesota Administrative Procedure Act or other requirements governing the promulgation of rules.

2. The rule exceeds the statutory authority conferred or the specifically required conditions of the authorizing statute have not been met.

3. The rule conflicts with the governing statute or other relevant law.

4. The rule has no reasonable relationship to statutory purposes.

5. The rule is unconstitutional~~, arbitrary,~~ or unreasonable.

1 MCAR § 1.207. Exhibits.

Exhibit A

Department of _____

_____ Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing _____

Notice is hereby given that the State _____ is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing _____. The promulgation of these rules is authorized by Minnesota Statutes section _____ , which [permits/requires] the agency to _____.

The State _____ requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

[name and address]

Oral statements will be received during regular business hours over the telephone at _____ and in person at the above address:

All statements of information and comment shall be accepted until _____. Any written material received by the State _____ shall become part of the record in the event that the rules are promulgated.

_____

Exhibit B-1

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER FOR HEARING

IT IS ORDERED this _____ day of _____, 19_____, that a public hearing on the proposed rules captioned above be held in the (e.g., "State Office Building Auditorium, St. Paul, Minnesota") on _____, 19_____, commencing at _____:00 _____.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the State _____ for that purpose and be published in the State Register.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit B-2

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this _____ day of _____, 19____ that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State _____ for that purpose and be published in the State Register.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit B-3

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed
Adoption of Temporary Rules of
The State _____
Governing _____

ORDER FOR PUBLICATION
OF TEMPORARY RULES

IT IS ORDERED this _____ day of _____,
19_____ that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

_____
COMMISSIONER OF _____

Exhibit C-1

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____ (office) _____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/ executive secretary] of the Board of _____ _____, be and _____he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board governing _____ (spell out nature of rules involved) _____ as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 19____.

_____
(Officer of the Board)

_____
Attest by one other Board member

Exhibit C-2

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____ (office) _____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/ executive secretary] of the Board of _____ _____, be and ____ he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing _____ (spell out nature of the rules) _____, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, _____ he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

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

_____
(Officer of the Board)

_____
Attest by one other Board member

Exhibit C-3

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____(office)_____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19_____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/ executive secretary] of the Board of _____, be and _____he hereby is granted the authority and directed to sign an Order of the Board of _____ directing the publication in the State Register of proposed temporary rules governing_____(spell out nature of the rules)_____ as well as perform any and all acts incidental thereto.

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

_____
(Officer of the Board)

_____
Attest by one other Board member

Exhibit D-1

Department of _____

_____ Division

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

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes section 15.0412, subdivision 4, in the above-entitled matter in the (e.g. "State Office Building, St. Paul, Minnesota") on _____, 19_____, commencing at _____:00 ___.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

[A copy of the proposed rules is attached to this Notice.]

or

[The Commissioner proposes to adopt rules relating to the following matters: (informative statement of nature and extent of proposed rules)]

One free copy of this Notice and the proposed rules may be obtained by contacting _____. Additional copies will be available at the door on the date of the hearing.

NOTE: Consult the rules of the Office of Administrative Hearings to determine additional information required by that office to be included in the Notice of Hearing.

State of Minnesota

_____

Commissioner of _____

Exhibit D-2

Department of _____

_____ Division

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

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State _____ proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

[name, address, and telephone number]

Authority for the adoption of these rules is contained in Minnesota Statutes section _____. Additionally, a Statement of Need and Reasonableness that describes the need for

and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from _____ upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to _____.

[A copy of the proposed rules is attached to this Notice.]

or

[The rules proposed for adoption relate to the following matters: (informative statement of nature and extent of proposed rules).]

Copies of this Notice and the proposed rules are available and may be obtained by contacting _____.

State of Minnesota

_____

Commissioner of _____

Exhibit E

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State_____
Governing _____

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State _____ for the purpose of receiving notice of the proposed adoption of rules by this _____ is accurate and complete as of _____:00 _____.M., this _____ day of _____, 19_____.

_____

Exhibit F

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

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

_____, being first duly sworn deposes and says:

That on the _____ day of _____, 19___, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of [Hearing/Intent to Adopt Rules Without Public Hearing] by depositing in the [State of Minnesota Central Mail System for ~~first class~~ United States mailing (or) ~~in the~~ United States mail] at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State _____ for the purpose of receiving notice of the proposed adoption of rules by this _____.

_____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

Exhibit G

STATE OF MINNESOTA

DEPARTMENT OF _____

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

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner _____ on the _____ day of _____, 19_____, at _____:00 _____.M. in the (e.g. "State Office Building Auditorium, St. Paul, Minnesota",) after proper notice required by Minnesota Statutes § 15.0412 was served upon all persons, associations, and other interested groups registered with the State _____ for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced upon the records, files, and proceedings herein, I find the following:

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit H-1

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before Hearing Examiner _____ on the _____ day of _____, 19_____, at _____:00 _____.M., in the (e.g., "State Office Building Auditorium, St. Paul, Minnesota",) after proper notice required by Minnesota Statutes section 15.0412 was served upon all persons, associations, and other interested groups registered with the State _____ for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, hearing all of the testimony, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19_____, pursuant to authority vested in me by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit H-2

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER ADOPTING RULES

Notice of the Commissioner's [Board's] intent to adopt the above-entitled rules without a public hearing 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 15.0412, subdivision 4 on _____, 19_____. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19_____ pursuant to authority vested in me [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit H-3

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on _____, 19_____, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____
are adopted this _____ day of _____, 19_____, pursuant to authority vested in me [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____
COMMISSIONER OF _____

Exhibit I

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, _____, do hereby certify that I am a member and the _____ (office) _____ of the Board of _____, a board 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 Board of _____, duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to _____ _____ be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes _____ and that _____ _____, the _____ of the Board of _____, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules 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

Exhibit J

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

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, [Special Assistant Attorney General] _____, do hereby declare that I have examined the ~~proposed~~ rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

_____
[Special Assistant Attorney General]

Dated: _____

Exhibit K

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

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

_____, being first duly sworn, deposes and says:

That on the _____ day of _____, 19 ____, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the [State of Minnesota Central Mail System for ~~first class~~ United States mailing (or) ~~in the~~ United States mail] at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

_____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____

Exhibit L

STATE OF MINNESOTA

DEPARTMENT OF _____

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

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, _____, 19____, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least _____ calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after [the hearing/publication in the State Register] and before submission to the Attorney General, you may contact _____

_____

Exhibit M

STATE OF MINNESOTA
DEPARTMENT OF _____

(OFFICIAL USE ONLY)

PROPOSED RULE
CHANGE

DATE RECEIVED _____
DATE RESPONDED TO _____
ACTION TAKEN _____
DATE _____

NAME _____

GROUP REPRESENTED OR TITLE _____

ADDRESS _____

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

_____ Adopt a new rule governing _____

_____ Amend Rule _____

_____ Suspend Rule _____

_____ Repeal Rule _____

Insert here the new rule or rule change, with the exact wording proposed. Present wording of the rule is to be shown, with all wording that is to be deleted to be shown with a line drawn through the words. All proposed new wording is to be underscored.

(Use additional pages if necessary)

State here in as much detail and as completely as possible the reasons for your request, as the department will use the explanation or reasons given for your request as part of the basis for its decision.

(Use additional pages if necessary)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 3 1981
Joan Anderson Growe
Secretary of State

3:45 P.M.

APPROVED AS TO FORM AND LEGALITY
3-3 19 81
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (Atty Gen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

ORDER ADOPTING RULES

Notice of the Attorney General's intent to adopt the above-entitled rules without a public hearing was published in the State Register on December 22, 1980 and was sent by United States mail to all persons on the list maintained by the Attorney General pursuant to Minnesota Statutes section 15.0412, subdivision 4 on December 17, 1980. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 1 MCAR §§ 1.201-206 are hereby adopted this 25th day of February, 1981, pursuant to authority vested in me by Minnesota Statutes sections 15.0412, subdivision 3 and 15.0415.

STATE OF MINNESOTA

Warren Spannaus

WARREN SPANNAUS
ATTORNEY GENERAL

when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15. for the purpose of revoking, amending, or upholding this registration.

September 16, 1980

Mark W. Seetin, Commissioner
Department of Agriculture

Office of the Attorney General

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Procedures for the Review of Rules

Notice is hereby given that the Office of the Attorney General is seeking information or opinions from sources outside the office in preparing to promulgate new rules governing the review of rules submitted by state agencies. New rules are necessary as a result of recent amendments to the Minnesota Administrative Procedure Act.

The promulgation of rules is authorized by Minnesota Statutes § 15.0412, subd. 3 (1978), which requires agencies to adopt rules setting forth procedures relating to the administration of their duties, and Minnesota Statutes § 15.0415, which requires the Attorney General to promulgate a form for petitions for the adoption of rules and authorizes the adoption of rules relating to the procedures to be followed upon submission of a petition.

The Office of the Attorney General requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Jerry S. Anderson
Special Assistant Attorney General
G-25 State Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-1288 and in person at the above address.

All statements of information and comment shall be accepted until the rulemaking record is closed. Any written material received by the Office of Attorney General shall become part of the record in the event that the rules are promulgated.

Jerry S. Anderson
Special Assistant Attorney General

State Board of Education
Department of Education
Special Services Division

Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to Supervisory and Support Personnel

Notice is hereby given that the State Board of Education is considering adoption of rules for the licensure of supervisory and support personnel.

The proposed rules are authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the Board of Education to license supervisory and support personnel. The proposed rules would establish reasonable standards and procedures for the issuance, renewal, suspension, and revocation of licenses of supervisory and support personnel. For the purpose of licensure, supervisory and support personnel, as defined by Minn. Stat. § 125.03, as amended by Laws of 1980, ch. 345, § 1, includes superintendents, principals, professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, as well as counselors, school nurses, athletic coaches, and other professional employees who engage primarily in nonclassroom activities. The term does not include librarians, school psychologists, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, or speech therapists.

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 4th day of December, 1980 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Office of the Attorney General for that purpose and be published in the State Register.

STATE OF MINNESOTA

Warren Spannaus

WARREN SPANNAUS
Attorney General

Office of the Attorney General

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rulemaking and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (AttyGen 401-425).

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Office of the Attorney General proposes to adopt the above-entitled rules without a public hearing. The Attorney General has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Laws 1980, Chapter 615, section 7, codified as Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f. If a public

hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Jerry S. Anderson
Special Assistant Attorney General
G-25 State Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
(612) 296-1288

Authority for the adoption of these rules is contained in Minnesota Statutes sections 15.0412, subdivision 3 and 15.0415. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Anderson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Anderson.

A copy of the proposed rules is attached to this Notice. Additional copies may be obtained by contacting Mr. Anderson.

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

State of Minnesota

Warren Spannaus
Attorney General

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Melody Bever, being first duly sworn, deposes and says:

That on the 17th day of December, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of ~~Minnesota~~ Central Mail System for first class mailing in the United States Mail, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Office of the Attorney General for the purpose of receiving notice of the proposed adoption of rules by the Office of Attorney General.

In addition, said Notice was sent by United States first class mail or interoffice mail to all heads of state agencies not placed on file as aforementioned; and to additional persons and organizations thought to have some interest in the matter.

Melody Bever

Subscribed and sworn to before me this 22nd day of December 1980.

Beverly Wilbur

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (~~Atty~~ Gen 401-425).

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, Subd. 4, that their name be placed on file with and maintained by the Office of the Attorney General for the purpose of receiving notice of the proposed adoption of rules by this office is accurate and complete as of 8:00 A.M., this 17th day of December, 1980.

Melody Bever

Office of the Attorney General

Proposed Rules Governing Procedures for the Review of Rules and Petitions for Rulemaking and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (AttyGen 401-425)

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Office of the Attorney General proposes to adopt the above-entitled rules without a public hearing. The Attorney General has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Laws 1980, Chapter 615, section 7, codified as Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Jerry S. Anderson
Special Assistant Attorney General
G-25 State Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
(612) 296-1288

Authority for the adoption of these rules is contained in Minnesota Statutes sections 15.0412, subdivision 3 and 15.0415. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Anderson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Anderson.

A copy of the proposed rules is attached to this Notice. Additional copies may be obtained by contacting Mr. Anderson.

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Warren Spannaus
Attorney General

Rules as Proposed

Chapters 2-4, AttyGen 201-425 [Proposed for Repeal]

Chapter 2: Rule Review Procedures (all new material)

1 MCAR § 1.201. Applicability. These rules shall govern the submittal to and review by the Attorney General of rules adopted by agencies pursuant to Minn. Stat. § 15.0412.

1 MCAR § 1.202 Review of rules adopted with a public hearing. When an agency has adopted a rule after a public hearing pursuant to Minn. Stat. § 15.0412, subds. 4-4e, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. Rule as Adopted. The original and three copies of the Rule as Adopted shall be submitted. At least one of the copies shall reflect changes made in the rule from that originally published in the *State Register* by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-1). The original and three copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall indicate the time and place of the hearing and shall recite that proper notice was given, that all persons were given the opportunity to be heard, and that the rule adopted is needed and reasonable based on the record and applicable statutes. The Order Adopting shall be separate from the Findings of Fact and Conclusions.

2. The Order Adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Notice of Intent to Solicit Outside Opinion and any written material received by the agency, as required by Minn. Stat. § 15.0412, subd. 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for Hearing. (For recommended format, see Exhibit B-1.)

F. Certificate of Board's Authorizing Resolution (ordering hearing), when applicable. (For recommended format, see Exhibit C-1.)

G. Notice of Hearing. (For recommended format, see Exhibit D.)

H. Affidavit of Mailing Notice of Hearing. (For recommended format, see Exhibit F.) The Affidavit of Mailing shall establish that the person executing the Affidavit served a copy of the Notice of Hearing on all persons and associations listed on the mailing list maintained by the agency by depositing in the United States mail a copy of the Notice of Hearing, properly enveloped, with postage prepaid. The Affidavit of the person mailing the Notice of Hearing shall be Notarized.

I. Mailing list Certificate. (For recommended format, see Exhibit E.)

J. Rule as Proposed. Either a copy of the *State Register* in which the Rule as Proposed was published or a photocopy of the relevant pages of that *State Register*, to include the Notice of Hearing and the Rule as Proposed, shall be submitted.

K. Hearing Examiner's Report.

L. Chief Hearing Examiner's Reports (as required pursuant to Minn. Stat. § 15.0412, subds. 4d-4e).

M. Agency's Findings of Fact and Conclusions. (For recommended format, see Exhibit G.) This document shall contain a finding or findings, based on the record, that each rule adopted is needed and reasonable and is within the agency's statutory authority. The Findings of Fact and Conclusions shall set forth the reasons for changes between the rule as proposed and rule as adopted, including discussion of relevant testimony, data, and evidence. Findings of Fact and Conclusions may be simply an

adoption of the Hearing Examiner's Findings, or an adoption of such Findings with exceptions taken. When exceptions are taken, the Findings of Fact and Conclusions shall set forth independent findings of the agency regarding the need for and reasonableness of each exception taken by the agency with citations to relevant testimony, data, and evidence. The Findings of Fact and Conclusions shall be signed by the person authorized to sign the Order Adopting the rule.

N. If the agency has submitted its proposed rule to the Legislative Commission to Review Administrative Rules, pursuant to Minn. Stat. § 15.0412, subd. 4d, the agency also shall submit either a copy of the Commission's Report or an affidavit stating: the date on which the rule was submitted to the commission, that 30 days have passed, and that the commission has not issued a report.

O. Order of the Chief Hearing Examiner or, after July 1, 1981, the Revisor of Statutes permitting incorporation by reference, when applicable.

P. Statement of Need and Reasonableness. If the agency acts pursuant to a Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (see Minn. Stat. § 15.0415) that sets forth the reasons that support a finding of need for and reasonableness of the rule, the Petition may be substituted for the Statement of Need and Reasonableness.

Q. Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (if the agency has adopted, suspended, amended, or repealed the rule in response to a Petition filed pursuant to Minn. Stat. § 15.0415).

1. The Petition shall be submitted to the agency in the form of Exhibit M.

2. The Petition shall be served on the head of the affected agency or board personally or by United States mail at the business address of the agency or board.

3. The agency or board shall have 60 days from receipt of the Petition to make its reply. The reply shall:

a. be in writing;

b. respond specifically to all issues raised in the Petition;

c. state the intended agency action, if any; and

d. be signed by the head of the affected agency or board, or any lawfully authorized delegate thereof.

R. Record. A transcript shall be prepared of hearings on a proposed rule if requested by the Attorney General. A copy of the transcript, if requested, all exhibits, and other relevant materials shall accompany a rule submitted to the Attorney General for review. If a prepared transcript has not been requested by the Attorney General or the Hearing Examiner, any other official recordation of the hearing (for example, tape recordings prepared by the Office of Administrative Hearings) shall be submitted when available.

S. Certificate of Compliance With Rulemaking Procedures. (For recommended format, see Exhibit J.)

T. Affidavit of Mailing Notice of Submission to the Attorney General and accompanying Notice. (For recommended formats, see Exhibits K and L.)

1 MCAR § 1.203 Review of rules adopted without a public hearing. When an agency has adopted a rule without a public hearing pursuant to Minn. Stat. § 15.0412, subd. 4h, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. Rule as Adopted. The original and three copies of the Rule as Adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the *State Register* by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-2.) The original and three copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall recite that proper Notice was given, that all persons were given the opportunity to submit comment on the proposed rule, that seven or more persons did not request a hearing, and that the rule adopted is needed and reasonable. The Order Adopting the rule shall be separate from the Findings of Fact and Conclusions.

2. The Order Adopting shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at

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a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Notice of Intent to Solicit Outside Opinion and any written material received by the agency, as required by Minn. Stat. § 15.0412, subd. 6, when applicable. (For recommended format, see Exhibit A.)

E. Order for Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit B-2.) The Order shall be signed by an authorized person. If the agency is a board, the person signing the Order must be so authorized and a document of authority must be attached to the Order.

F. Certificate of Board's Authorizing Resolution (ordering notice), when applicable. (For recommended format, see Exhibit C-2.)

G. Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit D-2.) The Notice of Intent to adopt a Rule Without Public Hearing shall contain at a minimum the following:

1. A citation to the rule if the proposal is only to repeal or renumber the rule.

2. A statement that the agency has determined that adoption of the rule will not be controversial in nature.

3. A statement that persons wishing to comment on the proposed rule shall have 30 days in which to do so.

4. A statement that the rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

5. A statement that unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held.

6. A statement regarding the manner in which a hearing may be requested.

7. A statement that if a hearing is required, the agency shall proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4f.

8. A statement that all persons wishing to be informed when the rule is submitted to the Attorney General may request such notice and a statement of the manner in which the request may be made.

9. A citation to the agency's statutory authority to promulgate the proposed rule.

10. If the proposed rule is not attached to the Notice, the Notice must clearly state the nature and effect of the proposed rule and include a statement announcing the availability and the means of obtaining upon request a copy of the proposed rule.

11. If required by Minn. Stat. § 15.0412, subd. 7, a statement relating to the expenditure of monies by local public bodies.

H. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing. (For recommended format, see Exhibit F.) The Affidavit of Mailing shall establish that the person executing the Affidavit served a copy of the Notice of Intent to Adopt a Rule Without Public Hearing on all persons and associations listed on the mailing list maintained by the agency pursuant to Minn. Stat. § 15.0412, subd. 4 by depositing in the United States mail a copy of the Notice properly enveloped, with postage prepaid. The Affidavit of the person mailing the Notice shall be notarized.

I. Mailing list Certificate. (For recommended format, see Exhibit E.) The Certificate shall certify that the mailing list required by Minn. Stat. § 15.0412, subd. 4 was accurate and complete.

J. Rule as Proposed. Either a copy of the *State Register* in which the Rule as Proposed was published or a photocopy of the relevant pages of that *State Register*, to include the Notice of Intent to Adopt a Rule Without Public Hearing and the Rule as Proposed, shall be submitted.

K. Findings of Fact and Conclusions setting forth the reasons for changes between the Rule as Proposed and the Rule as Adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the Order Adopting the rule.

L. Statement of Need and Reasonableness. The Statement of Need and Reasonableness shall contain at a minimum a recitation of the reasons, arguments, and evidence that support a finding of need for and reasonableness of each rule. A general statement of statutory implementation will not suffice. If the agency acts pursuant to a Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (see Minn. Stat. § 15.0415) that sets forth reasons that support a finding of need for and reasonableness of the rule, the Petition may be substituted for the Statement of Need and Reasonableness.

M. Petition for Adoption, Suspension, Amendment, or Repeal of a Rule (if the agency has adopted, suspended, amended, or repealed a rule in response to a Petition filed pursuant to Minn. Stat. § 15.0415). (See 1 MCAR § 1.202 Q.)

N. Written comments on the rule or requests for a public hearing received by the agency, if any.

O. Certificate of Compliance With Rulemaking Procedures. (See Exhibit J.)

P. Affidavit of Mailing Notice of Submission to the Attorney General and accompanying Notice. (For recommended formats, see Exhibits K and L.)

1 MCAR § 1.204 Review of temporary rules. When an agency has adopted a temporary rule pursuant to Minn. Stat. § 15.0412, subd. 5, the agency shall submit to the Attorney General one copy of the following documents, except as otherwise provided herein.

A. The original and three copies of the Temporary Rule as Adopted shall be submitted. At least one of the copies shall reflect any changes made in the rule from that as originally published in the *State Register* by the underlining of additions and striking of deletions.

B. Order Adopting. (For recommended format, see Exhibit H-3.) The original and three copies of the Order Adopting the rule shall be submitted.

1. The Order Adopting shall recite that proper notice was given and that all persons were given the opportunity to submit comment on the proposed rule. The Order Adopting the rule shall be separate from the Findings of Fact and Conclusions.

2. The Order shall be signed by an authorized person. If the agency is a board, the rule shall be adopted only at a meeting duly called and attended by a quorum. The action shall be in the form of a Resolution and shall be documented by a certification by a member of the board. (For recommended format, see Exhibit I.)

3. If the rule is returned by the Attorney General for revision, a new Order Adopting shall be submitted with the revised rule. If the revision required by the Attorney General is not substantive or does not change the meaning of the rule, the Attorney General shall not require official board action adopting the revised rule and shall accept a new Order Adopting signed by the person initially authorized by the board to sign an Order Adopting.

C. Certificate of Board's Resolution Adopting a Rule, when applicable.

D. Order for Publication. (For recommended format, see Exhibit B-3.) The Order for Publication must be signed by an authorized person. If the agency is a board, the person signing the Order must be so authorized and a document of authority must be attached to the Order for Publication.

E. Certificate of Board's Authorizing Resolution (ordering publication), when applicable. (For recommended format, see Exhibit C-3.)

F. Rule as Proposed. Either a copy of the *State Register* in which the Temporary Rule as Proposed was published or a photocopy of the relevant pages of that State Register shall be submitted.

G. Findings of Fact and Conclusions setting forth the reasons for changes between the Rule as Proposed and the Rule as Adopted, when applicable. (For recommended format, see Exhibit G.) This document shall be signed by the person authorized to sign the Order Adopting the rule.

H. Written comments on the rule received by the agency, if any.

I. Certificate of Compliance With Rulemaking Procedures. (See Exhibit J.)

1 MCAR § 1.205

A. Failure to submit the required documents shall cause a submission to be incomplete and shall terminate the Attorney General's review period. The Attorney General shall inform the agency of the missing documents; upon submission of the required documents, the period for review shall be that for an initial submission.

B. The documents required to be submitted to the Attorney General in 1 MCAR §§ 1.202-1.204 shall be retained in the Attorney General's file, except for the original and two copies of the Rule as Adopted and Order Adopting the rule, and the record, including comments submitted to the agency.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

1 MCAR § 1.206 Duties of the Attorney General.

A. A rule shall be approved or disapproved within the time period prescribed by statute. The review period shall begin the first day after receipt of the rule by the Attorney General.

1. Upon approval of the rule other than a temporary rule, the Attorney General shall file the rule promptly in the Office of the Secretary of State. The agency shall be responsible for effecting publication in the *State Register*. Effective July 1, 1981, the Attorney General shall file a rule with the Secretary of State only after the rule has been endorsed by the Revisor of Statutes.

2. Upon approval of a temporary rule, the Attorney General shall notify the agency of the approval and the agency shall be responsible for filing the rule with the Secretary of State, if the agency desires, and effecting publication in the *State Register*. Effective July 1, 1981, the Attorney General shall file a temporary rule in the Office of the Secretary of State, but only after the rule has been endorsed by the Revisor of Statutes.

3. If a rule is disapproved and is returned for revision or additional argument, the reasons therefore shall be stated in writing and the rule shall not be filed in the Office of the Secretary of State or published in the *State Register*.

4. If a rule is disapproved and returned to an agency for revision or additional argument, the review period shall be terminated. Upon resubmission of a rule other than a temporary rule, the Attorney General shall approve or disapprove the rule within 10 calendar days after the date of resubmission. Upon resubmission of a temporary rule, the Attorney General shall approve or disapprove the rule within five working days after the date of resubmission.

B. To permit persons or associations time to comment on the legality of a rule other than a temporary rule, the Attorney General shall not approve a rule adopted pursuant to Minn. Stat. § 15.0412, subds. 4-4e for ten calendar days after receipt and shall not approve a rule adopted pursuant to Minn. Stat. § 15.0412, subd. 4h for eight calendar days after receipt. Comments must be received by the Attorney General within these time periods. The Attorney General shall permit an agency to respond to such comments within the limits of the statutory rule review period. Persons or associations submitting written comments to the Attorney General shall submit simultaneously a copy of their comments to the agency adopting the rule. If an agency submits a written response to the Attorney General, the agency shall submit simultaneously a copy of its response to the persons or associations who submitted the comments that the response addresses.

C. Approval as to form and legality. A rule shall be disapproved if:

1. The agency has failed to comply with the applicable provisions of the Minnesota Administrative Procedure Act or other requirements governing the promulgation of rules.

2. The rule exceeds the statutory authority conferred or the required conditions have not been met.

3. The rule conflicts with the governing statute or other relevant law.

4. The rule has no reasonable relationship to statutory purposes.

5. The rule is unconstitutional, arbitrary, or unreasonable.

1 MCAR § 1.207 Exhibits.

Exhibit A

Department of _____

_____ Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing _____

Notice is hereby given that the State _____ is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing _____. The promulgation of these rules is authorized by Minnesota Statutes section _____, which [permits/requires] the agency to _____.

The State _____ requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

[name and address]

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

All statements of information and comment shall be accepted until _____. Any written material received by the State _____ shall become part of the record in the event that the rules are promulgated.

_____

Exhibit B-1

STATE OF MINNESOTA
DEPARTMENT OF _____

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

ORDER FOR HEARING

IT IS ORDERED this _____ day of _____, 19_____, that a public hearing on the proposed rules captioned above be held in the (e.g., "State Office Building Auditorium, St. Paul, Minnesota") on _____, 19_____, commencing at _____:00 _____.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the State _____ for that purpose and be published in the State Register.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit B-2

STATE OF MINNESOTA
DEPARTMENT OF _____

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

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this _____ day of _____, 19_____ that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State _____ for that purpose and be published in the State Register.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit B-3

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption of Temporary Rules of The State _____ Governing _____

ORDER FOR PUBLICATION OF TEMPORARY RULES

IT IS ORDERED this _____ day of _____, 19_____ that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Exhibit C-1

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____(office)_____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19_____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/executive secretary] of the Board of _____, be and _____he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board governing _____(spell out nature of rules involved)_____ as well as performed any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

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

_____

(Officer of the Board)

_____

Attest by one other Board member

Exhibit C-2

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____(office)_____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19_____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/executive secretary] of the Board of _____, be and _____ he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing _____(spell out nature of the rules)_____, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, _____he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

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

_____

(Officer of the Board)

_____

Attest by one other Board member

Exhibit C-3

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____(office)_____ of the Board of _____, a board 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 Board of _____ duly and properly called and held on the _____ day of _____, 19_____, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that _____, [a member/executive secretary] of the Board of _____, be and

_____he hereby is granted the authority and directed to sign an Order of the Board of _____ directing the publication in the State Register of proposed temporary rules governing _____ (spell out nature of the rules) as well as perform any and all acts incidental thereto.

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

_____

(Officer of the Board)

_____

Attest by one other Board member

Exhibit D-1

Department of _____

_____ Division

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

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes section 15.0412, subdivision 4, in the above-entitled matter in the (e.g. "State Office Building, St. Paul, Minnesota") on _____, 19_____, commencing at _____:00 ____.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

[A copy of the proposed rules is attached to this Notice.]

or

[The Commissioner proposes to adopt rules relating to the following matters: (informative statement of nature and extent of proposed rules)]

One free copy of this Notice and the proposed rules may be obtained by contacting _____. Additional copies will be available at the door on the date of the hearing.

NOTE: Consult the rules of the Office of Administrative Hearings to determine additional information required by that office to be included in the Notice of Hearing.

State of Minnesota

_____

Commissioner of _____

Exhibit D-2

Department of _____

_____ Division

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

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State _____ proposed to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

[name, address, and telephone number]

Authority for the adoption of these rules is contained in Minnesota Statutes section _____. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from _____ upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to _____.

[A copy of the proposed rules is attached to this Notice.]

or

[The rules proposed for adoption relate to the following matters: (informative statement of nature and extent of proposed rules).]

Copies of this Notice and the proposed rules are available and may be obtained by contacting _____.

State of Minnesota

_____

Commissioner of _____

Exhibit E

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

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

_____

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State _____ for the purpose of receiving notice of the proposed adoption of rules by this _____ is accurate and complete as of _____:00 _____.M., this _____ day of _____, 19_____.

_____

Exhibit F

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

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

_____, being first duly sworn, deposes and says:

That on the _____ day of _____, 19_____, at the City of St. Paul, County of Ramsey, State of Minnesota, _____he served the attached Notice of [Hearing/Intent to Adopt Rules Without Public Hearing] by depositing in the State of Minnesota Central Mail System for first class mailing (or) in the United States mail at said City of St. Paul, a copy thereof,

properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State _____ for the purpose of receiving notice of the proposed adoption of rules by this _____.

_____

Subscribed and sworn to before me this _____ day of _____, 19_____.

_____

Exhibit G

STATE OF MINNESOTA

DEPARTMENT OF _____

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

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner _____ on the _____ day of _____, 19_____, at _____:00 _____.M. in the (e.g. "State Office Building Auditorium, St. Paul, Minnesota",) after proper notice required by Minnesota Statutes § 15.0412 was served upon all persons, associations, and other interested groups registered with the State _____ for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced upon the records, files, and proceedings herein, I find the following:

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit H-1

STATE OF MINNESOTA

DEPARTMENT OF _____

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

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner _____ on the _____ day of _____, 19_____, at _____:00 _____.M., in the (e.g., "State Office Building Auditorium, St. Paul, Minnesota",) after proper notice required by Minnesota Statutes section 15.0412 was served upon all persons, associations, and other interested groups registered with the State _____ for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, hearing all of the testimony, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19_____, pursuant to authority vested in me by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Exhibit H-2

STATE OF MINNESOTA
DEPARTMENT _____

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

ORDER ADOPTING RULES

Notice of the Commissioner's [Board's] intent to adopt the above-entitled rules without a public hearing was published in the State Register on _____, 19____ and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on _____, 19____. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19____ pursuant to authority vested in me [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit H-3

STATE OF MINNESOTA
DEPARTMENT OF _____

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

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on _____, 19____, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as _____ are adopted this _____ day of _____, 19____, pursuant to authority vested in [the Board] by Minnesota Statutes section _____.

STATE OF MINNESOTA

_____

COMMISSIONER OF _____

Exhibit I

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, _____, do hereby certify that I am a member and the _____(office)_____ of the Board of _____, a board 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 Board of _____, duly and properly called and held on the _____ day of _____, 19____, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to _____ be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes _____ and that _____, the _____ of the Board of _____, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules 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

Exhibit J

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General _____, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

_____

Special Assistant
Attorney General

Dated: _____

Exhibit K

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

AFFIDAVIT OF
MAILING NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

_____, being first duly sworn, deposes and says:

That on the _____ day of _____, 19_____, in the City of St. Paul, County of Ramsey, State of Minnesota, _____he served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing (or) in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

_____

Subscribed and sworn to before me this _____ day of _____, 19_____.

_____

Exhibit L

STATE OF MINNESOTA

DEPARTMENT OF _____

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

NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, _____, 19_____, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike~~ ~~outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike~~ ~~outs~~ indicate deletions from proposed rule language.

General will not approve the rules for at least _____ calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after [the hearing/publication in the State Register] and before submission to the Attorney General, you may contact _____

_____

Exhibit M

STATE OF MINNESOTA

DEPARTMENT OF _____

(OFFICIAL USE ONLY)

PROPOSED RULE
CHANGE

DATE RECEIVED _____
DATE RESPONDED TO _____
ACTION TAKEN _____
DATE _____

NAME _____

GROUP REPRESENTED OR TITLE _____

ADDRESS _____

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

_____ Adopt a new rule governing _____

_____ Amend Rule _____

_____ Suspend Rule _____

_____ Repeal Rule _____

Insert here the new rule or rule change, with the exact wording proposed. Present wording of the rule is to be shown, with all wording that is to be deleted to be shown with a line drawn through the words. All proposed new wording is to be underscored.

(Use additional pages if necessary)

State here in as much detail and as completely as possible the reasons for your request, as the department will use the explanation or reasons given for your request as part of the basis for its decision.

(Use additional pages if necessary)

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (AttyGen 401-425)

FINDINGS OF FACT AND CONCLUSIONS

After proper notice of intent to adopt rules without a public hearing pursuant to Minnesota Statutes § 15.0412, Subdivision 4h, was served upon all persons, associations, and other interested groups registered with the Attorney General for that purpose, after affording all interested and affected persons an opportunity to submit written and oral comments and requests for a public hearing for 30 days after said notice, and after reviewing and considering the comments received, I find as follows:

1. That there were no requests for a public hearing.

2. That the proposed rules, as published in 5 State Register 1005 (1980), should be modified as follows:

1 MCAR §§ 1.202 B., 1.203 B., and 1.204 B.

The proposed rule required the submission of the original and three copies of the Order Adopting. Based on a comment received from Duane Harves, Chief Hearing Examiner, Office of Administrative Hearings, that Minn. Stat. § 15.0412 does not require filing the

Order Adopting with the Secretary of State, it is not necessary to submit the original to the Attorney General. Two copies are necessary, however; one for retention in the Attorney General's file and one to accompany the rule filed with the Secretary of State. The copy filed with the rule will enable the Office of the Secretary of State to identify the agency promulgating the rule, as the form and language of the rule often do not provide that necessary identification. Therefore, these sections are amended to read:

> B. Order Adopting. (For recommended format, see Exhibit H-1.) Two copies of the Order Adopting the rule shall be submitted.

1 MCAR § 1.202 B.1, 1.203 B.1, and 1.204 B.1

The proposed rule required that the Order Adopting and the findings of Fact and Conclusions be separate documents. Comments were received from Dorothy McClung, Director of Legal Research, Minnesota Department of Revenue, observing that separation of the documents could lead to increased chances of procedural defects, and from Duane Harves, requesting that agencies be allowed to combine the documents when an agency adopts the Hearing Examiner's report without additional findings. In consideration of these comments, the final sentence of these sections shall now read:

> The Order Adopting may be combined with the Findings of Fact and Conclusions.

1 MCAR § 1.202 G.

The proposed rule referenced Exhibit D, which was incorrect. The correct reference is to Exhibit D-1.

1 MCAR §§ 1.202 H. and 1.203 H.

The proposed rules incorporated the language of Minn. Stat. § 15.0412 that the Notice be given by United States mail. Duane Harves pointed out that the proposed language seemed to foreclose the present system of utilizing the Central Mailing Section of the Department of Administration for pick up of regular U.S. mail and, moreover, would require amendment should the statute be changed to permit agencies to use interoffice mail. The change in the rule allows for agencies to continue using the Central Mailing system and ensures adherence to statutory provisions as they exist or may be amended.

Thus, these sections have been amended to read:

> The Affidavit of Mailing shall establish that the person executing the Affidavit served a copy of the Notice . . . on all persons and associations listed on the mailing list maintained by the agency pursuant to Minn. Stat. § 15.0412, and that such service was effected as required therein. The Affidavit of the person mailing the notice . . . shall be notarized.

1 MCAR § 1.202 P.

As proposed, this section permitted an agency to substitute a Petition for Adoption, Suspension, Amendment, or Repeal of a Rule for the Statement of Need and Reasonableness. Duane Harves commented that such a substitution might be construed to contravene the requirements of 9 MCAR § 2.104, a rule of the Office of

Administrative Hearings. Because OAH rules supersede other agencies' rules, it is necessary to delete the material permitting substitution of the Petition for the Statement of Need and Reasonableness to resolve a possible conflict.

1 MCAR § 1.205

Section 1.205 B. has been deleted, rewritten, and renumbered as § 1.206 B. Thus, § 1.205 A. is renumbered as § 1.205.

1 MCAR § 1.206 A.1

The proposed rule contained no reference to notifying the agency in writing of the approval. Duane Harves commented that insertion of such a reference would serve to clarify the duties of the Attorney General. Therefore, this section has been amended as follows:

> 1. Upon approval of a rule other than a temporary rule, the Attorney General shall notify the agency in writing of the approval and shall file the rule promptly in the office of the Secretary of State. . . .

1 MCAR § 1.206 B.

The substance of this section is taken from § 1.205 B., but has been rewritten to account for the reduction in required copies of the Order Adopting and to state this duty more clearly. This material has been placed in § 1.206 because it relates to duties of the Attorney General. As rewritten, § 1.206 B. now reads:

> B. Upon approval of a rule and completion of any additional duties with respect thereto, the Attorney General shall return to the agency an approved copy of

the rule and the record, including comments submitted to the agency.

1 MCAR § 1.206 C. and D.

As a result of the insertion of § 1.206 B., these paragraphs have been relettered from paragraphs B. and C., respectively, of the Rules as Proposed.

1 MCAR § 1.206 D.2

The proposed rule referred only to "required conditions" without any definition or qualification of the term. In the expressed view of Duane Harves, the lack of definition made the meaning unclear. To cure the vagueness of the rule, it has been amended to read:

> 2. The rule exceeds the statutory authority conferred or the specifically required conditions of the authorizing statute have not been met.

1 MCAR § 1.207

With the exception of Exhibit M, the Exhibits attached to the rules are intended only to provide guidance to agencies in drafting the documents required in adopting a rule. The following changes to Exhibits F, J, and K are made so that agencies will not be misled by the suggested formats:

Exhibits F and K - Affidavit of Mailing

These two Exhibits, as published with the Rules as Proposed, contain a reference to first-class mailing of the Notice required by statute. Lois Steinhaus, Department of Education, observed that while Minn. Stat. § 15.0412 requires that Notices be mailed in the

United States mail, the statute makes no mention of first-class mailing. To make clear that agencies may use a less expensive class of mailing, the references in these exhibits to "first-class" are deleted.

These two exhibits are also amended to clarify that agencies may utilize the Central Mailing system of the Department of Administration, as noted in the above finding with respect to §§ 1.202 H. and 1.203 H.

Exhibit J - Statement of Compliance

The placement of a caption in this Exhibit makes it consistent with the format of the other Exhibits. Brackets have been inserted on either side of "Special Assistant Attorney General" to indicate that in some instances the statement may be signed by someone other that a Special Assistant Attorney General. The reference to "proposed" rules is deleted, because the examination attested to in the statement generally occurs after the rule has been adopted.

CONCLUSIONS

1. The Attorney General gave due, timely, and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Attorney General has statutory authority to promulgate the proposed rules.

3. The Attorney General has fulfilled all relevant, substantive, and procedural requirements of law or rule.

4. The Attorney General has demonstrated the need for and reasonableness of the rules, as amended hereinabove, by an affirm-

ative presentation of facts.

5. None of the amendments to the Rules as Proposed constitute a substantial change therefrom.

Date: February 25th, 1981

STATE OF MINNESOTA

WARREN SPANNAUS
ATTORNEY GENERAL

STATE OF MINNESOTA

Commissioner of Banks
(612) 296-2135
Commissioner of Insurance
(612) 296-2488

Commissioner of Securities
(612) 296-2594
Executive Secretary
(612) 296-2283

DEPARTMENT OF COMMERCE
500 Metro Square Building
St. Paul, Minnesota 55101

January 16, 1980

Jerry S. Anderson
Special Assistant Attorney General
G-25 State Office Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: Proposed rules governing procedures for the review of rules and petitions for rulemaking; 1 MCAR § 1.201 through § 1.207

Dear Mr. Anderson:

I have reviewed the above-captioned proposed rules that were published in the State Register on December 22, 1980, relating to procedures for review of rules by the Attorney General's Office.

These rules attempt to meet the need to clearly spell out the responsibilities of both the agency submitting a rule and the Attorney General's Office who will be reviewing them. Further the requirement in seciton 1.206 that comments sent to the Attorney General's Office must also be submitted to the agency along with giving the agency an opportunity to respond is a welcome edition to the rulemaking process. For these reasons I support the proposed rules as published and urge their adoption as soon as possible.

Further, I would like to receive a copy of the final rules as adopted.

Sincerely,

Michael D. Markman
Commissioner of Insurance

MDM:plt

STATE OF MINNESOTA
DEPARTMENT OF REVENUE
CENTENNIAL OFFICE BUILDING
SAINT PAUL, MINNESOTA 55145
PHONE: (612) 296-1022

January 5, 1981

RECEIVED
JAN 13 19[illegible]
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Jerry S. Anderson
Special Assistant Attorney General
G-25 State Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Dear Mr. Anderson:

I have three concerns with the proposed rules published December 22, 1980, in the State Register.

1. Why must the Order Adopting Rules be separate from the Findings of Fact and Conclusions? In the past, we have combined the Order and Findings. It would be my opinion that a paper blizzard results from the rule-making process. The number of required documents increases with every amendment to the law or your rules. Every additional requirement increases the chances of procedural defects in the process, jeopardizing the agencies' chances of ever ultimately adopting rules. I see no useful purpose in requiring separate documents.

2. Must all notices of the agency be sent first class mail? A number of persons registered with Revenue to receive notices are in other state agencies and are serviced by central mail. In the past, the Secretary of State urged us to use interoffice mail. Our experience with service by interoffice mail has been very good and it is, of course, cheaper.

3. What purpose does the Certificate of Compliance serve? The report of the Hearing Examiner must include a Finding of Compliance. If the examiner finds that an agency has not complied, the examiner refers the file to the chief examiner, etc. (Minn. Stat. § 15.0412, subd. 4d.) The Certificate in the exhibits indicates that it should be completed by a representative of the Attorney General. In Revenue, the rulemaking is handled completely internally. Completion of the Certificate by a Special Assistant makes no sense at all. I urge you to drop the Certificate all together.

Sincerely,

Dorothy A. McClung

DOROTHY A. McCLUNG
Director of Legal Research

DAM:dlw

cc: Duane Harves

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

January 20, 1981

RECEIVED
JAN 20 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Jerry S. Anderson
Special Assistant
Attorney General
G-25 Administration Building
St. Paul, Minnesota 55155

Re: Proposed Amendments to the Rules of the Attorney General

Dear Mr. Anderson:

The following are the comments of the Office of Administrative Hearings to the proposed amendments to the Rules of the Attorney General as published December 22, 1980, in the State Register.

1. 1 MCAR § 1.202 B. We suggest that agencies be allowed to combine the Order with the Findings of Fact and Conclusions when the agency adopted the Hearing Examiner's Report without additional findings. We are unaware of any requirement that the Order Adopting be filed with the Secretary of State as suggested in the Statement of Need and Reasonableness; the law appears to require only that the rules be filed with the Secretary of State.

2. 1 MCAR § 1.202 B.3. Pursuant to Minn. Stat. § 15.0412, subd. 4e (1980), any agency changes in the rules not recommended by the Hearing Examiner must be reviewed by the Chief Hearing Examiner to determine the issue of substantial change; this rule makes no note of that fact but implies that such a review need not take place. The rule also appears to allow changes in the submitted rules without action by the Board or Commission if the changes are not substantive. This raises the questions of who determines whether the changes are substantive, and doesn't the agency head authorized by law to adopt rules have to review all changes and act thereon pursuant to Chapter 15?

3. 1 MCAR § 1.202 H. This proposed rule tracks the statute and requires use of the United States mail for service. It is suggested that the rule be amended to allow service "as required by Minn. Stat. § 15.0412, subd. 4" so that in the event a change is made in the law to allow agencies to utilize inter-office mail where possible, the rule will not need to be amended. Further, as written, the rule would seem to foreclose utilizing the Central Mailing section of the Department of Administration for pick up of regular U.S. Mail.

4. 1 MCAR § 1.202 M. This first sentence of the rule implies that there must be a separate finding for every individual rule by the use of the word "each". It is suggested that the rule be amended to read "that the rule or rules adopted are needed and reasonable and within the agency's statutory authority". In the second sentence, the agency is required to set forth "reasons for changes". This is unnecessarily burdensome for changes such as typographical or grammatical corrections. The rule should be amended to allow for a summary finding for typographical or grammatical changes, or to require the reasons to be stated only for material changes.

5. 1 MCAR § 1.202 P. This rule contravenes the requirements of rule 9 MCAR § 2.104 of the Office of Administrative Hearings by allowing the agency to circumvent the requirement of preparing a Statement of Need and Reasonableness and is, thus, in conflict with that rule. The OAH rules supersede all other agencies' rules with which they may be in conflict. The rule should be modified to require the statement to be filed "as prepared in accordance with rule 9 MCAR § 2.104".

6. 1 MCAR § 1.202 S. We question the necessity for the "Certificate of Compliance" as well as the Attorney General's authority to impose such a requirement on the agencies. Such a certificate is redundant in that the Hearing Examiner must report on the same issues and, if the agency has failed to fulfill all substantive and procedural requirements imposed on it by law or rule except for need and reasonableness, it cannot proceed to adopt the rule until the Chief Hearing Examiner has determined that the defects in the proceeding have been cured. The Statement of Need and Reasonableness does not discuss this requirement.

7. 1 MCAR §§ 1.203 and 1.204 In general, the same comments made above relating to 1 MCAR § 1.202, where applicable, apply to these sections.

8. 1 MCAR § 1.206 A.1. The rule might be clarified by inserting the words "notify the agency of the approval and" after the word "shall" in the first sentence.

9. 1 MCAR § 1.206 B. In general, we support this rule. However, we fail to see the necessity of waiting 10 days before approval except in those cases wherein interested persons have requested to be notified of the submission to the Attorney General. By amending this rule accordingly, perhaps to five working days, time could be cut from the adoption process in the case of certain rules.

10. 1 MCAR § 1.206 C.1. This rule seems to require disapproval for any violation of the APA or "other requirements governing the promulgation of rules". Many rule hearing proceedings include violations of the rules of our office but which do not require disapproval unless it is shown that the Mr.

violation affected the rights or privileges of interested persons, i.e. late filings. We suggest that this section be amended to permit approval by the Attorney General even though a procedural rule is technically violated. Numerous court decisions support such a procedure, yet the rule as written would prohibit it.

11. 1 MCAR § 1.206 C.2. It is not clear what the phrase "required conditions" means. "Required conditions" should either be defined specifically or examples given. The rule might also be rephrased to cover the situation where no statutory authority exists.

Yours very truly,

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

Telephone: 612/296-8100

DRH:sw

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Jerry S. Anderson, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

JERRY S. ANDERSON
Special Assistant
Attorney General

In the Matter of the Proposed Adoption of Rules of the Office of the Attorney General Governing Procedures for the Review of Rules and Petitions for Rule-making, and the Repeal of Rules Relating to Basic and Supervisory Training of Peace Officers in the State of Minnesota and the Reimbursement Program of the Minnesota Peace Officer Training Board (AttyGen 201-218), Rule Making Procedures (Non-Contested Cases) (AttyGen 301-325), and Model Rules for Contested Cases (Atty Gen 401-425).

AFFIDAVIT

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

JUDITH WEHRWEIN, being first duly sworn, deposes and says:

That no person or association requested notification of submission to the Attorney General of the rules in the above-entitled matter.

Judith Wehrwein
JUDITH WEHRWEIN

Subscribed and sworn to before me
this 25th day of February, 1981.

Robert R. Nardi

ROBERT R. NARDI
Notary Public
Ramsey County, Minn.
My Commission Expires
May 25, 1983