

Types of Rule Processes

Prepared by Minnesota Department of Natural Resources (Rules Coordinator, Office of Management & Budget Services, January 2012)

	MAX DURATION (UNLESS OTHERWISE SPECIFIED IN LAW)	FORMAL PUBLIC HEARING	STATEWIDE PUBLIC COMMENT	OTHER LEGAL APPROVAL	SUBJECT TO VETO BY GOV
Commissioner's orders <i>Refer to specific statutory authorities allowing the commissioner to act "by written order" with a complete exemption from rulemaking, including §14.386</i>	as specified in the order or until revised or rescinded	no	no	no	no
Exempt Permanent Fisheries Rules Designated Experimental Waters Minn. Stat., sec. 97C.001 Designated Special Management Waters Minn. Stat., sec. 97C.005 <i>These authorities do not clearly allow the commissioner to act "by written order." These actions are treated as rules.</i>	experimental waters → as specified in the rule; spec. mgmt. list → until revised	no just local meetings and publication	no	no	no ¹
Exempt Permanent Rules Minn. Stat., sec. 14.386 <i>Does not apply to exempt fisheries or expedited emergency game and fish rules</i>	2 years	no	no	Admin. Law Judge	yes
Expedited Emergency Game and Fish Rules Minn. Stat., sec. 84.027, subd. 13(b)	18 months	no	no	Attorney General	no ¹
Emergency Game and Fish Rules Minn. Stat., Sec. 84.027, subd. 13(a) and Minn. Stat., sec. 97A.0451-0459	180 days; Commissioner may continue once for up to 180 days	no	yes	Attorney General	no ¹
Good Cause Exempt Permanent Rules Minn. Stat., sec. 14.388 Rulemaking to: (1) address a serious and immediate threat to the public health, safety, or welfare (2) comply with a court order or a requirement in federal law . . . (see statute) (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required (4) make changes that do not alter the sense, meaning, or effect of a rule	2 years if adopted under clauses (1) or (2); otherwise, until revised or repealed	no	yes	Admin. Law Judge	no
Expedited Permanent Rules Minn. Stat., sec. 14.389 Minn. Stat., sec. 84.027, subd. 13a	until revised or repealed	no	yes	Admin. Law Judge	yes
Permanent Rules Minn. Stat., chapter 14	until revised or repealed	possible	yes	Admin. Law Judge	yes
Repeal of Permanent Rules Minn. Stat., sec. 14.3895	n.a.	possible	yes	Admin. Law Judge	no ²

¹ Per opinion from legal counsel to Office of the Governor dated November 11, 1999

² Per Administrative Rule Review Process, Office of the Governor