

Rulemaking Processes Available To the DNR

| | MAX DURATION (UNLESS OTHERWISE SPECIFIED IN LAW) | FORMAL PUBLIC HEARING | STATEWIDE PUBLIC COMMENT | OTHER LEGAL APPROVAL | SUBJECT TO VETO |
|---|--|---|--------------------------------|------------------------------|--------------------|
| Commissioner's orders <i>Requires a specific statutory authority allowing the commissioner to act "by written order" with a full exemption from rulemaking.</i> | as specified in the order or until revised or rescinded | no | no | no | no |
| Exempt Permanent Fisheries Rules Designated Experimental Waters Minn. Stat. § 97C.001 Designated Special Management Waters Minn. Stat. § 97C.005 ❖ <i>Exempt from Chapter 14; rulemaking authorities and procedures in game and fish laws since 1995</i> | Experimental waters: → as specified in the rule Spec. mgmt. list: → until revised | no instead, → local meeting and publication in State Register | no | no | no ¹ |
| Exempt Permanent Rules Minn. Stat. §14.386 | 2 years | no | no | Admin. Law Judge | yes |
| Expedited Emergency Game and Fish Rules Minn. Stat. § 84.027, subd. 13(b) ❖ <i>Exempt from Chapter 14; rulemaking authorities and procedures in game and fish laws since 1995</i> | 18 months | no | no | Asst. Attorney General | no ¹ |
| Emergency Game and Fish Rules Minn. Stat. § 84.027, subd. 13(a) , and Minn. Stat. §§ 97A.0451 to 0459 ❖ <i>Exempt from Chapter 14; rulemaking authorities and procedures in game and fish laws since 1995</i> | 180 days; may be continued once for up to 180 days | no | yes | Asst. Attorney General | no ¹ |
| Good Cause Exempt Permanent Rules Minn. Stat. § 14.388 (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 ... (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alter the sense, meaning, or effect of a rule | 2 years if adopted under clauses (1) or (2); otherwise until revised or repealed | no | yes | Admin.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. § 14.389 and Minn. Stat. § 84.027, subd. 13a Possibility of hearing depends on whether the statutory authority references subd. 5 in § 14.389. | until revised or repealed | possible (see note at left) | yes | Admin. Law Judge | yes |
| Permanent Rules Minn. Stat. §§ 14.05 to 14.28 | until revised or repealed | possible | yes | Admin. Law Judge | yes |
| Repeal of Permanent Rules Minn. Stat. § 14.3895 | n.a. | possible | yes | Admin. Law Judge | yes |

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