

Overview of permanent rulemaking process in Minnesota

This is a brief summary. See *Minnesota Statutes*, chapter 14, for full statutory requirements.

Agency contacts. The lead staff person assigned in the responsible DNR division is the point-of-contact for each rulemaking project. A DNR rules coordinator provides internal coordination and guidance for rulemaking procedures and is the department's liaison with other state offices during the rulemaking process.

1. Rule development

Rule drafting. Rule drafting begins with identifying what rule changes are needed and possible ways to address them. An advisory committee is one method available for consulting with interested persons but it is not required and it is not always the appropriate public consultation tool for every rulemaking situation.

Request for Comments. Before or during rule drafting, the official rulemaking process formally commences with publication of a Request for Comments in the State Register. All comments and questions are reviewed and considered during the drafting of proposed rules.

[Note: A request for comments is not required in the expedited permanent rulemaking process under Minn. Stat. § 14.389.]

Public participation. The DNR makes reasonable attempts to notify interested persons and organizations of all opportunities for public comments and participation in rulemaking efforts.

- The [DNR's rulemaking webpage](http://www.dnr.state.mn.us/input/rules/rulemaking.html) is a good source of information at <http://www.dnr.state.mn.us/input/rules/rulemaking.html>
- DNR maintains a department rules notification list for persons who want to receive all rulemaking notices. See [DNR rules notification list](https://www.dnr.state.mn.us/input/rules/mail_list.html) at https://www.dnr.state.mn.us/input/rules/mail_list.html
- Some rulemaking projects offer a topic-specific notification list.

Proposed rules and SONAR. Rule development concludes with preparation of the formal proposed rules and a Statement of Need and Reasonableness (SONAR) document that describes why each new or amended rule provision is necessary and reasonable. These documents must be approved by the commissioner of natural resources and reviewed by the governor's office before moving on to the next stage.

[Note: A SONAR document is not required in the expedited permanent rulemaking process under Minn. Stat. § 14.389.]

2. Notice and public comment

Notice of intent to adopt rules. The proposed rule is published in the State Register and a public comment period follows (minimum of 30 days required). Everyone who was notified of the proposed rule during rule development as well as those people who have commented or expressed an interest in the rule changes should receive notification as well.

3. Legal review

Judicial review. An administrative law judge with the Office of Administrative Hearings will conduct hearings on the proposed rule if 25 or more people request it during the comment period or if the DNR announces in its notice that a hearing will definitely be held. Comments are accepted by the judge until at least five days after the last hearing or until the public comment deadline if there is no hearing. The agency has a short period of time after the hearing to respond to the public comments and testimony and the judge's questions, if any.

[Note: The threshold for hearing requests is 50 in the expedited permanent rulemaking process under Minn. Stat. § 14.389.]

Administrative Law Judge Report. The Administrative Law Judge (ALJ) has 30 days to prepare and issue a report advising the agency on whether or not DNR has the legal authority to adopt the rules and whether the agency has demonstrated the need and reasonableness of the proposed rule.

[Note: The ALJ has 14 days to issue an Order on Review in the expedited permanent rulemaking process under Minn. Stat. § 14.389.]

4. Rule adoption

Adoption Notice. After receiving the Administrative Law Judge's report, the agency has 180 days to arrange for public notice of the adopted rules through publication in the State Register. The rule goes into effect five working days after final publication unless another effective date is stated in the rule.