

**1400.2070 STATEMENT OF NEED AND REASONABLENESS.**

Subpart 1. **General content.** The statement of need and reasonableness must summarize the evidence and argument that the agency is relying on to justify both the need for and the reasonableness of the proposed rules, and must state how the evidence rationally relates to the choice of action taken. The statement must explain the circumstances that created the need for the rulemaking and why the proposed rulemaking is a reasonable solution for meeting the need. The statement must be sufficiently specific so that interested persons will be able to fully prepare any testimony or evidence in favor of or in opposition to the proposed rules. A general description of the statute being implemented or restating the proposed rule is not sufficient. The statement must include:

- A. citations to any economic, scientific, or other manuals or treatises the agency anticipates relying on;
- B. citations to any statutes or case law the agency anticipates relying on;
- C. if a hearing is scheduled, a list of any nonagency witnesses the agency anticipates asking to testify and a summary or description of their testimony;
- D. a citation to the agency's grant of statutory authority to adopt the rule and, if the grant of authority was made after January 1, 1996, the effective date of the agency's statutory authority to adopt the rule; and
- E. the date the statement is made available for public review.

The statement need not contain evidence and argument in rebuttal of evidence and argument presented by the public. If an agency is amending existing rules, the agency need not demonstrate the need for and reasonableness of the existing rules not affected by the proposed amendments.

Subp. 2. **Specific requirements.** The statement must also contain the following:

- A. for rules to be adopted after a public hearing, the information required by Minnesota Statutes, section 14.131;
- B. for rules to be adopted without a public hearing, the information required by Minnesota Statutes, section 14.23;
- C. an explanation of what effort the agency made to obtain any information that it states could not be ascertained through reasonable effort; and
- D. information required by any other law or rule to be included in the statement, or which the agency is required by law or rule to consider in adopting a rule. Examples include: Minnesota Statutes, section 16A.1285, subdivision 5; 115.43, subdivision 1; 116.07, subdivision 6; or 144A.29, subdivision 4.

Subp. 3. **Timing.** The statement must be prepared on or before the signature date on the agency's notice of intent to adopt rules, notice of hearing, or dual notice. The agency must send a copy of the statement to the Legislative Reference Library when the notice is mailed.

**Statutory Authority:** *MS s 14.386; 14.388; 14.51; 15.474*

**History:** *20 SR 2058; 26 SR 391*

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