

**1400.2080 NOTICE OF PROPOSED RULE.**

Subpart 1. **General content.** A notice of intent to adopt rules under Minnesota Statutes, section 14.22, must contain the information in subparts 2 and 3. A notice of hearing under Minnesota Statutes, section 14.14, must contain the information in subparts 2 and 4. A dual notice must contain the information in subparts 2, 3, and 4. Parts 1400.2520, 1400.2530, and 1400.2540 contain recommended forms for these notices.

Subp. 2. **Contents of all notices.** A notice of intent to adopt rules, notice of hearing, or dual notice must state:

A. that the agency intends to adopt a rule and identify the parts of Minnesota Statutes, chapter 14, and this chapter that the agency must follow;

B. a citation to the specific statutory authority for the rule;

C. that the proposed rule is attached to the notice or if the text of the proposed rule is not attached, a description of the nature and effect of the rule and how to obtain a free copy from the agency;

D. if applicable, that an entire rule is being repealed and a citation to the rule;

E. that the statement of need and reasonableness is available to the public, that the statement contains a summary of the justification for the proposed rule, including who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule, and how to obtain a copy from the agency;

F. that the proposed rule can be modified if the modifications are supported by the information and comments submitted and do not make the rule substantially different;

G. that persons may request to be placed on the agency's mailing list to receive notice of future rule proceedings;

H. any other information required by law or rule to be included in the notice; and

I. the signature of the person authorized to give notice of intent to adopt rules, notice of hearing, or dual notice and the date the person signed the notice.

Subp. 3. **Additional contents for a notice of intent to adopt rules or dual notice.** A notice of intent to adopt rules without a public hearing or dual notice must state or include:

A. that the public may comment in support of or in opposition to the rule or any part of it, and that comment is encouraged;

B. the calendar date that the comment period ends, which must be at least 30 days after the date of publication;

C. that each comment should identify the part of the rule addressed, any change proposed, and the reason for the suggested change;

D. that if 25 or more persons submit a written request for hearing during the comment period, a public hearing must be held on the rule unless a sufficient number later withdraw their requests in writing;

E. that any person requesting a hearing must include his or her name and address, must identify the portion of the rule to which the person objects or a statement that the person objects to the entire rule, and that a request that does not provide this information is invalid and will not count when determining whether a public hearing must be held;

F. that any person requesting a hearing is encouraged to propose changes to the rule;

G. how persons must submit their comments or requests for hearing, including an email address if the agency will accept email comments or requests for hearing;

H. that if a public hearing is held the agency must proceed under Minnesota Statutes, sections 14.131 to 14.20;

I. that if no hearing is required the agency must, after adopting the rule, submit the rule and supporting documents to the office for review for legality;

J. that persons who wish to comment on the legality of the rule must do so during the 30-day comment period; and

K. that persons may request to be notified of the date that the rule is submitted to the office for review and how to make that request.

Subp. 4. **Additional contents for a notice of hearing or dual notice.** A notice of hearing or dual notice must state:

A. the time, date, and place of the hearing;

B. that all interested persons will have an opportunity to participate;

C. how interested persons may present their views at the hearing;

D. the procedure in part 1400.2230 for submitting written materials after the hearing;

E. that persons can ask the judge questions about the procedure, and the name, address, and telephone number of the judge;

F. that any person can ask to be notified of the date on which the judge's report will become available and that the request can be made at the hearing or in writing to the judge;

G. that any person can ask to be notified of the date on which the agency adopts the rule and files it with the secretary of state, and that the request can be made at the hearing or in writing to the agency;

H. that lobbyists must register with the Campaign Finance and Public Disclosure Board, that questions should be referred to the board, and the board's address and telephone number; and

I. that a hearing is ordered.

Subp. 5. **Scheduling of hearing, and approval of notice of hearing or dual notice.** The agency must request to schedule a rule hearing and obtain the judge's approval of any notice of hearing or dual notice prior to mailing it or publishing it in the State Register. The judge must also advise the agency as to when, where, and how many hearings should be held in order to allow for participation by all affected interests. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached, and a draft or final copy of the statement of need and reasonableness must be filed with a notice submitted for approval. The judge must review the proposed notice within five working days of receiving it and must either approve the notice or advise the agency how the notice must be revised.

Subp. 6. **Timing.** A notice of hearing or notice of intent to adopt rules must be mailed at least 33 days before the end of the comment period or the start of the hearing, and must be published in the State Register at least 30 days before the end of the comment period or the start of the hearing. A dual notice must be mailed at least 33 days before the end of the comment period and must be published in the State Register at least 30 days before the end of the comment period. If a hearing is required after using a dual notice, there must be at least ten days between the end of the comment period and the start of the hearing. Depositing a mailing in the state of Minnesota's central mail system for United States mail satisfies the mailing requirement of this subpart.

Subp. 7. **Certificates of mailing and accuracy of mailing list.** The agency must prepare a certificate of mailing the notice to the rulemaking mailing list and a certificate of accuracy of its rulemaking mailing list. Part 1400.2550 contains a recommended format for this document.

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

**History:** *20 SR 2058; L 1997 c 202 art 2 s 63; 26 SR 391*

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