

1400.2570 RECOMMENDED NOTICE OF INTENT TO ADOPT EXPEDITED RULE WITHOUT A PUBLIC HEARING.

Minnesota Department of _____

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed (Amendment to) (Repeal of) Rule Governing _____ (topic), Minnesota Rules _____ (citation to rules).

Introduction. The _____ (agency name) intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, part 1400.2410, and the Administrative Procedure Act, Minnesota Statutes, section 14.389. You may submit written comments on the proposed expedited rules until _____ (date).

Agency Contact Person. Comments or questions on the rule must be submitted to: _____ (name, agency, address, telephone number, and fax number [optional]). (You may submit e-mail comments, questions, or requests for a public hearing to: _____ (e-mail address)) [optional].

Subject of Expedited Rule and Statutory Authority. The proposed expedited rule is about _____ (subject of rule and, if applicable, that an entire rule is being repealed and a citation to the repealed rule). The statutory authority to adopt this rule is (citation to specific statutory authority). The statutory authority to adopt this rule under the expedited rulemaking process is _____ (citation to statutory authority to adopt rules under Minnesota Statutes, section 14.389). A copy of the proposed rule is published in the State Register and attached to this notice as mailed. (If the proposed rule is not attached to the mailed notice, then this notice must include an easily readable and understandable description of the rule's nature and effect and include the announcement that a free copy of the rule is available upon request from the agency contact person listed above.) The proposed expedited rule may be viewed at: _____ (applicable website address) [optional].

Comments. You have until _____ (time) on _____ (date) to submit written comment in support of or in opposition to the proposed expedited rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed expedited rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

(If the agency is accepting requests for a public hearing, the following paragraph must be included.)

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by _____ (time) on _____ (date). Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply

with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

(If the agency is accepting requests for a public hearing, the following paragraph must be included.)

Withdrawal of Requests. If 100 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 100, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Modifications. The agency may modify the proposed expedited rule if the modifications do not make the rule substantially different as defined in Minnesota Statutes, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under part 1400.2110 has been followed. If the final rule is identical to the rule originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rule is different from the rule originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rule affects you in any way, you are encouraged to participate in the rulemaking process.

Other notices required by law or chosen to be inserted in this notice.

Adoption and Review of Expedited Rule. (If no hearing is required, the) or (The) agency may adopt the rules at the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: _____

Name
Title

Statutory Authority: *MS s 14.51; 15.474*

History: *26 SR 391*

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