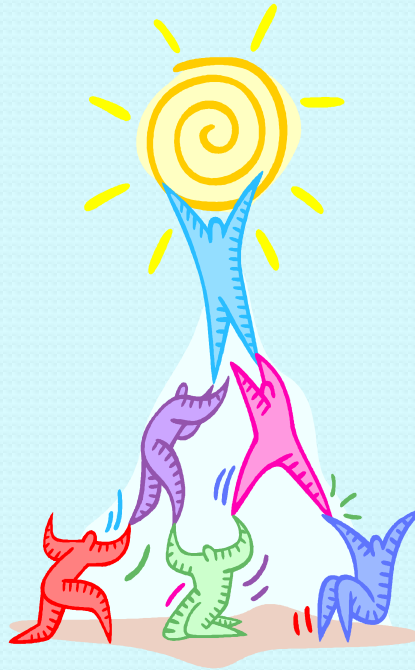


# Ideas for Cost Effective and Efficient Rulemaking



# Consider Electronic Notice

- **Notice of Intent or Notice of Hearing**

**Minn. Stat. § 14.14, subd. 1a as amended;**

- **Additional Notice**



# Electronic Notice

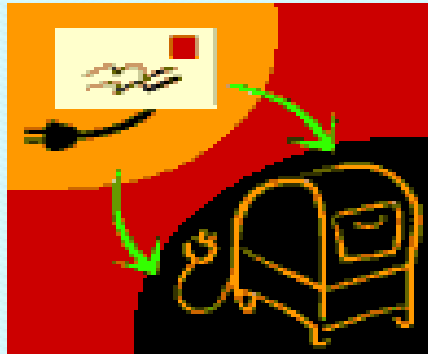
- **DLI has 11 subject matter specific rule lists;**  
**<http://www.dli.mn.gov/Rulemaking.asp>**
- **DLI used postcards to update official rule mailing lists, giving the choice of electronic or US mail.**
- **Make it easy to sign up online with e-mail links in Requests for Comment and online Docket home page.**

# Electronic Notice

- **DLI uses OET list serves to provide electronic notice to official rule mailing lists. (Outlook groups for additional notice plan.)**
- **Be aware of OET default settings; make sure statements are legally accurate.**
- **Cost: about \$100 per year per list.**

# Electronic Notice

- **DLI docket pages offer the option of rule notices by US or electronic mail.**



- **<http://webmail.mnet.state.mn.us/mailman/listinfo/workcomp-dli-rm>**

# Electronic Notice

- **Good cause exemption rule process requires some electronic notice.**

Minn. Stat. §§ 14.388, subd. 2; 16E.07, subd. 3.

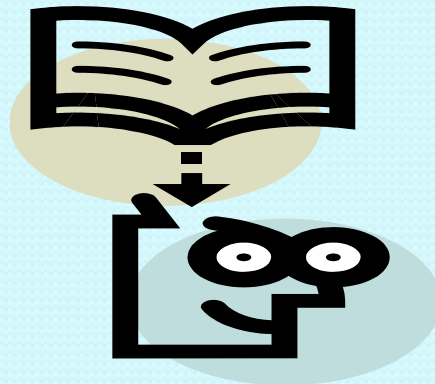
- **DLI's docket is online:**  
**[http://www.dli.mn.gov/Rulemaking  
.asp](http://www.dli.mn.gov/Rulemaking.asp)**

# Electronic Notice

- **When giving electronic notice send LINKS rather than PDF attachments.**
  - **To the Notice and Rules for official rule list.**
  - **To the Notice and Rules or docket page for additional notice list.**
  - **To the Docket page in Notices.**

# Notice by US Mail

- **Booklet option: use if you have a large rule or multiple rules.**
- **One 8.5 x 11 sheet of paper yields four pages of printed text.**
- **Use a readable sized font.**



# Publication

**Omit rules from publication in State Register with prior ALJ authorization, if:**

- **Unduly cumbersome, expensive, inexpedient**
- **Notice says free copy is available on request**
- **Knowledge important to small class**
- **Notice states in detail specific subject matter of omitted rules, statutory authority, and details purpose and motivation**

**Minn. Stat. §14.14, subd. 1a (b)**

# **Cost effective rule and SONAR development**

## **AVOID SURPRISES**

- **Think carefully about who is/may be affected or interested.**
- **Obtain broad public input; talk to those opposing and supporting.**

# **Cost effective rule and SONAR development**

## **AVOID SURPRISES**

- **Online docket page suggestions:**
  - **Updated drafts of rules**
  - **E-mail contact name**
- **Create e-mail lists of interested persons and send updated links to drafts**

# SONAR Development:

- **Write for the audience and ALJ.**
- **Peel the onion; address need and reasonableness.**
- **Address known objections.**
- **Carefully consider responses to the regulatory analysis questions.**

# SONAR Development

## Statutory Authority:

- **Cite applicable statutes (and case law if any).**
- **Explain amendments to authority.**
- **Revisit often when drafting rules to stay within authority.**
- **Consider AG consultation if no in-house counsel.**

# Remember Statutory Deadlines

- **18 month deadline to publish notice of intent. (Minn. Stat. § 14.125)**
- **Deadline for publication of Request for comments. (Minn. Stat. § 14.101.)**

# Submission to OAH

- **Consider submission of documents required for rule review or hearing exhibits in a three ring binder.**
- **Include background materials cited in the SONAR, even if not required.**

# Help

**Use this group as a resource!  
Experienced rule-writers are a  
valuable resource and always  
willing to help.**



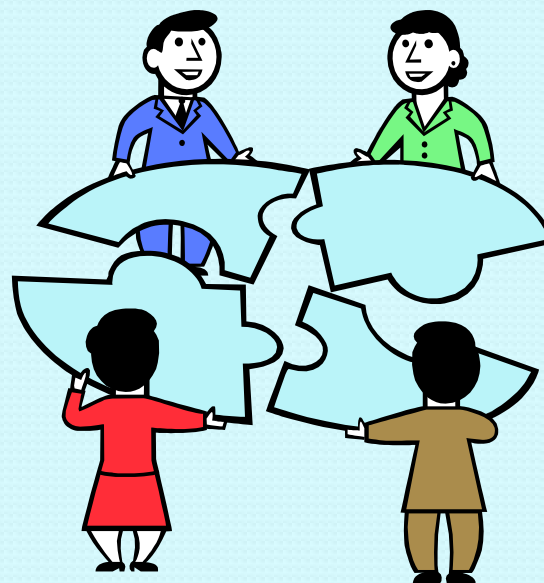
# Cost effective and efficient rulemaking

All of the above will:

- Save time and money.
- Minimize surprises during the comment period, hearing, post hearing review, and rule implementation.

**And...**

**Promote positive public perception of rule adoption process: transparency, collaboration and understanding.**



Kate Berger &  
Patricia Munkel-Olson  
Office of General Counsel  
Department of Labor and Industry  
September 29, 2010