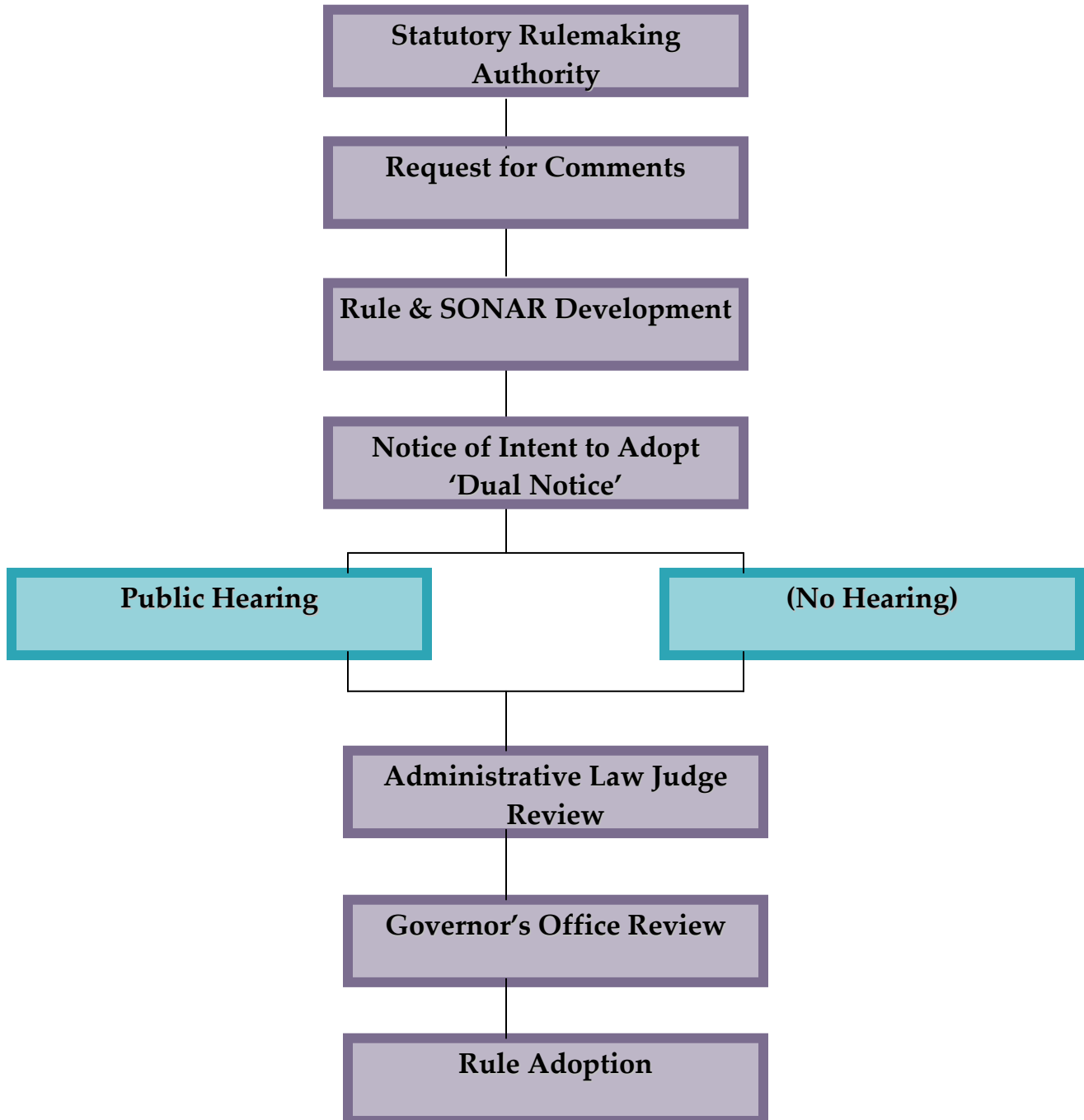


## The Rulemaking Process

Minnesota's rulemaking process is governed by procedures outlined in [Minnesota Administrative Procedure Act](#) (APA), Minnesota Statutes, Chapter 14. Below is a simplified outline of the rulemaking process.



Minnesota's rulemaking process is governed by procedures outlined in [Minnesota Administrative Procedure Act](#) (APA), Minnesota Statutes, Chapter 14. Below is a short summary of the rulemaking process.

Rulemaking is undertaken within the purview of statutes that authorize agencies to propose or amend rules. Key to rulemaking is getting input and feedback from interested persons on the subject of the proposed rule. Agencies publish the Request for Comments in the State Register inviting this participation which helps in drafting rules. Agencies are also required to justify that each rule requirement is needed and reasonable. "Need" refers to problems or a legislative directive that requires rule adoption or amendment. "Reasonable" means that a proposed requirement is a reasonable solution to a problem. The justification is written up in a document called the Statement of Need and Reasonableness (SONAR). Upon drafting proposed rules, agencies are required to publish the Notice of Intent to Adopt Rules in the State Register. Under Minnesota law, agencies may not publish a Notice of Intent to Adopt or a Notice of Hearing until at least 60 days after it has published a Request for Comments on the rules. After the Notice of Intent to Adopt Rules is published, there is a 30-day comment period for interested parties to submit written comments on the proposed rules. Persons may also request a hearing on the rules during the 30-day comment period. If there are more than 25 hearing requests, agencies are required to hold a hearing on the rules before an Administrative Law Judge. Regardless of whether a hearing is held on rules, an ALJ reviews the proposed rules and related documents to ensure that agencies have the statutory authority to propose or amend rules, have demonstrated the rule's need and reasonableness, have given adequate notice regarding the rules, and are in compliance with other rulemaking requirements. After review of the ALJ, the Governor's Office has 14 days to review the rules. The Governor may veto the rules or let them become effective. Upon review and approval by the Governor's Office, agencies are required to publish a Notice of Adoption in the State Register in order to adopt the rules.

Rulemaking is a multi-step process. Formal rulemaking procedures, from publishing the Notice of Intent to Adopt Rules until the date the rules become effective, can take about three months if there are no hearings to about five months in case of hearing.