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Please do not use returns to add spacing between paragraphs: use the Normal styles (above) or the Paragraph tool. Do not use returns to add spacing between paragraphs; use the Normal styles (above) or the Paragraph tool. Do not forget to delete this information.]

[date]

# [Address this to Chief ALJ Starr only when you publish a Notice of Intent to Adopt Rules Without a Hearing. When you have published a Dual Notice, address the letter to the ALJ assigned to the rules.]

The Honorable [Jenny Starr] or [Name]

[Chief] Administrative Law Judge

Office of Administrative Hearings

600 North Robert Street

P.O. Box 64620

Saint Paul, Minnesota 55164-0620

# Re: In the Matter of the Proposed Rules of the Department of [Name] [Governing/about/for] [Topic]; OAH Docket No. [Number]; Governor’s Revisor’s ID Number [Number]

Dear [Chief Judge Starr] [Judge Name]:

[The Minnesota Department of [Name] requests that the Office of Administrative Hearings review and approve its rules governing [topic] for legality and form according to Minnesota Statutes, section 14.26. Upon receipt of OAH approval, the Department will adopt the rules.] [OR] [On [date], the Minnesota Department of [Name] adopted the above-named rules governing [topic]. The Department now requests that the Office of Administrative Hearings review and approve the rules under Minnesota Statutes, section 14.26.] Enclosed for your review are the documents required by Office of Administrative Hearings Rules, part 1400.2310, items A to P. Paragraphs A to P of this letter are keyed to items A to P of part 1400.2310. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason that the document is not applicable.

A. Enclosed: the Request for Comments as published in the State Register on [date].

B. Enclosed: the petition for rulemaking filed with the Department.

• [It is likely that paragraph B will be replaced by the following: Not enclosed: a petition for rulemaking. This is not enclosed because no petition was filed regarding these rules.]

C. Enclosed: the proposed rules dated ##/##/##, with the Revisor’s certificate of approval.

D. Enclosed: the Statement of Need and Reasonableness.

• [Or, possibly:] Not enclosed: the Statement of Need and Reasonableness. This document is not enclosed because we have already submitted it to your office with our request to schedule a rules hearing dated [date].

E. Enclosed: the Notice of Intent to Adopt Rules, as mailed, and the Notice of Intent to Adopt Rules, as published in the State Register on [date].

F. Enclosed: the letter from the Chief Administrative Law Judge authorizing the Department to omit the text of the proposed rules from the Notice of Intent to Adopt Rules published in the State Register.

• [Or, more likely:] Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Department to omit the text of the proposed rules from the Notice Of Intent To Adopt Rules published in the State Register. This is not enclosed because the Department included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.

G. Enclosed: the Certificate of Mailing the Notice of Intent to Adopt Rules and the Certificate of Accuracy of the Mailing List.

H. Enclosed: the Certificate of Additional Notice or a copy of the transmittal letter.

• [Or, possibly:] Not enclosed: a Certificate of Additional Notice. This is not enclosed because no additional notice was given.

I. Enclosed: the Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library.

• [Or:] Enclosed: a copy of the transmittal letter showing that the Department sent the Statement of Need and Reasonableness to the Legislative Reference Library.

J. Enclosed: all written comments and submissions on the proposed rules that the Department received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents.

• [There is no need to state how many of each type of request were received. However, if no requests, submissions, or comments of any kind were received, perhaps put in:

Not enclosed: written comments and submissions on the proposed rules, requests for hearing and withdrawals of requests for hearing received by the Department, except those that only requested copies of documents. The Department received no such comments, submissions, or requests.

• [Note that you are only required to submit comments received during the 30-day comment period. You are not required to submit comments received in response to a Request for Comments. This is made explicitly clear in the text of item J.]

• [**New in 2015**][This is a good place to submit your agency’s responses to the comments received. See section 8.2 for suggestions about how to do this.]

K. Enclosed: the notice of withdrawal of hearing request, evidence that the Department sent notice of withdrawal to all persons who requested a hearing, and any responsive comments received.

• [Or, possibly:] Not enclosed: a notice of withdrawal of hearing request, evidence that the Department sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received. These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Department to send a notice of withdrawal of hearing request.

L. Enclosed: a copy of the adopted rules dated ##/##/##.

• [The following sentence may be needed:] The modifications to the proposed rules are reflected in the rules as adopted and are approved by the Revisor of Statutes.

• [Note: if the proposed rules will be adopted without changes, then the rules as adopted will be the stripped copy sent by the Revisor after the Notice of Intent to Adopt is published in the State Register. (This copy will not have the Revisor’s approval indicated on it.) If the Department wants to make changes to the proposed rules, ask the Revisor to make these changes. The Revisor will send back a copy of the rules with the changes requested. (This amended copy will be initialed by the Revisor indicating his or her approval.)]

M. Enclosed: a copy of the Notice of Adopting Substantially Different Rules that the Department sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups.

• [Or, more likely:] Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups. This is not enclosed because the Department did not adopt substantially different rules.

N. [**New in 2015**] Enclosed: the unsigned Order Adopting Rules that complies with the requirements in part 1400.2090.

O. Enclosed: the Notice of Submission of Rules to the Office of Administrative Hearings and a copy of the transmittal letter or Certificate of Mailing the Notice of Submission of Rules to the Office of Administrative Hearings.

• [Or, more likely:] Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings. No persons requested notification of the submission of the rules to the Office of Administrative Hearings.

P. Enclosed: any other document or evidence to show compliance with any other law or rule that the Department is required to follow in adopting these rules. These are:

- P.1. [A copy of the transmittal letter showing the agency sent notice to Legislators] [OR] [The Certificate of Sending Notice to Legislators] per Minnesota Statutes, section 14.116.

- P.2. [A copy of the transmittal letter showing the agency consulted with the Department of MMB] [OR] [The Certificate of Consulting with the MMB] per Minnesota Statutes, section 14.131. [And possibly,] MMB’s memo dated [date] in response.

**~~\*- P.3. [Possibly] The Certificate showing compliance with Minnesota Statutes, section 3.9223, subdivision 4, regarding the Council of Chicano/Latino people.~~**

- P.3. [Possibly] The Certificate showing compliance with Minnesota Statutes, section 14.111, regarding farming operations.

- P.4. [If you have not addressed this requirement in your SONAR] The compliance cost determination required by Minnesota Statutes, section 14.127.

- P.5. [If you have not addressed this requirement in your SONAR] The analysis and determination about whether local ordinance adoption is required and effective date required by Minnesota Statutes, section 14.128.

- P.6. [as an example of a law that applies to only some rulemakings: the Affidavit of Mailing the Notice of Intent to Adopt Rules to the Legislative Commission on Health Care Access, as required by Minnesota Statutes, section 62J.07, subdivision 3.]

- [**New in 2015**] P.7. [If you have not included responses to comments in Paragraph J above, this is another place to submit them.]

If you have questions or wish to discuss anything with me, please contact me at [phone number]. After you complete your review, please send any correspondence to me at the following address:

[Name]

Minnesota Department of [Name]

[Address]

Sincerely,

[Name]

[Title]

\*[New in 2018] Editor’s note: Requirement repealed by Minnesota Laws 2015, chapter 77.