**Minnesota Department of [Name]**

**[AMENDED] ORDER ADOPTING RULES**

**[Adoption of**]**[Repeal of Obsolete] Rules Governing [Topic], Minnesota Rules, [citation]; Revisor’s ID Number [number], OAH docket number [number]**

**BACKGROUND INFORMATION**

1. [For Repeal of Obsolete Rules add the following: The rules repealed by this order are obsolete and were identified in the [Name of Agency]’s annual obsolete rules report dated [date] under Minnesota Statutes section 14.05 subd. 5.]

2. The [Name of Agency] has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. [For multimember agencies, add the following: A copy of the Board’s authorization to propose the rules is attached. **OR** The Board authorized proposing the rules at its meeting on [date], and a quorum was present.] [Note: Refer to **BD-NTC** in the appendix for a recommended form for a Board Resolution authorizing proposing the rules by giving Notice of Intent to Adopt Rules.] [For rules adopted without a public hearing, if all notice and procedural requirements were not complied with, state what happened, what corrective action was taken (if any), and why the Office of Administrative Hearings should find it to be harmless under Minnesota Statutes, section 14.26, subdivision 3, paragraph (d).]

3. [For rules adopted without a public hearing, state the following: The agency received [no] written comments and submissions on the rules. [Number] persons requested a public hearing [,[number] of whom subsequently withdrew their requests]. [Note: if you had 25 or more hearing requests and you obtained enough withdrawals to bring the total under 25, you might want to state whether the withdrawals received any comments and, if so, whether this fits the criteria of Minnesota Statutes, section 14.25, subdivision 2.] Therefore, there are not 25 or more [outstanding] requests for a public hearing. The agency received [number] requests for notice of submission to the Office of Administrative Hearings.] **OR** [For rules adopted after a public hearing, state the following: The Department adopts the Administrative Law Judge’s Report dated [date] and incorporates the Report into this Order[, except as described below].]

4. **[If any changes were made between the proposed rules and the adopted rules, explain each change, why the change is reasonable, and why the change does not make the rules substantially different.]** [Note: See **SMPLFNDS** for sample findings justifying changes to proposed rules. **SMPLFNDS** also sets out Minnesota Statutes, section 14.05, subdivision 2, which gives the criteria for determining whether a change makes rules substantially different.] [This requirement does not apply to rules adopted after a public hearing if the judge’s report approved the specific change.] **[Or, if the procedures in part 1400.2110 were followed, a statement that the agency followed the procedures in part 1400.2110 before adopting the changes.]**

5. [The rules are needed and reasonable.] [or] [The rules are obsolete, unnecessary, or duplicative.]

6. [For multimember agencies, add the following: A copy of the board’s authorization to adopt the rules is attached. **OR** The board adopted the rules at its meeting on [date], a quorum was present, and the undersigned was authorized to sign this order.] [Note: Refer to **BD-ADPT** in the appendix for a recommended form for a Board Resolution Adopting Rules.]

**ORDER**

The above-named rules, in the form published in the State Register on [month] [date], [year], [Note: this is the date the Notice of Intent to Adopt was published] [with the modifications as indicated in the Revisor’s draft, file number ####, dated ##/##/##,] are adopted under my authority in Statutes, section [specific citation].

Date [Name], Commissioner

Department of [Name]