

## Summary of the Rulemaking Process

**The Rulemaking Process.** *Minnesota Statutes*, §§ 176.102, subd. 2(a) and 176.83, subds. 1 and 2, authorize the commissioner to adopt rules governing rehabilitation services and fees and rules to implement Minn. Stat. § 176.102. The current rehabilitation rules are in Minn. R. pts. 5220.0100 to 5220.1900. The process for adoption or amendment of rules is lengthy and complex. The various steps involved are specified in Minn. Stat., chapter 14, and Minnesota Rules, chapter 1400. This short summary describes the main parts of the process and important documents needed to adopt or amend rules.

**Request for Comments.** The rulemaking process begins with the publication of a Request for Comments in the *Minnesota State Register*. Proposed rules may not be published sooner than 60 days after publication of the Request for Comments. In addition to soliciting public comment and comment from registered rehabilitation providers, employees, employers and insurers, DLI consults with the Rehabilitation Review Panel and the Workers' Compensation Insurers Task Force.

**Proposed Rules.** DLI will develop proposed amendments to the rehabilitation rules. The Revisor of Statutes will review the rules draft and edit, as necessary, for form and style.

**Statement of Need and Reasonableness.** DLI must justify that each rule requirement is needed and reasonable. "Needed" means that there are problems or a legislative directive that requires the rules to be adopted or amended. "Reasonable" means that a proposed requirement is a reasonable solution to a problem. This is spelled out in a document called the "Statement of Need and Reasonableness (SONAR)." The SONAR states our statutory authority for the rules, contains a modified cost-benefit analysis, and includes the rationale for each proposed rule or rule amendment.

**Notice of Intent to Adopt Rules.** When the proposed rules and the SONAR are written, a Notice of Intent to Adopt Rules, Notice of Hearing, or Dual Notice, is published in the *State Register* along with the proposed rules. In addition, the Notice and proposed rules are sent to persons on DLI's workers' compensation rulemaking list, persons who requested to receive notice of the rules, persons on DLI's additional notice list, and to certain legislative committees.

**30-Day Comment Period.** After the Notice of Intent to Adopt Rules (or Notice of Hearing or Dual Notice) is published, there is a 30-day comment period, during which persons can submit written comments on the proposed rules. Persons can also request a hearing on the rules during the 30-day comment period.

**Rules Hearing.** If there are 25 hearing requests, a hearing must be held on the rules in front of an Administrative Law Judge (ALJ). (Exception: when a Notice of Hearing is published.)

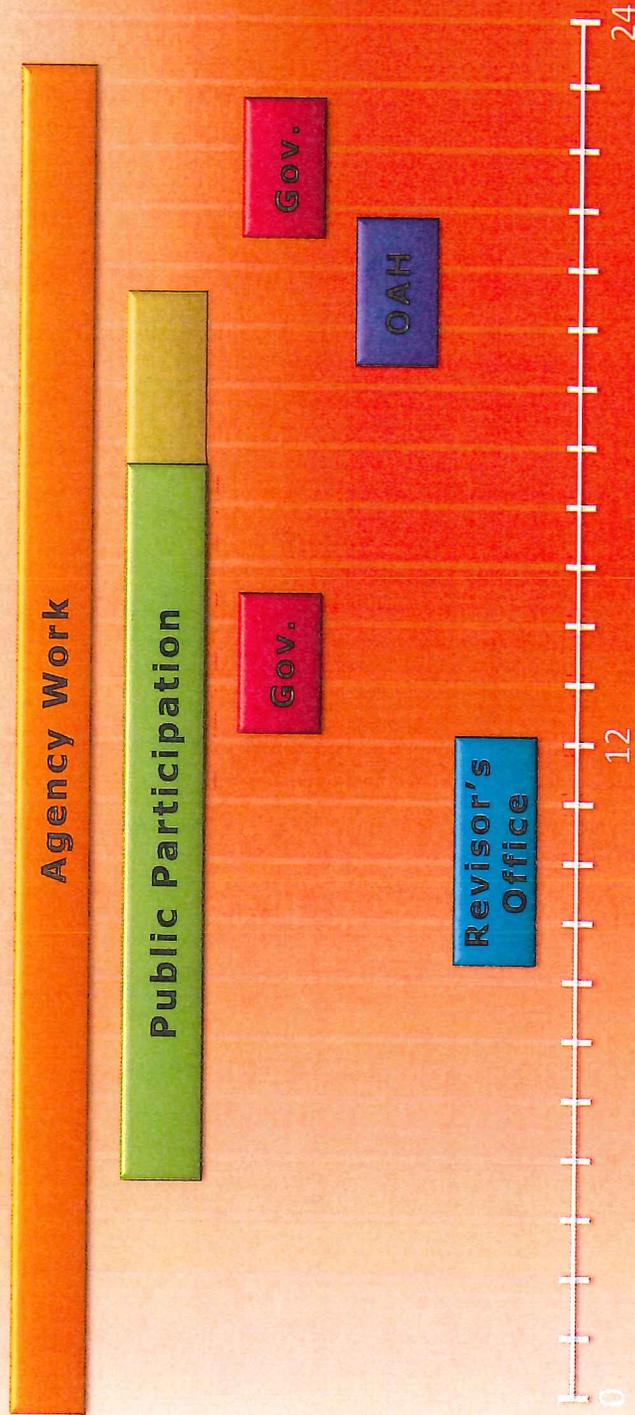
**Review by Administrative Law Judge.** Whether there is a hearing or not, an ALJ reviews the proposed rules, comments received, and all the documents from the rulemaking. The ALJ will approve the rules if DLI has statutory authority for the rules, has shown the rules to be needed and reasonable, has given proper notice of the proposed rules, and has complied with all other rulemaking requirements.

**Governor Veto.** After the adopted rules are approved by the ALJ and filed with the Secretary of State, the Governor has 14 days to review them. The Governor may veto the rules or let them become effective.

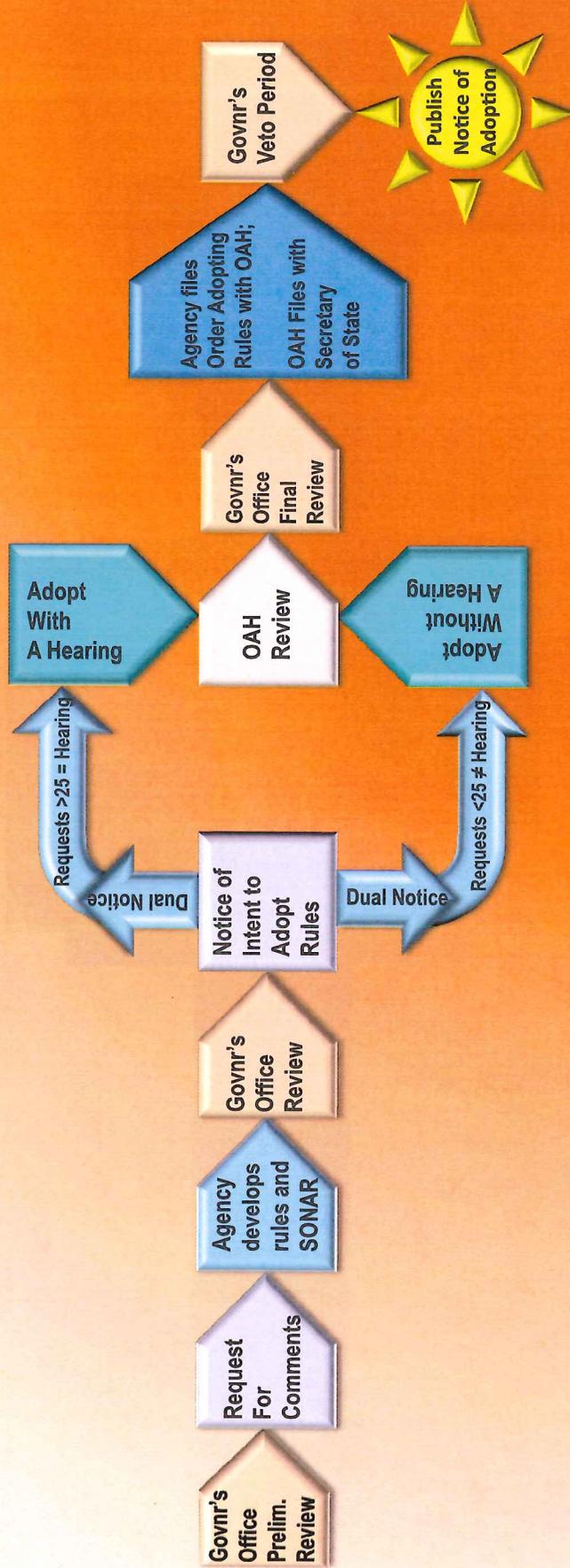
**Notice of Adoption.** After the Governor's review period, a Notice of Adoption is published in the *State Register*.

**Effective Date.** The rules become effective five working days after the Notice of Adoption is published, unless the rules provide a later effective date.

# Rulemaking Time Line



# Rulemaking Progress Chart



### Rulemaking home

- Apprenticeship and Labor Standards
- Construction Codes and Licensing
- Minnesota OSHA
- Workers' Compensation
- Statutes and Rules
- DLI home

### DLI rulemaking docket information

The rulemaking docket contains information and links related to current rulemaking activities by the Department of Labor and Industry (DLI) and boards supported by DLI with rulemaking authority. Docket information includes published notices, availability of rule drafts, how to submit comments, the status of the rule adoption process and hearings, information about newly adopted rules and the names of contact people.

Select the subject area for rulemaking information.

#### DLI rulemaking

- Apprenticeship and Labor Standards
- Construction Codes and Licensing
- Minnesota OSHA
- Workers' Compensation

#### Board rulemaking

- Board of Electricity
- Board of High-Pressure Piping
- Plumbing Board

#### Request to receive notices of agency rule proceedings by email



Think green

Each agency is required to maintain a list of people who have registered with the agency to receive notices of agency rule proceedings. If you want to receive these notices from the Department of Labor and Industry by email, register at the following links:

- Apprenticeship
- Boilers/boats-for-hire
- Electrical
- Fire Code
- High-pressure piping
- Independent contractor
- Labor standards/prevaling wage
- Minnesota OSHA
- Plumbing
- State Building Code, other than electrical/plumbing
- Workers' compensation

#### Request to receive notices of agency rule proceedings by U.S. mail

Each agency is required to maintain a list of people who have registered with the agency to receive notices of agency rule proceedings. If you want to receive these notices from the Department of Labor and Industry by U.S. mail, complete the request to receive notices of agency rule proceedings and return it to the department using one of the options described on the bottom of the form.

#### General rulemaking information

- [Minnesota Statutes, Chapter 14](#) 
- [Minnesota Rules, Chapter 1400](#) 
- [Minnesota Rulemaking Manual](#) 