# Official Rulemaking Record

**[Agency Name]**

**[Year] [Topic] Rules, Chapter ####**

**Notice of Adoption Published: [Date]**

**Effective Date: [Date]**

**Revisor’s ID Number [Number]**

[Customize your filing system and the following paragraphs to suit the way you think is best for organizing your Official Rulemaking Record.]

[This binder contains the documents for the official rulemaking record. The binder is divided into sections that correspond to the requirements of Minnesota Statues, §14.365, the Official Rulemaking Record. The last section contains additional documents that are not required but may be useful to keep.]

[Documents in the Official Rulemaking Record have been sorted into the following files: (1) Rules Drafts; (2) Procedural Documents; (3) Written Submissions Received; and (4) Miscellaneous. All rules drafts and written submissions required to be in the official rulemaking record are in their respective files. All other documents required to be in the official rulemaking record are in the Procedural Documents file. Relevant but not required documents are in the Miscellaneous file. Documents are arranged in chronological order within each file.]

Under Minnesota Statutes, section 14.365, the Official Rulemaking Record contains:

1. Copies of all publications in the State Register pertaining to the rules. State Register publications include:
2. Request for Comments ‑ dated [date].
3. Notice of Intent to Adopt Rules, with rules as proposed ‑ dated [date].
4. [Notice of Adoption ‑ dated [date]. [Notice of Repealed Obsolete Rules - dated [date].
5. All written petitions, requests, submissions, or comments received by the [Department/Agency/Board] or the Administrative Law Judge after publication of the Notice of Intent to [Adopt] [Repeal Obsolete] Rules in the State Register pertaining to the rules.

The Department and the Administrative Law Judge received a total of [#] letters about these rules. [Number] of these letters requested a hearing.

1. The Statement of Need and Reasonableness.

Dated [date].

[Or:] No SONAR was required as this was [exempt under Minnesota Statutes, section 14.386 or not required under Minnesota Statutes section 14.3895].

1. The official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared.

The [official transcript] [tape recording] of the hearing is stored as part of the Official Record.

[Or:] There is no transcript or tape because no hearing was held.

1. The report of the Administrative Law Judge.

The Official Record contains the report of the Administrative Law Judge [and the report of the Chief Administrative Law Judge].

[Or:] There is no report because no hearing was held.

1. The rules in the form last submitted to the Administrative Law Judge under Minnesota Statutes, sections 14.14 to 14.20 [or 14.3895], or first submitted to the Administrative Law Judge under Minnesota Statutes, sections 14.22 to 14.28 [or 14.3895].

The rules as adopted, dated [date], were [last submitted to the Administrative Law Judge under Minnesota Statutes, sections 14.14 to 14.20 or 14.3895] [first submitted to the Administrative Law Judge under Minnesota Statutes, sections 14.22 to 14.28 or 14.3895].

The Rules Draft file also contains [Note: your record may include more or less than these]:

1. initial draft, dated [date]
2. the rules as proposed, dated [date]
3. the rules as amended and first submitted to the Administrative Law Judge, dated [date]
4. the rules as adopted, dated [date]
5. the Notice of Adoption, dated [date]
6. a stripped version of the rules, dated [date]
7. and a complete version of Minnesota Rules, chapter [chapter], which incorporates all revisions from this rulemaking.
8. The Administrative Law Judge’s written statement of required modifications and of approval or disapproval by the Chief Administrative Law Judge.

No such written statement is included because the rules went to a hearing.

[Or:] The Administrative Law Judge’s written statement of required modifications is dated [date]. The Chief Administrative Law Judge’s written [approval/disapproval] of the rules is dated [date].

1. Any documents required by applicable rules of the Office of Administrative Hearings.

Documents required by OAH Rules that are not listed elsewhere in this document include:

[Note: OAH Rules do not explicitly list what should be contained in the rulemaking record. However, OAH Rules do list documents that must be submitted into the record or filed as part of the process. Review the following two lists of documents and, if a document is not included as part of the record by some other provision, include it in the rulemaking record and list the document under this provision.]

[Option 1] Documents required under part 1400.2220 for rules adopted after a hearing:

1. the Request for Comments published in the State Register;
2. the Petition for Rulemaking, if the rules were proposed in response to it;
3. the proposed rules, including the Revisor’s approval;
4. the Statement of Need and Reasonableness;
5. a copy of the transmittal letter or a certificate showing that the Department sent a copy of the Statement of Need and Reasonableness to the Legislative Reference Library;
6. the Notice of Hearing as mailed and as published in the State Register;
7. the Certificate of Mailing the Notice of Hearing and Certificate of Mailing List;
8. a certificate of additional notice, if given;
9. any written comments on the proposed rules received by the Department;
10. if the Chief Administrative Law Judge authorized the Department to omit from the Notice of Intent to Adopt Rules the text of any proposed rules, a copy of the document authorizing the omission; and
11. any other document or evidence to show compliance with any other law or rule which the agency is required to follow in adopting these rules. [Specifically name all documents submitted under item K. This would include, at a minimum, the Certificate of Sending Notice to Legislators as required by Minnesota Statutes, section 14.116.]

[OR]

[Option 2] Documents required under part 1400.2310 for rules adopted without a hearing as submitted to the Administrative Law Judge for review on [date]: (these documents are itemized in NH-REVW)

1. the Request for Comments published in the State Register;
2. the Petition for Rulemaking, if the rules were proposed in response to it;
3. the proposed rules, including the Revisor’s approval;
4. the Statement of Need and Reasonableness;
5. the Notice of Intent to Adopt Rules as mailed and as published in the State Register;
6. if the Chief Administrative Law Judge authorized the Department to omit from the Notice of Intent to Adopt Rules the text of any proposed rules, a copy of the document authorizing the omission;
7. the Certificate of Mailing the Notice of Intent to Adopt Rules and Certificate of Mailing List;
8. a certificate of additional notice, if given;
9. a copy of the transmittal letter or a certificate showing that the Department sent a copy of the Statement of Need and Reasonableness to the Legislative Reference Library;
10. all 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;
11. if required by Minnesota Statutes, section 14.25, subdivision 2, the Notice of Withdrawal of Hearing Request, evidence that the Notice of Withdrawal was sent to all persons who requested a hearing, and any responsive comments received;
12. a copy of the adopted rules, showing any modifications to the proposed rules and the Revisor’s approval of them;
13. if the Department adopted substantially different rules using the procedure in part 1400.2110, a copy of the notice 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;
14. the Order Adopting the Rules;
15. the Notice of Submission of the Rules to the Office of Administrative Hearings, if anyone requested this notice, and a copy of the transmittal letter or certificate showing that the Department sent out this notice; and
16. any other document or evidence to show compliance with any other law or rule which the agency is required to follow in adopting these rules. [Specifically name all documents submitted under item P. This would include, at a minimum, the Certificate of Sending Notice to Legislators as required by Minnesota Statutes, section 14.116.]]
17. The Department’s Order Adopting Rules.

The Commissioner signed the Order Adopting Rules on [date].

1. The Revisor’s certificate approving the form of the rules.

The Revisor’s approval of the form of the rules is contained on the [date1], [date2], and [date3] rules drafts.

1. A copy of the adopted rules as filed with the Secretary of State.

The adopted rules, dated [date1], were filed with the Secretary of State on [date2].

[Optional:] In addition to documents required under Minnesota Statutes, section 14.365, the Official Rulemaking Record also contains documents to show compliance with rulemaking requirements and other important documents:

1. Administrative Law Judge approval of the Dual Notice and Additional Notice Plan, dated [date]
2. Outreach and mailing lists for Request for Comments
3. Comments received following publication of the Request for Comments
4. A copy of the rulemaking outline/checklist for this rulemaking. [Note: It is a good idea to include this outline/checklist with the Official Record as this will document that all procedural requirements have been met.]
5. Correspondence regarding the Governor’s Office review of the rules.
6. The Department’s [Date] letter transmitting the file to the Office of Administrative Hearings for the official review.
7. A fiscal note.
8. Anything else you may have that should be included.

[Note: You may use the following to make labels for the rulemaking record files.]

OFFICIAL RULEMAKING RECORD

[YEAR] [TITLE] RULES, CHAPTER ####

This file is to be kept permanently.

Do not discard or destroy this file.

Do not remove materials from file.

This is file folder #[#] out of [total#].

[YEAR] [TITLE] RULES, CHAPTER ####

RULES DRAFTS

[YEAR] [TITLE] RULES, CHAPTER ####

PROCEDURAL DOCUMENTS

[YEAR] [TITLE] RULES, CHAPTER ####

WRITTEN SUBMISSIONS RECEIVED

[YEAR] [TITLE] RULES, CHAPTER ####

MISCELLANEOUS DOCUMENTS