

Chapter 9—Adopting Rules With A Hearing

Note: The following document is the second half of MN Rulemaking Manual Chapter 9, which identifies all required rulemaking steps after the public hearing and through rule adoption.

9.3 The agency's response to comments in the hearing record.

9.3.1 The post-hearing comment period and the rebuttal period. Following the hearing, there is a *comment period* that lasts for five working days. This *comment period* can be extended to 20 calendar days, if ordered by the ALJ. The agency and interested parties can submit written comments or responses to comments in the hearing record during this time.

After the post-hearing *comment period*, there is a five-working-day *rebuttal period*, when the agency and interested persons can respond in writing to comments and information submitted during the post-hearing *comment period*. No new evidence may be submitted during the *rebuttal period*. These time periods are set out in Minnesota Statutes, section 14.15, subdivision 1, and further elucidated in OAH Rules, parts 1400.2230, 1400.2530, and 1400.2540.

[NOTE: [Revised in 2018] See section 9.3.9, related to how to collect the comments that the ALJ received during the post-hearing *comment period and rebuttal period* for timely posting on the agency's website and uploading them to the OAH eComments website. Since OAH's eComments are mandatory after hearings, you will need to retrieve these according to the ALJ's directions.] [Editor's Note: While agencies must use the eComments system, the public may also submit comments to OAH by regular mail, email, and fax. So you will need to check for and respond to such comments.]

9.3.2 What to include in the post-hearing comment period. Minnesota Statutes, section 14.15, subdivision 1, would lead one to believe that the agency's response and any intended changes to the rules should be submitted during the 5-day *rebuttal period*. In actual practice, the agency may submit its response and any intended rule changes during the post-hearing *comment period*. In addition, particularly if the post-hearing *comment period* is extended, the agency may choose to respond to information or comments submitted earlier in the *comment period*. Some ALJs prefer a preliminary agency response (including any intended rule changes) by the end of the *comment period* to allow affected persons to react to the agency's intended rule changes, particularly with respect to controversial issues. After considering any reactions, the agency would submit a final response before the end of the *rebuttal period*. In any event, ask the ALJ for his or her preference on the timing of the agency's response and tell the ALJ your preference. There are probably several ways to accomplish the agency's response. You should seriously consider the ALJ's preference.

9.3.3 Complete a draft of the agency’s preliminary response ASAP. This preliminary draft should be completed within two or three days of the hearing! **HR-RSPNS** is one possible framework. Use your transcribed notes from the hearing, making separate headings for each rule part discussed. After your summary of the comments made on each part, put the tentative reaction decided on at the meeting with agency decision makers, including any changes the agency intends to make in the proposed rules. For each intended change, the letter should justify the change and state why the change would not make the adopted rules substantially different from the proposed rules. Also, give a copy ASAP to all agency personnel involved in the rules for their review and to all agency decision makers for their review and approval.

9.3.4 Monitor post-hearing comments. [Revised in 2016] At several points during the post-hearing *comment period*, check OAH’s eComments system to find out the nature of the written comments submitted. OAH can download the eComments received to the agency, possibly with a request that the agency promptly add the post-hearing comments to the agency’s website. If there are any major unexpected comments, discuss them immediately with agency decision makers. If you choose, update the agency’s preliminary response letter as needed to respond to these comments. Near the end of the *comment period*, contact the ALJ one last time about comments submitted that are not available on OAH’s eComments site.

9.3.5 Meet with agency decision makers near the end of the *comment period*; finalize agency’s preliminary response. After contacting OAH one last time about comments received by the ALJ, it is necessary to again meet with agency decision makers to make final decisions about the agency’s preliminary response letter, including any changes the agency intends to make to the proposed rules. It is absolutely essential that you prepare a complete draft of the preliminary response letter before this meeting so that the letter can be finalized immediately after the meeting. Immediately after the meeting, finalize the letter and have it signed by the appropriate agency person.

9.3.6 *Rebuttal period* response. You should continue to monitor the comments received by the ALJ during the *rebuttal period*. The *rebuttal period* allows the agency to respond to any new information or comments not previously responded to and to propose final changes to the rules. No new evidence can be submitted during the *rebuttal period*. The agency’s final response letter should build off of the preliminary response letter. In some cases, the letter may contain the simple statement that the agency’s preliminary response letter contains the agency’s final responses to comments. If you have responses or intend to make changes in addition to those in your preliminary response letter, then you should include the rationale for these intended changes; a description of the intended changes; and a discussion on why the intended changes will not make the adopted rules substantially different than the proposed rules.

9.3.7 Submitting the agency’s responses; timing and method of delivery. [Revised in 2017] OAH has requested all rulemaking documents be submitted electronically. If you have a pressing need to submit your responses in paper, you will need to seek permission in

Minnesota Rulemaking Manual

advance. The agency must file its preliminary response during the post-hearing *comment period* and its final response that is filed during the *rebuttal period*, so that OAH receives it by 4:30 p.m. on the respective due dates. The agency must therefore complete its responses early on the due dates so that they can be delivered to OAH offices in St. Paul by 4:30 p.m. Also, presumably, being able to upload them in OAH's e-filing or eComments system will cut out the traditional risk of a heart attack or a traffic accident. But leaving e-filing to the very last minute is not wise either. Filing them by fax remains an option; the agency must then forward the original signed document to OAH within five days. For those who have a high stress tolerance, OAH Rules, part 1400.2030, subpart 3, provides that if a fax transmission is commenced before 4:30 p.m. on the due date, it is deemed to have been timely filed.

9.3.8 OAH information. If you have questions about the rulemaking process or wish to deliver the agency response personally to OAH, refer to **OAH-INF** in the appendix for the location of and general information about OAH.

[Revised in 2019] Rulemaking Manual Editor's Note: Public Comments Using OAH's eComment website. [See section 1.6.2 and OAH-INF for explicit instructions.] (Public instructions for making comments can be found at [OAH Rulemaking eComments Website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/).) Agencies must use this system after public hearings on proposed rules, when comments must be submitted to the ALJ under Minnesota Rule 1400.2230. OAH will set up this webpage after the hearing. If you have questions, contact Legal Assistant at ian.lewenstein@state.mn.us or (651) 361-7857. [Editor's Note: While agencies must use the eComments system, the public may also submit comments to OAH by regular mail, email, and fax. So you will need to check for and respond to such comments.]

9.3.9 Place comments received by the ALJ during the Post-Hearing *Comment Period* and *Rebuttal Period* on Agency's Website. [Revised in 2018] As of publication, the following section 9.3.9 is still our best advice though questions remain about exactly what to do. (See note at section 9.3.1 above.) By 4:30 pm, on the first working day after the post-hearing *comment period*, the OAH will send the agency an electronic version of all comments that the ALJ received during the post-hearing *comment period*, together with a request that the agency promptly post these comments on the agency's website. Since this is also the first day of the five working-day *rebuttal period*, and because OAH no longer plans to post the comments on their website,* it is important that the agency not delay making these post-hearing comments available for the public to review. Optimally, you should forewarn your website staff that the documents will need to be posted expeditiously.

Similarly, after the *rebuttal period* closes, the OAH will provide the agency with an electronic copy of all comments received during the *rebuttal period*, together with a request that these comments also be promptly posted on the agency's Website.

Minnesota Rulemaking Manual

*Although the OAH will not be posting the comments on the OAH website, Minn. R. 1400.2230, subp. 2, provides that the OAH must allow any interested persons to review the post-hearing comments submitted to the ALJ. Further, there is no statute or rule requiring that a state agency place hearing exhibits or comments received during the post-hearing *comment period* and *rebuttal period* on a website. Nevertheless, ALJs are more frequently requesting agencies post these documents so that the public can have access to them more readily. The ALJs may ask you to upload comments and responses that OAH receives by fax or email to the OAH eComments website. ALJs wish to enable the public to participate in the post-hearing rulemaking process, so you will need to plan accordingly.

9.4 The ALJ Report. After the post-hearing *comment period* and *rebuttal period* close, the ALJ has 30 days to complete the hearing report, unless the Chief ALJ orders an extension. Minnesota Statutes, section 14.15, subdivision 2. The huge majority of reports are completed within 30 days. The ALJ can do several things in the report. These include:

- Approving all or portions of the rules.
- Disapproving all or portions of the rules.
- Making suggestions for the agency to consider.

If the ALJ disapproves the rules, the Chief ALJ reviews the rules and issues a report in addition to the ALJ Report. The Chief ALJ has ten days to do this.

9.5 Decide how to proceed; get agency and Governor approval. After you receive the ALJ Report, identify options based on the ALJ's findings and recommendations. Within those options, decide how to proceed and get approval to do so from agency decision makers. How you go about getting approval within your agency is as individual as your agency. Some agencies have formal routing processes and sign off sheets to document approval by all persons in the chain of command. Other agencies are satisfied by verbal approvals followed by the commissioner signing the Order Adopting Rules. An agency that is a multi-member board will need to follow board procedures, which usually means passing a formal resolution adopting the rules and authorizing a person to sign the Order Adopting Rules. A form for such a board resolution is in the appendix as **BD-ADPT**. The Editor adapted this from the recommended form from the now-repealed AG Rules, part 2010.9925.

After you decide on the final rules, you need to get approval from the Governor's Office. Per the Governor's Office 9/19/2019 rules review policy, **GOV-PLCY**:

“[The Governor's Final Form [**GOV-FNL**]] notifies the Governor's Office of any new information or late changes. This last notification gives the Governor's Office a final opportunity to make changes before only having the option of veto. The Governor's Office is seeking information describing any late controversies that might have arisen since the agency submitted the Proposed Rule and SONAR Form. The Final Rule Form requests information on any changes to the previously submitted draft rules. Also, if a hearing were requested, information as to why it

Minnesota Rulemaking Manual

was requested. The timing for submitting the Final Rule Form varies, depending on the type of rulemaking the agency is doing. *If the agency is adopting rules without a hearing, adopting rules after a public hearing, or adopting expedited rules, the agency must wait for the Policy Advisor to approve the final rule before taking the next step, as described below.* [emphasis supplied]]

When the agency is adopting rules after a hearing: the agency must submit the completed Final Rule Form to the Office of the Governor and wait for approval before the agency submits its signed Order Adopting the Rules to OAH. The agency must explain why a hearing was requested and attach a copy of the Administrative Law Judge Report. The agency must also explain any changes made in response to the ALJ Report, including any large deletions from the rule. The Policy Advisor will direct any concerns the Advisor might have directly to the agency. Upon final approval of the rule by the Policy Advisor, the Legislative Coordinator will contact the agency and inform it that the Commissioner or Director may sign the Order Adopting Rules and formally submit it to OAH.

* * *

“... If the proposed rule remained substantially unchanged from the SONAR stage, final review of the rule should take less than a week. If the agency hasn’t received a communication by the 7th day after the Governor’s Office received the above information, the agency should contact the Legislative Coordinator for a status report.”

Rulemaking Manual Editor’s Note: For many years, agencies have struggled with the remainder of the process for adopting rules after a hearing. In 2015, however, the Legislature enacted Minnesota Laws 2015, Chapter 63, which codified the process outlined in sections 9.6 to 9.9, the current OAH and the Revisor’s interpretation and practice for completing the adoption of rules after a hearing.

[Revised in 2018] 9.6 Obtain approved rules draft from the Revisor; draft Order Adopting Rules. Shortly after the Notice of Intent to Adopt is published, the Revisor should have sent you a “stripped” version of your proposed rules with all stricken text deleted and all new text incorporated. You can use the stripped version to indicate any post-hearing changes you intend to make to the proposed rules.

- If you do not make any changes to the proposed rules, you may use the stripped version that you already received.
- If you make any changes to the proposed rules for any reason, ask the Revisor to make the changes and to tell you if the rules will be approved as to form when the Chief ALJ requests certified copies.
- The Revisor will take your request on paper, by fax, by email, and sometimes by phone.

Then draft the Order Adopting Rules per the requirements stated in section 9.7 below. If you are making changes *other than* those approved in the initial ALJ report, you will need to submit your

Minnesota Rulemaking Manual

unsigned proposed Order Adopting Rules to the ALJ or Chief ALJ for approval before having it signed as is also stated in section 9.7. The Editor recommends checking with OAH, if you are uncertain whether OAH must approve the proposed Order.

9.7 Adopt the rules. Exactly how you proceed depends on the findings in the ALJ Report and on whether you want to make changes other than those approved by the ALJ. The various possibilities are set out in sections 9.7.1 to 9.7.3. Minnesota Statutes, section 14.15, subdivision 2, states that the agency has to wait at least five working days after the report is issued before taking any action on the rules. (This limitation appears only to apply to the first issuance of the report; if your rules are disapproved and you correct the reason for the disapproval, you might be able to act on the rules immediately after getting the Chief ALJ’s advice, but you should check with the Chief ALJ to make sure it is okay.) The commissioner (or other person authorized to adopt the rules) must sign an Order Adopting Rules. The requirements for the Order are contained in OAH Rules, part 1400.2090. A form for the Order is in the appendix as **ORD-ADPT**. To draft this form, the recommended form from OAH Rules, part 1400.2560, was used and practice tips were added. The form for the Order is designed to be a checklist to meet the requirements of part 1400.2090. A form with sample findings for making changes to the proposed rules is in the appendix as **SMPLFNDS**.

9.7.1 To adopt proposed rules approved by the ALJ and changes to the proposed rules approved by the ALJ: If the ALJ has approved your proposed rules and you are either making no changes to the proposed rules or the ALJ has approved all changes in the ALJ report, you can adopt your rules directly. Draft the Order Adopting Rules using **ORD-ADPT** as follows:

- Customize finding 1 for your agency and this rulemaking.
- In finding 2, delete everything before the “OR.” Then use the sentence after the “OR,” namely, “The Department adopts the Administrative Law Judge’s Report dated [date] and incorporates the Report into this Order.” Then, delete the optional clause “, except as described below” at the end of the sentence.
- Delete finding 3.
- Renumber findings 4 and 5.
- * Note: when the ALJ Report approves the agency’s proposed changes to the proposed rules, no special findings are necessary.

Then have the commissioner (or other authorized person) sign the Order Adopting Rules.

9.7.2 To adopt changes to the proposed rules other than those approved by the ALJ: If the agency wants to make changes to the proposed rules other than those that the ALJ or Chief ALJ approved, the agency should submit the documents listed in OAH Rules, part 1400.2240, subpart 5 to the Chief ALJ. These documents are:

- the rules as proposed;
- the agency’s *proposed* Order Adopting Rules;
- the proposed rules showing the agency’s proposed changes; and
- any other part of the hearing record requested by the Chief ALJ.

Ask the Revisor to prepare a draft with the changes and to tell you if the rules will be approved as to form when the Chief ALJ requests certified copies. A form letter asking the

Minnesota Rulemaking Manual

Chief ALJ to review changes other than those approved by the ALJ is in the appendix as **CHNG-OTH**.

Note: OAH Rules, part 1400.2240, subpart 5, applies to changes other than those recommended by the ALJ or Chief ALJ. There is nothing in chapter 14 or chapter 1400 that speaks directly to changes that are recommended, but not approved, by the ALJ or Chief ALJ. The Editor therefore recommends following this procedure for recommended changes, unless OAH advises otherwise.

To draft the Order Adopting Rules, use **ORD-ADPT** as follows:

- Customize finding 1 for your agency and this rulemaking.
- In finding 2, delete everything before the “OR.” Then use the sentence after the “OR,” namely, “The Department adopts the Administrative Law Judge’s Report dated [date] and incorporates the Report into this Order.” Also, keep the optional clause “, except as described below” at the end of the sentence.
- Add an additional specific finding for each change you make. Use the suggestions in finding 3 — explain the change, why the change is reasonable, and why the change does not make the rules substantially different.
- Renumber findings 4 and 5, as appropriate.

When the ALJ Report goes beyond the rule changes proposed by the agency and includes a statement such as: “The agency might consider rewording the language to clarify that . . . ,” these statements are considered the ALJ’s recommendations. The agency may choose to follow the ALJ’s recommendations, but it is not required to do so. If you choose not to follow an ALJ recommendation, you do not need to address this in your Order. Having said that, if you are going to reject the ALJ’s recommendation on a significant or controversial issue, it is nevertheless a good idea to discuss your reasons for rejecting the recommendation.

The Chief ALJ has ten days to make a written decision, per OAH Rules, part 1400.2240, subpart 5. If the Chief ALJ approves the changes, you can proceed to adopt the rules by having the commissioner (or other person authorized to adopt the rules) sign the Order Adopting Rules.

9.7.3 If the rules are disapproved: If the ALJ disapproves the rules, the rules go to the Chief ALJ for further review. If the Chief ALJ disapproves the rules, he or she must explain why and tell the agency what changes are necessary for approval. The agency then may: (1) make the suggested changes or other changes to address the reasons for disapproval and resubmit the rules to the Chief ALJ; (2) ask the Chief ALJ to reconsider the disapproval; or (3) end the rule proceeding. OAH Rules, part 1400.2240.

If you choose to make the suggested changes or other changes to address the reasons for disapproval, first ask the Revisor to prepare a draft with the changes and to tell you if the rules will be approved as to form when the Chief ALJ requests certified copies. Then submit the changed rules to the Chief ALJ, requesting review of the changes, as necessary

Minnesota Rulemaking Manual

for approval. A cover letter for this is in the appendix as **CHNG-DIS**. The Chief ALJ must review and approve or disapprove the changed rules or a request for reconsideration within five working days after receiving it. OAH Rules, part 1400.2240, subpart 4. If the Chief ALJ approves, you can proceed to adopt the rules.

To draft the Order, use **ORD-ADPT** as follows:

- Customize finding 1 for your agency and this rulemaking.
- In finding 2, delete everything before the “OR.” Then use the sentence after the “OR,” namely, “The Department adopts the Administrative Law Judge’s Report dated [date] and incorporates the Report into this Order.” Also, keep the optional clause “, except as described below” at the end of the sentence.
- Add an additional specific finding for each change you make. Use the suggestions in finding 3 — explain the change, why the change is reasonable, and why the change does not make the rules substantially different.
- Renumber findings 4 and 5, as appropriate.

Then have the commissioner (or other person authorized to adopt the rules) sign the Order. Then, email or fax the signed Order to OAH.

For disapprovals based on need and reasonableness or substantial difference, there are additional procedures available to the agency to adopt the rules:

9.7.3.1 If the rules are disapproved based on Need and Reasonableness: If the Chief ALJ disapproves the rules because the agency has not shown them to be needed and reasonable, and if the agency chooses not to follow the Chief ALJ’s recommended corrections, statute allows the agency may adopt the rules after submitting them to the Legislative Coordinating Commission (LCC) and the House and Senate Governmental Operations Committees for review under Minnesota Statutes, section 14.15, subdivision 4. This course requires careful political consideration. If anyone has experience or wisdom to add to this section, the editor would welcome your contribution.

9.7.3.2 If the rules are disapproved based on substantial difference: If the Chief ALJ disapproves the rules because they are substantially different than the proposed rules, the agency may adopt the portions of the rules that are not substantially different (OAH Rules, part 1400.2240, subpart 7), may start a new rule proceeding to adopt the substantially different rules, or may proceed under OAH Rules, part 1400.2110. The procedure to adopt substantially different rules is set out clearly in part 1400.2110 and is not repeated in this Manual.

[Revised in 2017] 9.8 Withdrawing rules. An agency always retains the option to withdraw rules as long as it has not yet filed them with the Secretary of State. Note that Minnesota Statutes, section 14.05, subdivision 3 requires that you publish notice that you have withdrawn the rules in the State Register. A form to use is included in the appendix as **NTC-WITHDRAWAL**.

Minnesota Rulemaking Manual

9.9 Submit copy of signed Order to OAH; OAH files rules with the Secretary of State.

[Revised in 2018] [Editor’s note: OAH, the Revisor’s Office, and Secretary of State’s Office now accomplish the final steps electronically as permitted in Minnesota Statutes, section 14.16. This is how it works. When the agency e-files the signed Order Adopting Rules, OAH requests the Final Rules from the Revisor’s Office. OAH files the Final Rules with the Secretary of State’s Office. The Secretary of State’s Office serves the Final Rules on the Governor’s Office to start the 14-day veto period via email to the Governor’s Office, using a distribution list that includes the agency. The email contains no explanation and is how you will know your rule has been served on the Governor’s Office, so you must watch for it. Also, these steps can take place swiftly. *See* section 1.6 above.

9.10 Give notice of filing and obtain Notice of Adoption. [Revised in 2020] OAH will notify the agency on the day it files the rules with the Secretary of State. Minnesota Statutes, section 14.16, subdivision 1, requires the agency to give notice of the filing with the Secretary of State *on the same day* that the rules are filed. **Therefore, get this notice ready before you file the signed Order Adopting Rules with OAH.** Whom do you send the Notice of Filing to? Look on the ALJ’s hearing register **in the hearing record that OAH returned to you** and see which persons checked the column to be notified of this filing. Also, send the Notice to any persons who have notified the agency directly that they want to get this Notice. Forms for the Notice and for the certificate showing the agency sent out this Notice are in the appendix as **NTC-SECY** and **CRT-SECY**.

When the Revisor receives the filed copy from the Secretary of State, it is the Revisor’s standard practice to prepare the Notice of Adoption and send you copies without your making any request. One copy of the Notice of Adoption is for you to send to the State Register for publication and the other is for the Official Rulemaking Record. If time is of the essence, you should notify the Revisor’s Office of that so they expedite the notice. Also, note that the Revisor usually sends the Notice of Adoption to the agency contact person listed in the Notice of Intent to Adopt. If this is someone other than you, alert this person to give you the Notice of Adoption as soon as it arrives.

9.11 Publish the Notice of Adoption; deadlines. See **ST-REG** in the appendix for information on how to publish in the State Register. The rules become effective five working days after the State Register published the Notice of Adoption, unless the rules specify a later effective date.

9.11.1 [Revised in 2018] Submit to State Register within 180 days. The agency must submit the Notice of Adoption to the State Register for publication within 180 days after the ALJ Report **or Chief ALJ Report** is issued or the rules are automatically withdrawn. If you miss the deadline, the rules cannot be adopted unless you commence and successfully complete a new rulemaking proceeding. The 180 days does not include days needed for Chief ALJ or the LCC review or because the Legislature delayed adoption of the rules. Minnesota Statutes, sections 14.126 and 14.19. It is important to not tempt fate by letting final adoption of rules get close to using up the 180 days allowed. This time can get eaten up quickly when you are grappling with changes to complex and controversial rules. **[New in 2014] Editor’s note:** The statute says you must *submit* the Notice of Adoption *for publication* to meet the 180-day requirement. A wiser course of action is to *publish* the

Minnesota Rulemaking Manual

Notice of Adoption within the 180 days to eliminate all questions. You do not want to rely on your *date of submission* to meet this important deadline, if you can possibly avoid it by publishing sooner.

9.11.2 State Register lead time. [Revised in 2019] The State Register publishes on Mondays. Publication deadlines depend on the length or complexity of your rules: Short notices of adoption (10 or fewer pages) are due by 12:00 noon on the Tuesday before publication. Rules that are long (are more than 10 pages) or complex (include complex tables or graphics) are due by 12:00 noon on the Thursday, 11 calendar days (or 7 working days) before publication. Only in rare circumstances, *and if the State Register editor approves in advance*, will you be allowed to bring in your publication order a day or two later than the deadline. Also, be careful if there is a holiday between the order date and the publication date because this will sometimes move up the State Register deadline.

9.11.3 Governor Veto. After the Governor receives a copy of the adopted rules, the Governor may veto the rules. To veto the rules, the Governor must submit a notice of the veto to the State Register within 14 days of receiving the rules from the Secretary of State. A veto is effective when the veto notice is submitted to the State Register. Minnesota Statutes, section 14.05, subdivision 6.

9.11.4 When to publish the Notice of Adoption. Even though the statute is silent on whether the agency must wait for the Governor to act before publishing its Notice of Adoption, the Editor highly recommends that the agency wait to submit its Notice of Adoption to the State Register for publication until after the agency is certain the Governor will not veto the rules.

9.12 Prepare and store the Official Rulemaking Record. After the Notice of Adoption is published, you can complete the last official step, which is to prepare and store the Official Rulemaking Record. The requirements for the Official Rulemaking Record are contained in Minnesota Statutes, section 14.365, clauses (1) to (11). A form for the Official Rulemaking Record is in the appendix as **RECORD**. Note that paragraphs (1) to (11) of this form are keyed to clauses (1) to (11) of section 14.365, so that this form can serve as a checklist to meet the requirements of section 14.365.

[Revised in 2019] Editor's Note: With e-filing, OAH will return your file as a downloadable link in an email message. Only the person who receives the email with the link can open it. Furthermore, the link will expire. Download the materials as soon as possible and save it securely according to your agency's record retention schedule and practices. (For example, a network drive, a document management system, a SharePoint library, etc. Work with your agency's records manager.) This e-file and any others not included will become your official record, which your agency must preserve as a permanent record. OAH does not keep these records indefinitely and will delete its files after it has sent the record to you. Best practice: Your returned file from OAH might be labeled "official record," but rename it something like "return of OAH submission file." This will help you distinguish it from the official rule record that you must prepare under Minnesota Statutes, section 14.365, after your rulemaking has concluded.

Minnesota Rulemaking Manual

9.13 Get a complete version of the entire chapter of the new Rules. Shortly after the Notice of Adoption is published in the State Register, the Revisor will send you a stripped copy of the rules with the stricken text deleted and the underscoring removed. For first-time, all-new material, this will give you a complete version of the rules. However, for amended rules, this will give you only the amended portions of the rules. In most cases, the persons within your agency who work with the rules would like a complete version of the entire chapter of the rules, including the portions amended AND the portions not amended. So, at this stage in the process, if it is appropriate, get a complete copy of your rules from the [Revisor's website \(http://www.revisor.leg.state.mn.us/rules/\)](http://www.revisor.leg.state.mn.us/rules/). Your rules will be available after the Revisor has finished editing them.

9.14 Notify agency decision makers of the completion of the process. Tell people at the agency that the rulemaking project has been completed. In the process, take some credit for your work on the rules. Send a memo to the persons at the agency most interested in the rules. Include the agency decision makers, the staff persons you worked most closely with on the development of the rules, and the staff person in charge of updating your agency's rulemaking docket. A form for the memo is in the appendix as **CLOSURE**.

[Revised in 2017] [Discussion of historical confusion about now-resolved conflicting statutory requirements for the last steps is omitted.]