



Role of Advisory Committee

1. Advice, not voting.

The role of the advisory committee is to advise us on developing the rules. We look to the committee for its expertise. The advisory committee does not have voting authority on what will go in the rules; the commissioner makes any final decisions. But the committee has the power of persuasion and the power that comes from having the information needed to make these rules workable.

2. Represent your interest group.

Each of you likely represents an interest group in one way or another. We encourage you to communicate with others who share your interests.

3. Consensus.

Our goal is to achieve consensus on as many issues as possible. Even where there is disagreement on some issues, we hope to make the rules as workable as possible for those who must comply with them.

4. Reasonable comments and suggestions.

We will carefully consider all comments and suggestions on the rules. You will have the most success persuading us with your comments and suggestions if you give reasons along the same lines as how we must justify the need for and reasonableness of each rule requirement.

5. Regulatory analysis.

As part of the SONAR, we must analyze eight factors. We will look to you for advice and information as we analyze these factors:

- 1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
- 2) the probable costs to the agency and to any other agency of implementing and enforcing the proposed rule and any anticipated effect on state revenues;
- 3) a determination of whether there are less-costly methods or less-intrusive methods for achieving the purpose of the proposed rule;



- 4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;
- 5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals;
- 6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals;
- 7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference; and
- 8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

6. Cost to small businesses and small cities.

We must determine whether any small business or small city would have to spend over \$25,000 to comply with the proposed rules during the first year after the rules become effective. A **small business** is defined as a business (either for profit or nonprofit) with less than 50 full-time employees. A **small city** is defined as a city with less than ten full-time employees. We will look to you for information about the cost of compliance for small businesses and cities.

7. Performance-based rules.

We must describe how we—when developing the rules—considered and implemented performance-based standards that emphasize superior achievement in meeting our regulatory objectives and maximum flexibility for the regulated party and us in meeting those goals. We will look to you for advice and information on how we can make the rules work better for you, while still meeting our goals for these rules:

- Are there any special situations that we should consider when developing the rules?
- Are there any ways to reduce the burdens of the rules?
- Do you have any other insights on how to improve the rules?

8. Additional notice.

When we publish the proposed rules and the Notice of Intent to Adopt Rules, we must also “provide additional notification to persons or classes of persons who might be affected by the proposed rule or must explain why these efforts were not made.” We will look to you to help us identify all interested persons and to develop ways to let them know about the rules. We must notify both likely supporters *and* opponents of the rules.

9. Local government impact.

We must evaluate the fiscal impact and benefits of proposed rules on local governments. As part of our evaluation, we must consult with Minnesota Management and Budget. In addition, we will look to you to help us identify the fiscal impact and benefits of the proposed rules on local governments.