



Minnesota Management & Budget Statewide Operating Policy

Minnesota Management and Budget, Accounting Services
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Rule Variance Fees – Deposits, Refunds, and Transfers

Objective

To establish a policy for agencies to charge fees in accordance with [Minnesota Statute 14.056, Subdivision 2](https://www.revisor.mn.gov/statutes/?id=14.056) (<https://www.revisor.mn.gov/statutes/?id=14.056>) to process an administrative rule variance to a petitioner, deposit the fees, refund overpayments, and transfer approved fee proceeds to the requesting agency.

Policy

Minnesota state agencies are allowed, but not required, to charge fees for rule variance requests in accordance with Minnesota Statute 14.056, Subdivision 2. If an agency decides to charge a variance fee, and the estimated cost is less than \$20, the agency must charge a non-refundable fee of \$10. If the estimated cost of the rule variance fee is more than the \$20, the fee charged will be the estimated cost to the agency to process the petition. Refunds must be issued if the actual amount to process the petition is less than the estimated amount.

All receipts collected from any rule variances are appropriated to the Commissioner of Minnesota Management and Budget (MMB). The Commissioner may transfer amounts to the fund and agency that supports the program that is subject to the variance petition when the agency makes a request for the fee proceeds and the Commissioner determines that agency needs the fee proceeds to implement Minnesota Statute 14.055 and 14.056. On an annual basis, any fees that are not transferred to agencies must be transferred to the general fund.

Definitions

Rule Variance Petition: A petition by a person or entity for a variance from a rule adopted by the agency, as it applies to the circumstances of the petitioner, in accordance with the terms of [Minnesota Statute 14.055, Subdivision 2](https://www.revisor.mn.gov/statutes/?id=14.055) (<https://www.revisor.mn.gov/statutes/?id=14.055>).

Related Policies and Procedures

[MMB Statewide Operating Procedure 0609-01.1 Rule Variance Fees Procedure](http://mn.gov/mmb-stat/documents/accounting/fin-policies/chapter-6/0609-01-01-rule-variance-fee-procedure.pdf) (<http://mn.gov/mmb-stat/documents/accounting/fin-policies/chapter-6/0609-01-01-rule-variance-fee-procedure.pdf>)