

## **How rule advisory groups enhance rule development**

The Minnesota Department of Human Services uses rule advisory groups to improve the quality of DHS's rules. Comments and input from advisory groups and other individuals early in the process help ensure final rule drafts accomplish intended objectives. Advisory group members should talk with people from the groups they represent and bring information back to the advisory group.

Advisory group members and people who attend rule advisory group meeting are often familiar with the subject matter governed by the rule. DHS relies on the insight from professional and personal perspectives on the subject matter. Advisory members should:

1. Keep in mind that they represent their personal views and the views of other people who will be affected by or must use the rule in the future.
2. Share the comments they hear about the rule with the advisory group.

DHS recognizes that there may not always be agreement about some issues during the rule development process. Please feel free to:

1. Make suggestions and comments about the rule throughout the rulemaking process.
2. Include supporting information or explanations for suggestions.

**The advisory group has the power of persuasion and the power that comes from having information needed to make the rules workable.** The advisory group does not vote on what will go into the rules. The Commissioner of Human Services is required by law to make the final decisions about what is in the rule when the rule is officially proposed for adoption.

## **The rulemaking process**

A few facts about Minnesota-style rulemaking....

1. Minnesota has a very complicated rulemaking process, which is different than federal review and comment rulemaking style.
2. Minnesota rulemaking is governed by Minnesota Statutes, Chapter 14 and Minnesota Rules, Chapter 1400. It includes an independent finder of facts who is an Administrative Law Judge, working for the Office of Administrative Hearings.
3. Rules are based upon statutorily determined policy. DHS is granted authority to make rules by the legislature.
4. Statutes always trump rules. Rules may not go against federal or state law.

If you have questions about the substance of the rules, you can ask committee staff who act as resources for this committee.