

Rulemaking: Review of Adopted Rules

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All three branches of state government have authority to review administrative rules. The legislature also has established processes under which a person can petition an agency for adoption, amendment, or repeal of a rule, or petition the state Court of Administrative Hearings to stop improper enforcement of a policy that an agency has not adopted as a rule.

Executive Review

An agency that adopts a rule may amend or repeal the rule. An amendment or repeal is itself considered a “rule” and can be done only after following the standard rulemaking procedures. The governor may veto a proposed rule, but cannot repeal or otherwise change an adopted rule, except by acting through an agency that follows the rulemaking process.

Legislative Review

Repeal or modification. The legislature can hold hearings and impact rules by law. For example, the legislature could repeal a rule entirely or modify a rule’s effect, such as by limiting its scope and applicability. If the legislature eliminates an agency’s existing rulemaking authority, all rules previously adopted under that authority are automatically repealed. [Minn. Stat. § 14.05](#), subd. 1.

Investigation and objection. The legislature has authorized the bicameral Legislative Coordinating Commission (LCC) to investigate complaints about rules. Upon written request of two LCC members, or any five legislators, the LCC must review a rule, either by holding LCC meetings or by establishing a working group to review the rules. [Minn. Stat. §§ 3.305](#), subd. 8, and [3.842](#), subd. 3.

The LCC or the House or Senate governmental operations committee may also formally object to rules. Such objection shifts the burden of proof to the agency to show that the rule is valid if the rule is challenged in court. [Minn. Stat. § 3.842](#), subd. 4a.

Delayed effect. The House and Senate standing committees with jurisdiction over the subject matter of a proposed rule may vote to delay the rule’s implementation until the legislature adjourns the annual legislative session that begins after the vote of the committees. [Minn. Stat. § 14.126](#).

Judicial Review

An agency rule may be challenged in court. The court must declare a rule invalid if it finds the rule:

- is unconstitutional;
- exceeds statutory authority; or
- was adopted without complying with statutory requirements.

[Minn. Stat. § 14.45](#).

Local government petitions to amend or repeal a rule

A city, county, or sanitary district may petition an agency to amend or repeal a rule. The petition must show that since the rule was adopted, there is significant new evidence relating to the need for or reasonableness of the rule, or a less costly or intrusive method of achieving the purpose of the rule.

If an agency does not take the action requested by a petition, an administrative law judge (ALJ) with the Court of Administrative Hearings holds a hearing on the continued need for and reasonableness of the rule. If the ALJ determines that the agency has not demonstrated the continued need for and reasonableness of the rule, the rule no longer has the force of law beginning 90 days after the ALJ's decision. However, an agency can amend the rule so this does not happen. [Minn. Stat. § 14.091](#).

Other petitions for changes in rules

Any person may petition an agency for adoption, amendment, or repeal of a rule. An agency receiving such a petition must respond within 60 days, giving reasons for its response. However, unlike a petition from a unit of local government, there is no hearing process or other remedy if the agency decides not to take the requested action. [Minn. Stat. § 14.09](#).

Petitions alleging improper enforcement of a policy

Any person may petition an ALJ, alleging that an agency is improperly enforcing a policy without going through rulemaking. If the ALJ determines that the agency is improperly enforcing a policy as if it were a duly adopted rule, the ALJ must direct the agency to cease this enforcement. However, when an agency enforces a law or rule by applying the law or rule to specific facts on a case-by-case basis, this does not constitute improper rulemaking. [Minn. Stat. § 14.381](#).

Temporary exemptions from rules

If an agency determines that the cost of complying with its proposed rule in the first year after the rule takes effect will exceed \$25,000 for a business or nonprofit with less than 50 full-time employees or for a city with less than ten full-time employees, the business, nonprofit, or city may file a statement with the agency claiming an exemption from the rule. Upon filing such a statement, the rule does not apply to that entity or city until the legislature approves the rule in a subsequent law. There are some exceptions. For example, a business, nonprofit, or city cannot claim an exemption from a rule that the agency adopted because of a federal mandate. [Minn. Stat. § 14.127](#).

For more information: See the House Research publications [Rulemaking: Process for Adopting Rules](#), August 2025, and [Rulemaking: Expedited Process and Exemptions](#), August 2025.



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