



## Office of the State Auditor

# Rule or Procedural Law Waiver Application Instructions

Pursuant to Minn. Stat. § 6.80, effective August 1, 2005, local government units may request the State Auditor to grant a waiver from one or more administrative rules or a temporary limited exemption from the enforcement of state procedural laws governing the delivery of services by local governments. This application form must be presented in writing by a local government unit requesting a waiver or exemption.

### Steps to applying for a waiver:

#1 – Complete the application by providing all the information requested. Where the application does not provide enough space to answer a question, please complete your answer on a separate sheet, identify by question number, and attach the sheet(s) to the application.

#2 – In addition to the application, the applicant must include a separate narrative document that is broken into the following sections:

- A. **Background** – Explain the rule(s) or procedural law(s) at issue. Include a description of the current service or program offered and how it is administered.
- B. **Proposal** – Describe how granting the proposed waiver or exemption would result in an improved service outcome. In addition, explain how the purpose of any rule or law that is waived will still be met in another manner.
- C. **Barriers** – Explain whether there is a true and unique impediment under current law to accomplishing the goal of the applicant. Explain why the desired improved service outcome cannot be accomplished under the established rules or laws. In addition, note if there would be any significant negative impact the waiver or exemption would cause on the state government, other local government units, businesses, or citizens.
- D. **Alternatives** – What other measures has the entity considered to achieve the desired results. Why were those measures unsuccessful or not implemented?

*Be as specific as possible* in showing that alternatives have been considered and why those alternatives cannot work under existing laws and rules.

#3 – The application must include a formal resolution by the governing board, or boards, requesting the waiver.

#4 – The application must include a proposed agreement between the State Auditor and the applicant providing for the delivery of the service or program that is the subject of this application. The agreement must specify desired outcomes, the reasons why the desired outcomes cannot be met under current laws or rules, and the means of measurement by which the State Auditor will determine whether the outcomes specified in the agreement have been met. The agreement must contain specific goals to be accomplished by applicant with applicable dates.

The agreement must specify the duration of the waiver or exemption. The duration of a waiver from an administrative rule may be for no less than two years and no more than four years, subject to renewal if both parties agree. An exemption from enforcement of a state procedural law terminates ten days after adjournment of the regular legislative session held during the calendar year following the year when the exemption is granted, unless the legislature has acted to extend or make permanent the exemption.

#5 – The application should include two (2) copies of all documents for the State Auditor, one (1) electronic copy, and one (1) copy of all documents for each agency to which the State Auditor will forward the application. Send all copies to:

Office of the State Auditor  
**Attn: Waiver Application**  
525 Park Street, Suite 500  
Saint Paul, MN 55103

**It is strongly recommended that you prepare this application in consultation with your legal advisor.**

The State Auditor will conduct a preliminary review of your application to make sure it is complete and in compliance with statutory requirements. The purpose of this review is to ensure the application makes a sound argument in support of a waiver or exemption so that it is not rejected by the State Auditor because of technical or procedural problems.

If any problems are identified you will be advised how to bring the application into compliance with statutory requirements. You may be asked to submit additional information in support of the application, or the application may be returned to you for revision. When your application is complete and meets all statutory requirements, it will be forwarded to the appropriate state agencies and reviewed by the State Auditor.

Within 15 days after receipt of the complete application, the State Auditor will transmit a copy of it to the commissioner of each agency having jurisdiction over a rule or law from which a waiver or exemption is sought. The State Auditor's Office will also post a copy of the application on its website at [www.auditor.state.mn.us](http://www.auditor.state.mn.us). If no agency has jurisdiction over the rule or law, the State Auditor will transmit a copy of the application to the Minnesota Attorney General. The agencies will have 60 days to comment on the proposal. During that 60 days, the State Auditor's Office will also accept comments from the public via its website.

After the 60-day comment period, the State Auditor may ask the applicant for additional information as the State Auditor deems necessary to make a fully informed decision.

If a state agency or exclusive representative of the affected employees objects to the waiver or exemption request, the State Auditor will set a date for an informal hearing on the application. At which time the applicant and the challenging agency will be allowed to present their case to the State Auditor.

**THE APPLICATION YOU SUBMIT IS A PUBLIC RECORD.** A copy will be posted on the State Auditor's website. In addition, all written comments that are considered by the State Auditor in approving or rejecting the application will also be posted on the website.

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