

## 23.7 REASONABLENESS

For a rule to be valid, it must be reasonable.<sup>1</sup> A rule is reasonable if rationally related to the end sought to be achieved by the act.<sup>2</sup> “The reasonableness of a rule is viewed toward the end sought to be achieved and not in light of its application to a particular party.”<sup>3</sup> In *Mammenga v. Department of Human Services*,<sup>4</sup> the supreme court explained when a rule is unreasonable on its face, “The rule itself is unreasonable (and therefore invalid) when it fails to comport with substantive due process because it is not rationally related to the objective sought to be achieved.”<sup>5</sup> The supreme court further stated:

The mere fact, however, that application of a rule may yield a harsh or undesirable result in a particular case does not make the rule invalid. To say a rule is “invalid as applied” means that the rule is invalid if, as employed, it is unreasonable in a due process sense, *i.e.*, that the rule is not rationally related to the legislative ends sought to be achieved.<sup>6</sup>

The court held in *Mammenga* that the department’s rule requiring attendance at school for six hours a week had a rational basis and therefore was valid.<sup>7</sup>

In *Good Neighbor Care Centers, Inc. v. Department of Human Services*,<sup>8</sup> the court stated that the “reasonableness of a promulgated rule is tested against the purpose of the statute it implements” and had the department actually promulgated its interpretation, the rule would be reasonable in light of the statutory purpose.<sup>9</sup>

<sup>1</sup> *Juster Bros. v. Christgau*, 214 Minn. 108, 118, 7 N.W.2d 501, 507 (1943); *see also* § 22.2 of this text (discussing *reasonableness*).

<sup>2</sup> *Jacka v. Coca-Cola Bottling Co.*, 580 N.W.2d 27, 35 (Minn. 1998) (finding rules governing the extent of chiropractic treatment for lower back pain covered by workers’ compensation were rationally related to the goal of regulatory health care in that they provide a yardstick to measure treatment); *Vang v. Comm’r of Pub. Safety*, 432 N.W.2d 203, 207-08 (Minn. Ct. App. 1988) (holding rule canceling certain driver’s licenses reasonable and rationally related to the end of removing inebriated drivers from the highways: “A rule is reasonable if it is rationally related to the end sought to be achieved.”); *Christian Nursing Ctr. v. Dep’t of Human Servs.*, 419 N.W.2d 86, 91 (Minn. Ct. App. 1988) (stating the test is whether rule bears rational relation to accomplishing a legitimate public purpose or to achieving the end sought by the act; holding department rule disallowing reimbursement for interest costs rationally related to the ends sought by the statute); *Norman v. Comm’r of Pub. Safety*, 404 N.W.2d 315, 318 (Minn. Ct. App. 1987) (finding rule providing supervised and graduated penalties has reasonable relation to purpose of the implied consent law); *Blocher Outdoor Adver. Co. v. Minn. Dep’t of Transp.*, 347 N.W.2d 88, 91 (Minn. Ct. App. 1984).

<sup>3</sup> *Broen Mem’l Home v. Minn. Dep’t of Human Servs.*, 364 N.W.2d 436, 440 (Minn. Ct. App. 1985).

<sup>4</sup> 442 N.W.2d 786 (Minn. 1989).

<sup>5</sup> *Id.* at 789.

<sup>6</sup> *Id.* at 789-90 (citations omitted).

<sup>7</sup> *Id.* at 790; *see also* *Minn. League of Credit Unions v. Minn. Dep’t of Commerce*, 486 N.W.2d 399, 406 (Minn. 1992).

<sup>8</sup> 428 N.W.2d 397, 404 (Minn. Ct. App. 1988).

<sup>9</sup> *Id.*; *see* *Boedingheimer v. Lake Country Transp.*, 485 N.W.2d 917, 922 (Minn. 1992) (concluding Department of Labor and Industry provided a reasonable basis for excluding hospital services from the maximum fee schedule); *see also* § 24.10 of this text (discussing application of *reasonableness* standard in a pre-enforcement action brought before the court of appeals).

