

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 769

(SENATE AUTHORS: NEWMAN and Kiffmeyer)

DATE	D-PG	OFFICIAL STATUS
02/09/2017	548	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
03/07/2017	1146	Chief author stricken, shown as co-author Kiffmeyer
		Chief author added Newman

1.1 A bill for an act

1.2 relating to state government; requiring legislative approval for adoption of rules;

1.3 amending Minnesota Statutes 2016, sections 14.18, subdivision 1; 14.27; 14.389,

1.4 subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 14.18, subdivision 1, is amended to read:

1.7 Subdivision 1. **Generally.** Unless a later date is required by section 14.126 or other law

1.8 or is specified in the rule, a rule is effective after:

1.9 (1) it has been subjected to all requirements described in sections 14.131 to 14.20 and

1.10 five working days after;

1.11 (2) the notice of adoption is published in the State Register unless a later date is required

1.12 by section 14.126 or other law or specified in the rule; and

1.13 (3) it has been approved by a law enacted after publication of the notice of adoption.

1.14 If the rule adopted is the same as the proposed rule, publication may be made by

1.15 publishing notice in the State Register that the rule has been adopted as proposed and by

1.16 citing the prior publication. If the rule adopted differs from the proposed rule, the portions

1.17 of the adopted rule that differ from the proposed rule must be included in the notice of

1.18 adoption together with a citation to the prior State Register publication of the remainder of

1.19 the proposed rule. The nature of the modifications must be clear to a reasonable person

1.20 when the notice of adoption is considered together with the State Register publication of

1.21 the proposed rule, except that modifications may also be made that comply with the form

1.22 requirements of section 14.07, subdivision 7.

2.1 If the agency omitted from the notice of proposed rule adoption the text of the proposed
2.2 rule, as permitted by section 14.14, subdivision 1a, paragraph (b), the chief administrative
2.3 law judge may provide that the notice of the adopted rule need not include the text of any
2.4 changes from the proposed rule. However, the notice of adoption must state in detail the
2.5 substance of the changes made from the proposed rule, and must state that a free copy of
2.6 the portion of the adopted rule that was the subject of the rulemaking proceeding, not
2.7 including any material adopted by reference as permitted by section 14.07, is available upon
2.8 request to the agency.

2.9 Sec. 2. Minnesota Statutes 2016, section 14.27, is amended to read:

2.10 **14.27 PUBLICATION OF ADOPTED RULE; EFFECTIVE DATE.**

2.11 The rule is effective ~~upon~~ after publication of the notice of adoption in the State Register
2.12 and after approval by law in the same manner as provided for adopted rules in section 14.18.

2.13 Sec. 3. Minnesota Statutes 2016, section 14.389, subdivision 3, is amended to read:

2.14 Subd. 3. **Adoption.** The agency may modify a proposed rule if the modifications do not
2.15 result in a substantially different rule, as defined in section 14.05, subdivision 2, paragraphs
2.16 (b) and (c). If the final rule is identical to the rule originally published in the State Register,
2.17 the agency must publish a notice of adoption in the State Register. If the final rule is different
2.18 from the rule originally published in the State Register, the agency must publish a copy of
2.19 the changes in the State Register. The agency must also file a copy of the rule with the
2.20 governor. The rule is effective ~~upon publication in the State Register~~ if it has been approved
2.21 by a law enacted after publication of the notice of adoption.

2.22 Sec. 4. **EFFECTIVE DATE; APPLICATION.**

2.23 This act is effective the day following final enactment and applies to rules for which a
2.24 notice of adoption is published on or after that date.