

# MINNESOTA STATUTES 1981 SUPPLEMENT

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MINNESOTA STATUTES; PUBLICATION 648.39

## CHAPTER 648

### MINNESOTA STATUTES; PUBLICATION

648.31	Statute publication.	648.45	Repealed.
648.39	Minnesota Statutes and session laws; sale and distribution.	648.46	Repealed.
		648.50	Compilation and drafting of administrative rules.

#### 648.31 STATUTE PUBLICATION.

*[For text of subds 1 to 5, see M.S.1980]*

Subd. 6. **Agency rules.** The revisor may integrate agency rules into the Minnesota Statutes, or publish the rules as an adjunct to the Minnesota Statutes, or coordinate publication of the rules with the Minnesota Statutes.

**History:** 1981 c 253 s 36

#### 648.39 MINNESOTA STATUTES AND SESSION LAWS; SALE AND DISTRIBUTION.

Subdivision 1. **Free distribution.** The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

- (a) 30 copies to the supreme court;
- (b) 1 copy to each judge of a district court;
- (c) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;
- (d) 100 copies to the state law library;
- (e) 100 copies to the law school of the University of Minnesota;
- (f) 100 copies to the office of the attorney general;
- (g) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;
- (h) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;
- (i) 1 copy to each member of the legislature;
- (j) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;
- (k) 4 copies to the secretary of the senate;
- (l) 4 copies to the chief clerk of the house of representatives;
- (m) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;

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(n) 20 copies each to the department of administration, state auditor, and legislative auditor;

(o) 1 copy to each county library maintained pursuant to section 134.12 or 375.33, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy shall be provided to any public library in the county; and

(p) 50 copies to the revisor of statutes.

Subd. 2. **County officers.** Each county shall purchase from the revisor of statutes one copy each for the use of the judge of probate, county attorney, sheriff, auditor, treasurer, county recorder, and superintendent of schools.

Subd. 3. **City and town officers.** Each city and town shall purchase from the revisor of statutes, for the use of each justice of the peace, judge of the municipal court, clerk of the municipal court, and clerk of the city or town, as the case may be, the number of copies the city or town determines is needed.

Subd. 4. **State departments.** A department, agency, board, commission, or other instrumentality of the state listed in this section may purchase from the revisor of statutes any additional copies which may be required.

Subd. 5. **Sale price.** The sale price for each edition of Minnesota Statutes is the actual cost of composition, printing, binding, and distribution of all books ordered, but not less than \$75. The sale prices of each edition of the Laws of Minnesota and supplement to the Minnesota Statutes are not less than the actual cost of composition, printing, binding and distribution of all books ordered, but not less than \$25. The revisor of statutes shall fix the sale prices of paper back editions of each of the publications or pamphlets published pursuant to section 648.43. Receipts from the sale of the Minnesota Statutes, supplement to the Minnesota Statutes, Laws of Minnesota, and any pamphlets shall be deposited in the general fund.

**History:** 1981 c 356 s 370

**648.45** [Repealed, 1981 c 356 s 377]

**648.46** [Repealed, 1981 c 356 s 377]

## **648.50 COMPILATION AND DRAFTING OF ADMINISTRATIVE RULES.**

Subdivision 1. The revisor of statutes shall:

(1) formulate a plan for the compilation of all permanent agency rules and, to the extent practicable, temporary agency rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 15.0413, subdivision 3 which were in effect at the time the rules were filed or 3b, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annotations, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;

(2) publish the compilation of permanent agency rules and, if practicable, temporary rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 15.0413, subdivision 3 which were in effect at the time the rules were filed or 3b, which shall be called "Minnesota Rules";

(3) periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;

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(4) include in Minnesota Rules a consolidated list of publications incorporated by reference into the rules indicating where the publications are available for use or purchase by the public;

(5) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with the objective or other instructions which the agency shall give the revisor;

(6) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply; and

(7) copyright any compilations and or supplements in the name of the state of Minnesota.

Subd. 1a. The revisor of statutes shall periodically prepare style and form revisions of rules to clarify, modernize, or simplify the text without material change to the rules' substance or effect. Before beginning any revision, the revisor shall consult the agency whose rules will be subject to the revision. After the revision is prepared, the revisor shall present it to the agency and receive its consent to proceed to seek adoption of the revision. Upon receiving consent, the revisor shall seek adoption of the rules in accordance with section 15.0412. However, the need and reasonableness statement and any hearing shall be restricted to the issue of whether any material change in the substance and effect of the rule is proposed by the revisor. The revisor shall mail notice of any hearing to the persons registered with the agency whose rules are the subject of the revision. The revisor shall pay all costs to publish notices in the state register and to replenish the agency's stock of rules which exist at the time the revisor adopts the revised rules.

Subd. 1b. The revisor of statutes shall not:

(1) alter the sense, meaning, or effect of any rule in the course of compiling or publishing it;

(2) aid an agency in the preparation of any statement concerning the need for or reasonableness of a rule except as provided by subdivision 1a;

(3) act as legal counsel for an agency before a hearing examiner except as provided by subdivision 1a.

Subd. 1c. In order to ensure that the complete text of rules is included in the first compilation published pursuant to subdivision 1, clause (b), and containing the revisor's certificate, the revisor may use the Minnesota Code of Agency Rules, the State Register, the rule files of the secretary of state, the files of individual agencies, the records of the hearing examiner's office, and the records of the attorney general. The revisor is not required to compare the text of a rule as shown by the other possible source documents with the text of the rule in the secretary of state's file.

If any comparison of documents shows there is a material discrepancy in the text of the rule, the revisor shall include in Minnesota Rules the text in the secretary of state's files unless the discrepancy between the secretary of state's files and any of the other documents is the result of an obvious unintentional omission or clerical error. The text published by the revisor shall correct those omissions and errors. The revisor shall add an appropriate footnote describing the apparent discrepancy in text. Before publication of Minnesota Rules, the revisor shall also notify the agency whose rules are affected, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules about the omission or error.

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If any comparison of documents shows that a rule has been filed with the secretary of state but apparently has not been published in the state register as required by law the revisor may, unless the attorney general objects, include the rule in Minnesota Rules or omit the rule if the rule was a repeal but shall add an appropriate footnote describing the apparent fault. Before publication of Minnesota Rules, the revisor shall notify the agency whose rules are affected, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules about the apparent lack of publication.

If a comparison of documents shows that a rule as adopted in the state register has apparently not been filed with the secretary of state, the revisor may not publish the rule in Minnesota Rules unless the attorney general approves the publication. Before publication of Minnesota Rules the revisor shall notify the agency affected, the attorney general, the chief hearing examiner and the legislative commission to review administrative rules of the apparent lack of filing of the rule. If the revisor publishes the rule, the revisor shall add an appropriate footnote describing the apparent lack of filing.

The text of the rules in the first compilation published by the revisor is prima facie evidence of the text of the rules as against any previous documents. However, the previous documents may be used to construe the text of a rule. Except as provided in subdivision 4b, the compilation shall not be construed as repealing any unpublished rule. The rules published in the compilation shall be construed as continuations of prior rules and not as new rules.

Subd. 2. The revisor of statutes shall file with the secretary of state one copy of each compilation or supplement which is published. The first compilation shall contain the revisor's certificate that the rules contained in it have been incorporated into the compilation in the manner required by law and that the incorporation is correct. Each copy thereafter shall contain the revisor's certificate that the rules added to the compilation or supplement have been compared to the original rules filed with the secretary of state and are correctly incorporated into the compilation.

Subd. 3. Any subsequent compilation or supplement published by the revisor and containing his certificate is prima facie evidence of the administrative rules in all courts and proceedings. Except as provided in subdivision 4b, a compilation or supplement shall not be construed as repealing an unpublished rule. If there is any material inconsistency through omission or otherwise between the first compilation, a subsequent compilation or supplement, the state register, and a rule filed with the secretary of state, and the omission or change was not due to the provisions of subdivision 4a or 4b or the correction of an obvious error or unintentional omission as required by subdivision 1c, the rule filed with the secretary shall prevail.

Subd. 4. (a) In preparing a compilation or supplement, the revisor may renumber rules, paragraphs, clauses or other parts of a rule; combine or divide rules, paragraphs, clauses or other parts of a rule; rearrange the order of rules, paragraphs, clauses, or other parts of a rule; move paragraphs, clauses, or other parts of a rule to another rule; remove redundant language; make minor punctuation and grammatical changes to facilitate the renumbering, combining, dividing, and rearranging of rules or parts of rules; change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule; substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule", "the preceding rule" and the like; substitute numbers for written words and written words for numbers; substitute the term "rule" for the term

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“regulation” when “regulation” refers to a Minnesota rule; substitute the date on which the rule becomes effective for the words “the effective date of this rule”, and the like; change capitalization, punctuation, and forms of citation for the purpose of uniformity; correct manifest clerical or typographical errors; correct all misspelled words; and correct manifest grammatical and punctuation errors.

(b) The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules. “Headnote” means any text functioning as catch words to the substance of text and not itself communicating the substantive content of the rule.

Subd. 4a. For purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any extraneous descriptive or informative text which is not an operative portion of the rule. The revisor may also omit effective date provisions, statements that a rule is repealed, prefaces, appendices, guidelines, organizational descriptions, explanations of federal or state law, and similar material. The revisor shall consult with the agency, the attorney general, the legislative commission to review administrative rules, and with the chief hearing examiner before omitting any text from publication.

Subd. 4b. For the purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any rules that, by their own terms, are no longer effective or have been repealed directly by the agency, repealed by the legislature, or declared unconstitutional or otherwise void by a court of last resort. The revisor shall not remove a rule which is suspended and not fully repealed, but shall, if practicable, note the fact of suspension in Minnesota Rules. The revisor shall consult the agency involved, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules before omitting a rule from publication.

*[For text of subd 5, see M.S.1980]*

Subd. 6. In determining the drafting form of rules the revisor shall:

- (a) minimize duplication of statutory language;
- (b) not permit incorporations into the rules by reference of publications which are not conveniently available to the public;
- (c) to the extent practicable, use plain language in rules and avoid technical language; and
- (d) amend rules by showing the text of the rule, paragraph, clause, or other part of a rule being amended as necessary to provide adequate notice of the nature of the proposed amendment, as it is shown in the latest compilation or supplement, or, if not yet published in a compilation or supplement, then as the text is shown in the state register, with changes shown by striking and underlining words.

*[For text of subd 7, see M.S.1980]*

**History:** 1981 c 253 s 37-46