

Revenue Code of 1954, as amended, applies to the revenue bonds or other obligations.

Sec. 2. EFFECTIVE DATE.

This act is effective upon compliance with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3, by the city council of the city of Minneapolis.

Approved May 22, 1981

CHAPTER 253—S.F.No. 1043

An act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the Legislative Commission to Review Administrative Rules; clarifying when a rule suspended by the Legislative Commission to Review Administrative Rules becomes effective; allowing an agency to enact a rule repealed by the legislature and the Legislative Commission to Review Administrative Rules to suspend it again; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 15.0412, Subdivision 4a; 174.06, Subdivision 6; and 245.04 to 245.07.

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

Section 1. Minnesota Statutes 1980, Section 3.965, Subdivision 2, is amended to read:

Subd. 2. **REVIEW OF RULES BY COMMISSION.** The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them. The jurisdiction of the commission ~~shall include~~ includes all rules as defined in section 15.0411, subdivision 3 ~~and all rules promulgated by the department of military affairs.~~ The commission also has jurisdiction of rules which are filed with the secretary of state in

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accordance with section 15.0413, subdivisions 3 and 3b or were filed with the secretary of state in accordance with the provisions of section 15.0413, subdivision 3, which were in effect on the date the rules were filed. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention ~~and~~. It may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of subdivision 4 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is ~~defeated, or fails of enactment not enacted~~ in that year's session, the rule ~~shall stand and is effective upon adjournment of the session unless the agency has repealed it.~~ The commission may not suspend it again. If the bill ~~becomes law is enacted~~, the rule is repealed and ~~shall not be enacted again unless a law specifically authorizes the adoption of that rule.~~ The commission shall make a biennial report to the legislature and governor of its activities and include ~~therein~~ its recommendations to promote adequate and proper rules and public understanding of the rules.

Sec. 2. [15.039] EFFECT OF TRANSFER OF POWERS AMONG AGENCIES.

Subdivision 1. APPLICATION OF SECTION. The provisions of this section apply whenever the responsibilities of an agency are transferred by law to another agency unless the act directing the transfer provides otherwise. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on an agency. The term "new agency" means the agency to which responsibilities have been transferred from another agency.

Subd. 2. IN GENERAL. The new agency is a continuation of the former agency as to those matters within the jurisdiction of the former agency which are transferred to the new agency. Following a transfer the new agency shall carry out the assigned responsibilities as though the responsibilities of the former agency had not been transferred. No transfer constitutes a new authority for the purpose of succession to all responsibilities of the former agency as constituted at the time of the transfer.

Subd. 3. RULES. All rules adopted pursuant to responsibilities which are transferred to another agency remain effective and shall be enforced by the new agency. Any rulemaking authority which existed to implement the responsibilities which are transferred is transferred to the new agency.

Subd. 4. COURT ACTIONS. Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of a transfer of responsibilities may be conducted by the new agency in the same manner as though it were conducted by the former agency prior to the transfer.

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Subd. 5. CONTRACTS; RECORDS. The agency whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new agency. The new agency shall accept the material presented.

Subd. 6. UNEXPENDED FUNDS. All unexpended funds originally appropriated to an agency for the purposes of any responsibilities which are transferred to another agency are reappropriated under the same conditions as the original appropriation to the new agency effective on the date of the transfer of responsibilities. If the responsibilities are transferred to more than one agency, the commissioner of finance shall allocate any unexpended appropriation to the agencies affected.

Subd. 7. PERSONNEL. The positions associated with the responsibilities being transferred are abolished in the agency whose responsibilities are transferred. The approved staff complement for that agency is decreased accordingly. The employees who fill the abolished positions are employees of the agency receiving the new responsibilities. The approved staff complement for that agency is increased accordingly. Personnel changes are effective on the date of transfer of responsibilities.

Sec. 3. Minnesota Statutes 1980, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a judicial branch court and the tax court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board.

The administrative procedure act in sections 15.0411 to 15.052 ~~do~~ does not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in sections 12.31 to 12.37, ~~or~~ (c) the department of military affairs, (d) the comprehensive health association provided in section 62E.10, (e) the tax court provided by section 271.06, or (f) the regents of the University of Minnesota.

The contested case procedures of the administrative procedure act provided in sections 15.0418 to 15.0426 do not apply to (a) the Minnesota municipal board, (b) the corrections board, (c) the unemployment insurance program in the department of economic security, (d) the director of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) the workers' compensation court of appeals, (g) the board of pardons, or (h) the public employment relations board.

Sec. 4. Minnesota Statutes 1980, Section 15.0411, Subdivision 3, is amended to read:

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Subd. 3. "Rule" ~~includes~~ means every agency statement of general applicability and future effect, including ~~the amendment, suspension, or repeal thereof~~ amendments, suspensions, and repeals of rules, made adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; ~~or~~ (b) rules of the commissioner of corrections relating to the internal management of institutions under ~~his~~ the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; ~~or~~ (c) rules of the division of game and fish published in accordance with section 97.53; ~~or~~ (d) rules relating to weight limitations on the use of highways when the substance of ~~such~~ the rules is indicated to the public by means of signs; ~~or~~ (e) opinions of the attorney general; (f) the systems architecture plan and long range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; (i) special terms and conditions for an interim certificate of confirmation of the Minnesota cable communications board provided in section 238.09; (j) occupational safety and health standards provided in section 182.655; or (k) rules of the commissioner of public safety adopted pursuant to section 169.128.

Sec. 5. Minnesota Statutes 1980, Section 15.0412, Subdivision 1, is amended to read:

Subdivision 1. Each agency shall adopt, amend, suspend, or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.052, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. If a law authorizing rules is repealed, the rules adopted pursuant to that law are automatically repealed on the effective date of the law's repeal unless there is another law authorizing the rules. Except as provided in subdivision 3, sections 15.0411 to 15.052 shall not be authority for an agency to adopt, amend, suspend, or repeal rules.

No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless either the hearing examiner, for rules adopted pursuant to subdivisions 4 to 4g, or the attorney general, for rules adopted pursuant to subdivision 4h or 5, determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. When presented with a rule for ~~endorsement~~ certification pursuant to subdivision 2a, the revisor of statutes should indicate in the ~~endorsement~~ certification that the rule duplicates statutory language.

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An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules.

An agency may withdraw a proposed rule any time prior to filing it with the secretary of state. It shall publish notice that the proposed rule has been withdrawn in the state register. If a rule is withdrawn, the agency may again propose it for adoption, either in the original or modified form, but the agency shall comply with all procedures of this section.

Sec. 6. Minnesota Statutes 1980, Section 15.0412, Subdivision 1a, is amended to read:

Subd. 1a. Unless otherwise provided by law, an agency may grant a variance to a rule. Before an agency grants a variance, it shall ~~have promulgated~~ adopt rules setting forth procedures and standards by which variances shall be granted and denied. An agency receiving a request for a variance shall set forth in writing its reasons for granting or denying the variance. This subdivision shall not constitute authority for an agency to grant variances to statutory standards.

Sec. 7. Minnesota Statutes 1980, Section 15.0412, Subdivision 2a, is amended to read:

Subd. 2a. No procedure to adopt a rule, temporary rule, or emergency rule, shall be initiated by any agency until the agency presents it to the revisor of statutes and the revisor ~~endorses on the rule~~ certifies that its form is approved. The revisor may assist in drafting rules as provided by section 648.50.

An agency may incorporate by reference into its rules the text from Minnesota Statutes, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal Register, and other publications which are determined by the revisor of statutes, after consultation with the chief hearing examiner, to be conveniently available to the public. When presented with a rule for certification pursuant to this subdivision, the revisor of statutes should indicate in the certification that the rule incorporates text from other publications. If the revisor certifies that the form of a rule is approved, that approval constitutes the revisor's finding that the text of a publication other than those listed by name in this subdivision, and which are incorporated by reference into the rules, are conveniently available to the public.

Sec. 8. Minnesota Statutes 1980, Section 15.0412, Subdivision 4, is amended to read:

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Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate. Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to hold a hearing adopt rules by United States mail to all persons on its list, and by publication in the state register. Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention to hold a hearing in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the full text of the proposed rule proposed for adoption and, when amending existing rules, whatever portion of the existing rules is necessary to provide adequate notice of the nature of the proposed action or an amended rule in the form provided in section 648.50, subdivision 6, together with a statement of the place, date, and time of the public hearing and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the exact citation to the rule to be repealed in the notice.

Sec. 9. Minnesota Statutes 1980, Section 15.0412, Subdivision 4c, is amended to read:

Subd. 4c. At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the proposed rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule. The agency may, in addition to its affirmative presentation, rely upon facts presented by others on the record during the rule proceeding to support the rule finally adopted.

Sec. 10. Minnesota Statutes 1980, Section 15.0412, Subdivision 4d, is amended to read:

Subd. 4d. (a) After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall proceed to write a report as provided for in section 15.052, subdivision 3.

(b) If the report contains a finding that the proposed a rule is has been modified in a way which makes it substantially different from that which was originally proposed at the public hearing, or that the agency has not met the requirements of subdivisions 4 to 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he the chief hearing examiner shall advise the agency of

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actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected.

(c) If the chief hearing examiner determines that the need for ~~and~~ or reasonableness of the rule has not been established pursuant to subdivision ~~4~~ 4c, and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not ~~proceed to adopt~~ the rule until it has received and considered the advice of the commission; ~~provided, that,~~ However, the agency is not required to delay adoption longer than 30 days after the commission's receipt of commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

(d) The report shall be completed within 30 days after the close of the hearing record unless the chief hearing examiner, upon written request of the agency or the hearing examiner, orders an extension. ~~In no case shall~~ An extension shall not be granted if the chief hearing examiner determines that an extension would prohibit a rule from being adopted or becoming effective until after a date for adoption or effectiveness as required by statute. The report shall be available to all affected persons upon request for at least five working days before the agency takes any ~~final~~ further action on the rule.

Sec. 11. Minnesota Statutes 1980, Section 15.0412, Subdivision 4e, is amended to read:

Subd. 4e. If, after completion of the hearing examiner's report, the agency adopts the rule as recommended by the hearing examiner, ~~it the rule~~ shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to its legality and review its form to the extent the form relates to legality. If the agency ~~makes changes in~~ modifies the rule in a manner other than ~~those that~~ that recommended by the hearing examiner, it shall submit the rule as originally proposed and as modified with the complete hearing record to the chief hearing examiner for a review of the ~~changes~~ modifications prior to adopting ~~it the modified rule~~ and submitting it to the attorney general for review. If the chief hearing examiner determines that the ~~proposed final modified rule of the agency~~ is substantially different from that which was originally proposed at the public hearing, ~~he the chief hearing examiner~~ shall advise the agency of actions which will correct the defects; ~~and,~~ The agency shall not adopt the modified rule until the chief hearing examiner determines that the defects have been corrected. If the agency, the chief hearing examiner, or the attorney general requests, the hearing examiner shall cause a transcript to be prepared of the hearing. The agency shall give notice to all persons who requested to be informed that the hearing record has been

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submitted to the attorney general. This notice shall be given on the same day that the record is submitted. The attorney general shall, within 20 days, either approve or disapprove the rule. If he approves the rule is approved, he the attorney general shall promptly file two copies of it in the office of the secretary of state. If he disapproves the rule is disapproved, he the attorney general shall state in writing his the reasons therefor, and the and return the rule to the agency. The rule shall not neither be filed in the office of the secretary, nor published. Upon receiving a rule disapproved as illegal, the agency shall either withdraw the rule under subdivision 1 or modify the rule to cure the illegality. If the rule is modified, it shall be submitted to the chief hearing examiner who shall determine if the modified rule is substantially different from the rule as originally proposed. The agency shall not resubmit the rule to the attorney general until the chief hearing examiner determines that the rule is not substantially different from the rule as originally proposed. The secretary of state shall forward one copy of each rule filed to the revisor of statutes.

Sec. 12. Minnesota Statutes 1980, Section 15.0412, Subdivision 4f, is amended to read:

Subd. 4f. A rule ~~shall become~~ is effective after it has been subjected to all requirements described in subdivisions 4 to 4g and five working days after publication the notice of adoption is published in the state register; as herein ~~after provided~~, unless a later date is required by statutes law or specified in the rule. If the rule as adopted ~~does not differ from the proposed rule as published in the state register is the same as the proposed rule~~, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by publishing a citation to citing the prior publication. If the rule as adopted differs from the proposed rule, the text of that portion of the adopted rule or subdivisions thereof which differ differs from the proposed rule shall be published included in the notice of adoption together with a citation to the prior state register publication of the remainder of the proposed rule.

Sec. 13. Minnesota Statutes 1980, Section 15.0412, Subdivision 4g, is amended to read:

Subd. 4g. No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has ~~endorsed on the rule~~ certified that it the rule's form is approved as to form.

Sec. 14. Minnesota Statutes 1980, Section 15.0412, Subdivision 4h, is amended to read:

Subd. 4h. When an agency determines that its proposed adoption, amendment, suspension or repeal of a rule will be noncontroversial in nature, it may utilize the provisions ~~herein in lieu of of this subdivision rather than~~ the provisions of subdivisions 4 to 4g.

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The agency shall ~~publish a~~ give notice of its ~~intent~~ intention to adopt the a rule without public hearing, ~~together with the proposed rule.~~ The notice shall be given by publication in the state register, and shall give the same notice by United States mail to persons who have registered their names with the agency pursuant to subdivision 4. The notice in the state register shall include the proposed rule or the amended rule in the form provided in section 648.50, subdivision 6. When an entire rule is proposed to be repealed, the agency notice need only publish state that fact, giving the ~~exact~~ citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment on the proposed rule;

(2) that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30 day comment period;

(3) of the manner in which persons shall request a hearing on rules proposed pursuant to this subdivision; and

(4) that the rule may be modified if modifications are supported by the data and views submitted.

Before the date of the notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. For at least 30 days following the notice, the agency shall afford all interested persons an opportunity to object to the lack of a hearing and to submit data and views on the proposed rule in writing.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

If, during the 30 day period allowed for comment, seven or more persons submit to the agency a written request for a hearing of the proposed rule, the agency shall proceed under the provisions of subdivisions 4 to 4g. In the event that if a hearing is required, a citation notice of the hearing shall be published in the state register to the publication of the proposed rule may be substituted for republication. Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the state register pages where the text appears.

If no hearing is required, the agency shall submit to the attorney general the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the attorney general. This notice shall be given on the same day that the record is submitted.

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The attorney general shall approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the issue of substantial change, within 14 days. If ~~he approves~~ the rule is approved, ~~he~~ the attorney general shall promptly file two copies of it in the office of the secretary of state. If ~~he disapproves~~ the rule is disapproved, ~~he~~ the attorney general shall state in writing ~~his~~ the reasons ~~therefor~~, and the rule shall not be filed in the office of the secretary of state, nor published.

The rule ~~shall become~~ is effective upon publication of the notice of adoption in the state register in the same manner as provided for adopted rules in subdivision 4f. The secretary of state shall forward one copy of each rule to the revisor of statutes.

No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has ~~endorsed on the rule~~ certified that it the rule is approved as to form.

Sec. 15. Minnesota Statutes 1980, Section 15.0412, Subdivision 5, is amended to read:

Subd. 5. When an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivisions 4 to 4h, or if an agency is expressly required or authorized by statute to adopt temporary rules, the agency shall adopt temporary rules in accordance with this subdivision. The proposed temporary rule shall be published with a notice of intent to adopt temporary rules in the state register. For at least 20 days after publication the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any ~~proposed~~ modifications. The attorney general shall review the proposed temporary rule as to its legality and, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed temporary rule and any ~~proposed~~ modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. The attorney general shall file two copies of the approved rule with the secretary of state. Failure of the attorney general to approve or disapprove a rule within five working days ~~shall be deemed~~ is approval. As soon as practicable, notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the manner as provided for adopted rules in subdivision ~~4~~ 4f. Temporary rules adopted under this subdivision shall be effective for the period stated in the notice of intent to adopt temporary rules which may not be longer than 90 180 days and may be reissued or continued in effect for an additional 90 days, but. The temporary rules may not immediately be reissued thereafter be adopted again without

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following the procedure of either subdivisions 4 to 4g or 4h. The secretary of state shall forward one copy of each approved and filed temporary rule to the revisor of statutes.

No approved temporary rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has ~~endorsed on the rule~~ certified that it the rule's form is approved as ~~to form~~.

Sec. 16. Minnesota Statutes 1980, Section 15.0412, Subdivision 7, is amended to read:

Subd. 7. If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, the ~~appropriate notice of the proposed rule as required by this section~~ agency's intent to adopt a rule shall be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated total cost exceeds \$100,000 in either of the two years. For purposes of this section, local public bodies shall mean officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes.

Sec. 17. Minnesota Statutes 1980, Section 15.0412, Subdivision 8, is amended to read:

Subd. 8. ~~Each~~ The agency shall, within six months after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish ~~notice of hearing or an~~ appropriate notice of intent to adopt a rule ~~without public hearing~~ in accordance with this section. If an agency has not given this notice, it shall report to the appropriate committees of the legislature and the governor its failure to do so, and the reasons for that failure.

Sec. 18. Minnesota Statutes 1980, Section 15.0412, Subdivision 9, is amended to read:

Subd. 9. The agency shall, within six months after issuance of the hearing examiner's report, ~~either withdraw the proposed rules or~~ publish its ~~adopted final action~~ notice of adoption, amendment, suspension, or repeal in the state register. If the agency has not ~~both~~ filed the rules with the secretary of state and published its ~~adopted final action~~ notice in the state register within six months, the rule is automatically withdrawn. ~~It~~ The agency shall not ~~proceed to adopt the subject withdrawn rules without rehearing the rules pursuant to all again following the procedures of this section, and.~~ It shall report to the appropriate committees of the legislature and to the governor its failure to adopt rules and the reasons for that failure.

Sec. 19. Minnesota Statutes 1980, Section 15.0412, Subdivision 10, is amended to read:

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Subd. 10. For the purpose of obtaining the revisor's certificate of approval of the form of a rule prior to filing the rule with the secretary of state, a copy of the rule shall be submitted by the agency to the revisor at the same time on the same day as it is submitted to the attorney general as required by subdivisions 4d, 4e, 4h, and 5. Within five days, the revisor shall either deliver the certificate and the rule to the attorney general or notify the attorney general and the agency of whether he or she will approve that the form of the rule when it is presented for his or her endorsement will not be approved. The revisor's certificate shall be attached to the rules filed with the secretary of state.

If the attorney general disapproves the rule, the revisor's certificate shall be returned to the revisor by the attorney general. If, after the attorney general disapproves the rule, the agency modifies it, after the chief hearing examiner's review the agency shall submit the modified rule to the revisor for approval as to form.

If the revisor refuses to approve the form of any rules, the revisor's notice to the agency and the attorney general shall indicate the reason for the refusal and specify the modifications necessary so the form of the rules will be approved.

Sec. 20. Minnesota Statutes 1980, Section 15.0413, is amended to read:

15.0413 EFFECT OF ADOPTION OF RULES; PUBLICATION; APPROPRIATION ADOPTION OF RULES OTHERWISE EXEMPT FROM PROCEDURES.

Subdivision 1. **FORCE OF LAW.** Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its publication notice of adoption is published in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Subd. 2. **AMENDMENTS; REPEALERS; SUSPENDED RULES.** Each rule hereafter amended, suspended, or repealed ~~shall become~~ is amended, suspended, or repealed five working days after the ~~new or amended rule or appropriate~~ notice of suspension or repeal is published in the state register unless a later date is required by ~~statute law~~ or specified in the rule.

Subd. 3. **EXEMPT AGENCIES AND RULES.** (a) Any rules adopted, amended, suspended, or repealed by any agency but excluded from the administrative procedure act by section 15.0411, subdivision 2, shall have the force and effect of law upon compliance with the procedures of paragraph (c) of this subdivision. However, this subdivision does not apply to:

(1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;

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- (2) rules of agencies directly in the legislative or judicial branches; or
- (3) rules of the regents of the University of Minnesota.

(b) Rules hereafter promulgated adopted, amended, suspended, or repealed by any state officer, board, commission, bureau, division, department, or tribunal other than a court, having statewide jurisdiction and authorized by law to make rules, agency but excluded from the definition of "agency" in section 15.0411 from the definition of "rule" in section 15.0411, subdivision 3, shall have the force and effect of law if they upon compliance with paragraph (c) of this subdivision.

However, this subdivision does not apply to:

(1) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or,

(2) opinions of the attorney general.

(c) The rules have the force and effect of law if:

(1) the revisor of statutes approves the form of the rules by certificate;

(2) two copies of the rules with the revisor's certificate are filed in the office of the secretary of state in the same manner as rules adopted pursuant to section 15.0412 are so filed and if they are submitted to the commissioner of administration in a manner he shall prescribe; and,

(3) a copy is published in the state register.

(d) The rules become effective five working days after publication in the state register. The secretary of state shall forward one copy of each rule to the revisor of statutes. Rules filed in accordance with this subdivision, as it is in effect on the date the rules are filed, shall be included in Minnesota Rules.

(e) This subdivision, however, shall not apply to rules of the regents of the University of Minnesota. Any law exempting an agency or rule from sections 15.0411 to 15.052 shall not be construed as preventing an agency from complying with this subdivision, unless the law specifically provides to the contrary.

Subd. 3a. PREVIOUSLY FILED RULES; PREVIOUSLY EXEMPT AGENCIES. Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, have the force and effect of law and shall be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if the rules were:

(1) adopted by an agency; and,

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(2) filed with the secretary of state before April 25, 1980.

Subd. 3b. UNFILED RULES; PREVIOUSLY EXEMPT AGENCIES. Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, shall have the force and effect of law and be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if:

(1) the rules were adopted by an agency;

(2) the rules were not filed with the secretary of state before April 25, 1980; and,

(3) a copy of the rules which were effective on April 25, 1980, but unfilled with the secretary of state are filed with both the secretary of state and the revisor of statutes before September 1, 1981.

Sec. 21. Minnesota Statutes 1980, Section 15.0415, is amended to read:

15.0415 PETITION FOR ADOPTION OF RULE.

Any interested person may petition an agency requesting the adoption, suspension, amendment or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receipt of such receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to section 15.0412. The attorney general shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 22. Minnesota Statutes 1980, Section 16.86, Subdivision 2, is amended to read:

Subd. 2. The commissioner shall not be required to publish or distribute those parts of the code which are adopted by reference; and publication within the meaning of the administrative procedures act shall nevertheless be deemed complete. The commissioner shall publish with the code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof pursuant to section 15.0412, subdivision 4a.

Sec. 23. Minnesota Statutes 1980, Section 62E.10, Subdivision 8, is amended to read:

Subd. 8. DEPARTMENT OF STATE EXEMPTION. The association shall be is exempt from the provisions of chapter 15 administrative procedure act but, to the extent authorized by law to adopt rules, the association may use the provisions of section 15.0413, subdivision 3.

Sec. 24. Minnesota Statutes 1980, Section 121.931, Subdivision 8, is amended to read:

Subd. 8. **RULES.** The state board shall adopt rules prescribing criteria for its decisions pursuant to subdivision 7. These rules shall include at least the criteria specified in section 121.937. The state board shall also adopt rules specifying the criteria and the process for determining which data and data elements are included in the data element dictionary and the annual data acquisition calendar developed pursuant to section 121.932, subdivisions 1 and 2. The state board shall adopt rules requiring regional management information centers to use cost accounting procedures which will account by district for resources consumed at the center for support of each ESV-IS subsystem and of any approved alternative financial management information systems. The adoption of the systems architecture plan and the long range plan pursuant to subdivisions 3 and 4 shall be exempt from ~~the rule-making procedures specified in chapter 15~~ the administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.

Sec. 25. Minnesota Statutes 1980, Section 121.932, Subdivision 3, is amended to read:

Subd. 3. **EXEMPTION FROM CHAPTER 15.** Except as provided in section 121.931, subdivision 8, the development of the data element dictionary pursuant to subdivision 1, and the annual data acquisition calendar pursuant to subdivision 2, shall be exempt from ~~the rule-making procedures specified in chapter 15~~ administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.

Sec. 26. Minnesota Statutes 1980, Section 169.128, is amended to read:

169.128 RULES OF THE COMMISSIONER OF PUBLIC SAFETY.

The commissioner of public safety may promulgate rules to carry out the provisions of sections 169.121 and 169.123. The rules may include forms for notice of intention to revoke, which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing; forms for revocation and notice of reinstatement of driving privileges as provided in section 169.1261; and forms for temporary licenses.

Rules promulgated pursuant to this section are exempt from the ~~administrative procedure required by sections 15.0411 to 15.052~~ act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 15.0413, subdivision 3.

Sec. 27. Minnesota Statutes 1980, Section 182.655, Subdivision 1, is amended to read:

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Subdivision 1. ~~Chapter 45 notwithstanding~~. Standards and variances shall be proposed, granted, adopted, modified or revoked by the commissioner in accordance with the procedures of this section. The standards and variances are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 15.0413, subdivision 3.

Sec. 28. Minnesota Statutes 1980, Section 238.09, Subdivision 9, is amended to read:

Subd. 9. Notwithstanding the provisions of subdivision 6, the board may issue an interim certificate of confirmation after its acceptance of an application in ~~such~~ a form and containing ~~such~~ the information and supporting documentation as the board ~~may require~~ requires, ~~such~~ the certificate to be valid for not more than five years, to an operating company having a franchise approved by the board to erect a community antenna and establish cable television service for any municipality having a population not greater than 15,000 according to the 1970 federal census; provided that the system shall be constructed and ready for operation by July 1, 1975, in full compliance with all applicable regulations of the federal communications commission and with any special terms or conditions set by the Minnesota board to apply in any individual situation; ~~not subject to chapter 45~~, to include stipulations regarding minimum channel capacity; extent of two-way capability; means for interconnection; and availability of facilities for public access cablecasting and for local program origination. The special terms and conditions are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.

Sec. 29. Minnesota Statutes 1980, Section 271.06, Subdivision 7, is amended to read:

Subd. 7. **RULES.** The rules of civil procedure for the district court of Minnesota shall govern the procedures in the tax court, where practicable. The rules of the tax court in effect on July 1, 1977 shall govern until superseded. The tax court may make additional rules when the law or special circumstances so require, provided that before any additional rule is adopted, the tax court first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold ~~such~~ a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the ~~secretary of state~~ court for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The tax court shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the tax court shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and

fulfilling any relevant substantive or procedural requirements imposed on the tax court by law. After the hearing ends, 20 days shall be allowed for written material to be submitted and recorded in the hearing record. If the tax court approves the rule, the tax court shall promptly ~~file~~ publish ~~it~~ a notice of adoption in the office of the secretary of state register. A rule ~~shall become~~ is effective 20 five working days after its publication the notice of adoption is published in the state register unless a later date is specified in the rule. Any rule adopted after July 1, 1977, which is not published in the state register, shall be of no effect. The tax court ~~shall be~~ is exempt from the provisions of chapter 15 administrative procedure act but, to the extent authorized by law to adopt rules, may use the provisions of section 15.0413, subdivision 3.

Sec. 30. Minnesota Statutes 1980, Section 299A.03, Subdivision 6, is amended to read:

Subd. 6. **PLANNING FUNCTIONS.** The crime control planning board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are herein collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions ~~shall not be adopted as rules pursuant to chapter 15, but are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.~~ The board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board ~~as provided in section 15.0412, subdivision 6.~~ To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Sec. 31. Minnesota Statutes 1980, Section 299F.19, Subdivision 6, is amended to read:

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Subd. 6. The code and all amendments thereto shall be ~~filed with the secretary of state and published in accordance with sections 15.046 to 15.049 adopted in accordance with the procedures of the administrative procedure act.~~

Sec. 32. Minnesota Statutes 1980, Section 360.015, Subdivision 4, is amended to read:

Subd. 4. **CONFORMITY WITH FEDERAL RULES.** All rules ~~and regulations prescribed~~ adopted by the commissioner under the authority of sections 360.011 to 360.076, shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Sec. 33. Minnesota Statutes 1980, Section 360.015, Subdivision 5, is amended to read:

Subd. 5. **FILING ADOPTION OF RULES.** ~~He shall keep on file with the secretary of the state, and at the principal office of the department, a copy of all his rules and regulations, for public inspection. Rules provided for under the authority of sections 360.011 to 360.076, shall be adopted in accordance with the procedures of the administrative procedure act.~~

Sec. 34. Minnesota Statutes 1980, Section 360.015, Subdivision 16, is amended to read:

Subd. 16. **EFFECTIVE DATE DISTRIBUTION OF RULES AND REGULATIONS.** Rules ~~and regulations made~~ adopted by the commissioner ~~shall become effective ten days after publications as hereinafter provided. Publication shall be made distributed as follows:~~

(a) ~~By filing copies thereof with the secretary of state and the commissioner of administration.~~

(b) ~~by mailing copies thereof to all owners and operators or managers of airports and to all air schools licensed or registered in the state; and,~~

(e) ~~(b)~~ by having a reasonable number of copies ~~thereof~~ available at the offices of the department, to be furnished to interested persons upon request.

Sec. 35. ~~[645.001]~~ **APPLICABILITY OF LAWS ON DEFINITIONS AND INTERPRETATION.**

The provisions of chapter 645, unless specifically provided to the contrary by law or rule, govern all rules becoming effective after June 30, 1981.

Sec. 36. Minnesota Statutes 1980, Section 648.31, Subdivision 6, is amended to read:

Subd. 6. **AGENCY RULES.** The revisor may integrate agency rules ~~adopted pursuant to Minnesota Statutes, Section 15.0412, Subdivisions 4, 4a to~~

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4h, and 5, 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.

Sec. 37. Minnesota Statutes 1980, Section 648.50, Subdivision 1, is amended to read:

Subdivision 1. The revisor of statutes shall:

(a) (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;

(b) (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" ~~for the year of the compilation's publication;~~

(c) (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;

(d) (4) ~~periodically prepare and submit to the appropriate agency those revisions of the rules, which will, if adopted by the agency, in accordance with section 15.0412, subdivisions 4a to 4g, clarify, modernize or simplify the text of the rule without substantive alteration~~ 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;

(e) (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;

(f) (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

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

Sec. 38. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

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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.

Sec. 39. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

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 section 38;

(3) act as legal counsel for an agency before a hearing examiner except as provided by section 38.

Sec. 40. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

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.

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 section 45, 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.

Sec. 41. Minnesota Statutes 1980, Section 648.50, Subdivision 2, is amended to read:

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 ~~contained in~~ 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.

Sec. 42. Minnesota Statutes 1980, Section 648.50, Subdivision 3, is amended to read:

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. A Except as provided in section 45, a compilation or supplement shall not be construed as repealing an unpublished

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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 section 44 or 45 or the correction of an obvious error or unintentional omission as required by section 40, the rule filed with the secretary shall prevail.

Sec. 43. Minnesota Statutes 1980, Section 648.50, Subdivision 4, is amended to read:

Subd. 4. (a) In preparing a compilation or supplement, the revisor ~~shall not alter the sense, meaning or effect of any rule, but~~ 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 "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 it is 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.

Sec. 44. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

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.

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Sec. 45. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

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.

Sec. 46. Minnesota Statutes 1980, Section 648.50, Subdivision 6, is amended to read:

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.

Sec. 47. INSTRUCTION TO REVISOR.

The second and third paragraphs of Minnesota Statutes 1980, Section 15.0411, Subdivision 2, as shown in section 3, shall be recodified by the revisor of statutes as a separate section after section 15.041, in Minnesota Statutes 1982 and subsequent editions of the statutes. The revisor shall make changes in cross references in Minnesota Statutes as necessitated by this instruction.

Sec. 48. REPEALER.

Minnesota Statutes 1980, Sections 15.015; 15.02; 15.03; 15.04; 15.0412, Subdivision 4a; 174.06, Subdivision 6; 245.04; 245.05; 245.06; and 245.07 are repealed.

Sec. 49. EFFECTIVE DATE.

Sections 1 to 48 are effective July 1, 1981.

Approved May 21, 1981

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