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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 53

01/14/2019 Authored by Green and Poston
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to administrative rulemaking; requiring a specific grant of authority in
1.3 law for adoption of rules; reducing the threshold for conducting a public hearing
1.4 on expedited rules; amending Minnesota Statutes 2018, sections 14.05, subdivision
1.5 1; 14.389, subdivision 5.

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

1.7 Section 1. Minnesota Statutes 2018, section 14.05, subdivision 1, is amended to read:

1.8 Subdivision 1. Authority to adopt original rules restricted. Each agency shall adopt,
1.9 amend, suspend, or repeal its rules in accordance with the procedures specified in sections
1.10 14.001 to 14.69, and only pursuant to specific authority delegated by law and in full
1.11 compliance with its duties and obligations. If a law authorizing rules is repealed, the rules
1.12 adopted pursuant to that law are automatically repealed on the effective date of the law's
1.13 repeal unless there is another law authorizing the rules. Except as provided in section 14.06
1.14 sections 14.388 and 14.3895, sections 14.001 to 14.69 shall not be specific authority for an
1.15 agency to adopt, amend, suspend, or repeal rules.

1.16 EFFECTIVE DATE. This section is effective July 1, 2019, and applies to rules adopted
1.17 on or after that date.

1.18 Sec. 2. Minnesota Statutes 2018, section 14.389, subdivision 5, is amended to read:

1.19 Subd. 5. Option. A law authorizing or requiring rules to be adopted under this section
1.20 may refer specifically to this subdivision. If the law contains a specific reference to this
1.21 subdivision, as opposed to a general reference to this section:

2.1 (1) the notice required in subdivision 2 must include a statement that a public hearing
2.2 will be held if ~~100~~ 25 or more people request a hearing. The request must be in the manner
2.3 specified in section 14.25; and

2.4 (2) if ~~100~~ 25 or more people submit a written request for a public hearing, the agency
2.5 may adopt the rule only after complying with all of the requirements of chapter 14 for rules
2.6 adopted after a public hearing.

2.7 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to rules proposed
2.8 on or after that date.

2.9 Sec. 3. **OBSOLETE RULES REPORT MUST DESCRIBE CURRENT GRANTS**
2.10 **OF RULEMAKING AUTHORITY.**

2.11 (a) As part of its obsolete rules report due December 1, 2019, each agency must list all
2.12 current grants of rulemaking authority provided to the agency by law. The list must include
2.13 a citation to the applicable law, a citation to any current rules adopted under the authority
2.14 provided by that law, and describe, in the agency's view, whether the grant of authority
2.15 complies with the provisions of Minnesota Statutes, section 14.05, subdivision 1, that permit
2.16 adoption of rules only under a specific grant of rulemaking authority. A grant of rulemaking
2.17 authority is presumed invalid for purposes of adopting future rules if the authority is not
2.18 cited in the report required by this section.

2.19 (b) The requirements of this section are in addition to the ongoing requirements for the
2.20 obsolete rules report provided by Minnesota Statutes, section 14.05, subdivision 5.