

1.1 ..... moves to amend H.F. No. 1433 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2016, section 3.842, subdivision 4a, is amended to read:

1.4 Subd. 4a. **Objections to rules.** (a) For purposes of this subdivision, "committee" means

1.5 the house of representatives policy committee or senate policy committee with primary

1.6 jurisdiction over state governmental operations. The commission or a committee may object

1.7 to a rule as provided in this subdivision. If the commission or a committee objects to all or

1.8 some portion of a rule because the commission or committee considers it to be beyond the

1.9 procedural or substantive authority delegated to the agency, including a proposed rule

1.10 submitted under section 14.15, subdivision 4, or 14.26, subdivision ~~3, paragraph (e)~~ 6, the

1.11 commission or committee may file that objection in the Office of the Secretary of State.

1.12 The filed objection must contain a concise statement of the commission's or committee's

1.13 reasons for its action. An objection to a proposed rule submitted by the commission or a

1.14 committee under section 14.15, subdivision 4, or 14.26, subdivision ~~3, paragraph (e)~~ 6, may

1.15 not be filed before the rule is adopted.

1.16 (b) The secretary of state shall affix to each objection a certification of the date and time

1.17 of its filing and as soon after the objection is filed as practicable shall transmit a certified

1.18 copy of it to the agency issuing the rule in question and to the revisor of statutes. The

1.19 secretary of state shall also maintain a permanent register open to public inspection of all

1.20 objections by the commission or committee.

1.21 (c) The commission or committee shall publish and index an objection filed under this

1.22 section in the next issue of the State Register. The revisor of statutes shall indicate the

1.23 existence of the objection adjacent to the rule in question when that rule is published in

1.24 Minnesota Rules.

2.1 (d) Within 14 days after the filing of an objection by the commission or committee to a  
2.2 rule, the issuing agency shall respond in writing to the objecting entity. After receipt of the  
2.3 response, the commission or committee may withdraw or modify its objection.

2.4 (e) After the filing of an objection by the commission or committee that is not  
2.5 subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review  
2.6 or for enforcement of the rule to establish that the whole or portion of the rule objected to  
2.7 is valid.

2.8 (f) The failure of the commission or a committee to object to a rule is not an implied  
2.9 legislative authorization of its validity.

2.10 (g) In accordance with sections 14.44 and 14.45, the commission or a committee may  
2.11 petition for a declaratory judgment to determine the validity of a rule objected to by the  
2.12 commission or committee. The action must be started within two years after an objection  
2.13 is filed in the Office of the Secretary of State.

2.14 (h) The commission or a committee may intervene in litigation arising from agency  
2.15 action. For purposes of this paragraph, agency action means the whole or part of a rule, or  
2.16 the failure to issue a rule.

2.17 Sec. 2. Minnesota Statutes 2016, section 14.05, is amended by adding a subdivision to  
2.18 read:

2.19 Subd. 5a. **Review and repeal of rules.** By December 1 of each odd-numbered year,  
2.20 beginning December 1, 2017, an agency must submit to the governor, the Legislative  
2.21 Coordinating Commission, the policy and funding committees and divisions with jurisdiction  
2.22 over the agency, and the revisor of statutes, a list of any rules or portions of rules that are  
2.23 obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must  
2.24 also include an explanation of why the rule or portion of the rule is obsolete, unnecessary,  
2.25 or duplicative of other state or federal statutes or rules. The agency must either report a  
2.26 timetable for repeal of the rule or portion of the rule, or must develop a bill for submission  
2.27 to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule.  
2.28 A report submitted under this subdivision must be signed by the person in the agency who  
2.29 is responsible for identifying and initiating repeal of obsolete rules. The report also must  
2.30 identify the status of any rules identified in the prior report as obsolete, unnecessary, or  
2.31 duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's  
2.32 report must state that conclusion.

3.1 Sec. 3. Minnesota Statutes 2013, section 14.05, subdivision 6, is amended to read:

3.2 Subd. 6. **Veto of adopted rules.** The governor may veto all or a severable portion of a  
3.3 rule of an agency as defined in section 14.02, subdivisions 2 and 4, by submitting notice of  
3.4 the veto to the State Register within 14 days of receiving a copy of the rule from the secretary  
3.5 of state under section 14.16, subdivision 3, 14.26, subdivision 3, or 14.386 or the agency  
3.6 under section 14.389, subdivision 3, ~~or section 14.3895~~. The veto is effective when the veto  
3.7 notice is submitted to the State Register. This authority applies only to the extent that the  
3.8 agency itself would have authority, through rulemaking, to take such action. If the governor  
3.9 vetoes a rule or portion of a rule under this section, the governor shall notify the chairs of  
3.10 the legislative committees having jurisdiction over the agency whose rule was vetoed.

3.11 Sec. 4. Minnesota Statutes 2016, section 14.05, subdivision 7, is amended to read:

3.12 Subd. 7. **Electronic documents permitted.** If sections 14.05 to 14.389 require an agency  
3.13 to provide notice or documents to the public, the legislature, or another state agency, the  
3.14 agency may send the notice or document, or a link to the notice or document, using any  
3.15 reliable method of electronic transmission. An agency may file rule-related documents with  
3.16 the Office of Administrative Hearings by electronic transmission in the manner approved  
3.17 by that office and the Office of the Revisor of Statutes by electronic transmission in the  
3.18 manner approved by that office.

3.19 Sec. 5. Minnesota Statutes 2016, section 14.07, subdivision 4, is amended to read:

3.20 Subd. 4. **Incorporations by reference.** (a) An agency may incorporate by reference  
3.21 into its rules the text from Minnesota Statutes, Minnesota Rules, United States Statutes at  
3.22 Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal  
3.23 Register, and other publications and documents which are determined by the revisor of  
3.24 statutes, to be conveniently available to the public. If the rule incorporates by reference  
3.25 other publications and documents, the rule must contain a statement of incorporation. The  
3.26 statement of incorporation by reference must include the words "incorporated by reference";  
3.27 must identify by title, author, publisher, and, if applicable, date of publication of the standard  
3.28 or material to be incorporated; must state whether the material is subject to frequent change;  
3.29 and must contain a statement of availability. When presented with a rule for certification  
3.30 pursuant to subdivision 2 and this subdivision, the revisor of statutes should indicate in the  
3.31 certification that the rule incorporates by reference text from other publications or documents.  
3.32 If the revisor certifies that the form of a rule is approved, that approval constitutes the  
3.33 revisor's finding that the publication or other document other than one listed by name in

4.1 this subdivision, and which is incorporated by reference into the rules, is conveniently  
4.2 available to the public.

4.3 (b) For the purposes of paragraph (a), "conveniently available to the public" means  
4.4 available on the Internet without charge, or available for loan or inspection and copying to  
4.5 a person living anywhere in Minnesota through a statewide interlibrary loan system or in a  
4.6 public library without charge except for reasonable copying fees and mailing costs.

4.7 Sec. 6. Minnesota Statutes 2016, section 14.101, subdivision 1, is amended to read:

4.8 Subdivision 1. **Required notice.** In addition to seeking information by other methods  
4.9 designed to reach persons or classes of persons who might be affected by the proposal, an  
4.10 agency, at least 60 days before publication of a notice of intent to adopt or a notice of hearing,  
4.11 shall solicit comments from the public on the subject matter of a possible rulemaking  
4.12 proposal under active consideration within the agency by causing notice to be published in  
4.13 the State Register. The notice must include a description of the subject matter of the proposal  
4.14 and the types of groups and individuals likely to be affected, and must indicate where, when,  
4.15 and how persons may comment on the proposal and whether and how drafts of any proposal  
4.16 may be obtained from the agency.

4.17 This notice must be published within 60 days of the effective date of any new or  
4.18 amendatory law requiring rules to be adopted, amended, or repealed.

4.19 An agency intending to adopt an expedited rule under section 14.389 is exempt from  
4.20 the requirements of this section.

4.21 Sec. 7. **[14.105] RULE NOTIFICATION.**

4.22 Subdivision 1. **Rule notification list.** (a) Each agency shall maintain a list of all persons  
4.23 who have registered with the agency for the purpose of receiving notice of rule proceedings.  
4.24 A person may register to receive notice of rule proceedings by submitting to the agency:

4.25 (1) the person's electronic mail address; or

4.26 (2) the person's name and United States mail address, along with a request to receive  
4.27 copies of the notices by mail.

4.28 (b) The agency shall post information on its Web site describing the registration process.

4.29 (c) The agency may inquire as to whether those persons on the list in paragraph (a) wish  
4.30 to remain on it and may remove persons for whom there is a negative reply or no reply  
4.31 within 60 days.

5.1 Subd. 2. Additional notice. (a) Each agency shall make reasonable efforts to notify  
5.2 persons or classes of persons who may be significantly affected by the rule being proposed  
5.3 by giving notice of its rule proceedings in newsletters, newspapers, or other publications,  
5.4 or through other means of communication.

5.5 (b) For each rulemaking, the agency shall develop an additional notice plan describing  
5.6 its efforts to provide additional notification to persons or classes of persons who may be  
5.7 affected by the proposed rule or must explain why these efforts were not made. The additional  
5.8 notice plan must be submitted to the administrative law judge with the other submissions  
5.9 required by section 14.14, subdivision 2a, or 14.26. The agency also may seek prior approval  
5.10 of the additional notice plan under the rules of the Office of Administrative Hearings.

5.11 Sec. 8. Minnesota Statutes 2016, section 14.116, is amended to read:

5.12 **14.116 NOTICE TO LEGISLATURE.**

5.13 (a) By January 15 each year, each agency must submit its current rulemaking docket  
5.14 maintained under section 14.366, ~~and the official rulemaking record required under section~~  
5.15 ~~14.365 for any rule adopted during the preceding calendar year,~~ to the chairs and ranking  
5.16 minority members of the legislative policy and budget committees with jurisdiction over  
5.17 the subject matter of the proposed rule.

5.18 (b) When an agency ~~mails~~ sends a notice of ~~intent to adopt rules~~ hearing under section  
5.19 14.14 or a notice of intent to adopt rules under section 14.22, the agency must send a copy  
5.20 of the same notice ~~and a copy of the statement of need and reasonableness~~ to the chairs and  
5.21 ranking minority party members of the legislative policy and budget committees with  
5.22 jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating  
5.23 Commission.

5.24 ~~(c) In addition, if the mailing of the notice is within two years of the effective date of~~  
5.25 ~~the law granting the agency authority to adopt the proposed rules, the agency shall make~~  
5.26 ~~reasonable efforts to send a copy of the notice and the statement to all sitting legislators~~  
5.27 ~~who were chief house of representatives and senate authors of the bill granting the rulemaking~~  
5.28 ~~authority. If the bill was amended to include this rulemaking authority, the agency shall~~  
5.29 ~~make reasonable efforts to send the notice and the statement to the chief house of~~  
5.30 ~~representatives and senate authors of the amendment granting rulemaking authority, rather~~  
5.31 ~~than to the chief authors of the bill.~~

6.1 Sec. 9. Minnesota Statutes 2016, section 14.125, is amended to read:

6.2 **14.125 TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL**  
6.3 **RULES.**

6.4 An agency shall publish a ~~notice of intent to adopt rules or a notice of hearing under~~  
6.5 section 14.14 or a notice of intent to adopt rules under section 14.22 within 18 months of  
6.6 the effective date of the law authorizing or requiring rules to be adopted, amended, or  
6.7 repealed. If the notice is not published within the time limit imposed by this section, the  
6.8 ~~authority for the rules expires. The agency shall not use other law in existence at the time~~  
6.9 ~~of the expiration of rulemaking authority under this section as authority to adopt, amend,~~  
6.10 ~~or repeal these rules~~ agency shall report to the Legislative Coordinating Commission, other  
6.11 appropriate committees of the legislature, and the governor its failure to publish a notice  
6.12 and the reasons for that failure.

6.13 ~~An agency that publishes a notice of intent to adopt rules or a notice of hearing within~~  
6.14 ~~the time limit specified in this section may subsequently amend or repeal the rules without~~  
6.15 ~~additional legislative authorization.~~

6.16 Sec. 10. Minnesota Statutes 2016, section 14.126, subdivision 2, is amended to read:

6.17 Subd. 2. **Vote.** A committee vote under this section must be by a majority of the  
6.18 committee. The vote may occur any time after the publication of the rulemaking notice  
6.19 under section 14.14, subdivision 1a, 14.22, or 14.389, subdivision 2, ~~or 14.3895, subdivision~~  
6.20 ~~3,~~ and before notice of adoption is published in the State Register under section 14.18, 14.27,  
6.21 or 14.389, subdivision 3, ~~or 14.3895, subdivision 3.~~ A committee voting under this section  
6.22 shall notify the agency, the revisor of statutes, and the chief administrative law judge of the  
6.23 vote as soon as possible. The committee shall publish notice of the vote in the State Register  
6.24 as soon as possible.

6.25 Sec. 11. Minnesota Statutes 2016, section 14.131, is amended to read:

6.26 **14.131 STATEMENT OF NEED AND REASONABLENESS.**

6.27 By the date of the section 14.14, subdivision 1a, notice, the agency must prepare, review,  
6.28 and make available for public review a statement of the need for and reasonableness of the  
6.29 rule. The statement of need and reasonableness must be prepared under rules adopted by  
6.30 the chief administrative law judge and must include a citation to the most specific statutory  
6.31 authority for the rule and the following to the extent the agency, through reasonable effort,  
6.32 can ascertain this information:

7.1 ~~(1) a description of the classes of persons who probably will be affected by the proposed~~  
 7.2 ~~rule, including classes that will bear the costs of the proposed rule and classes that will~~  
 7.3 ~~benefit from the proposed rule;~~

7.4 ~~(2) the probable costs to the agency and to any other agency of the implementation and~~  
 7.5 ~~enforcement of the proposed rule and any anticipated effect on state revenues;~~

7.6 ~~(3) a determination of whether there are less costly methods or less intrusive methods~~  
 7.7 ~~for achieving the purpose of the proposed rule;~~

7.8 ~~(4) a description of any alternative methods for achieving the purpose of the proposed~~  
 7.9 ~~rule that were seriously considered by the agency and the reasons why they were rejected~~  
 7.10 ~~in favor of the proposed rule;~~

7.11 ~~(5) the probable costs of complying with the proposed rule, including the portion of the~~  
 7.12 ~~total costs that will be borne by identifiable categories of affected parties, such as separate~~  
 7.13 ~~classes of governmental units, businesses, or individuals;~~

7.14 ~~(6) the probable costs or consequences of not adopting the proposed rule, including those~~  
 7.15 ~~costs or consequences borne by identifiable categories of affected parties, such as separate~~  
 7.16 ~~classes of government units, businesses, or individuals;~~

7.17 (1) a description of the persons or classifications of persons who will probably be affected  
 7.18 by the proposed rule;

7.19 (2) the probable costs of the rule to affected persons and the agency, including those  
 7.20 costs or consequences borne by identifiable categories of affected parties, such as separate  
 7.21 classes of government units, businesses, or individuals, and the probable benefits of adopting  
 7.22 the rule;

7.23 ~~(7)~~ (3) an assessment of any differences between the proposed rule and existing federal  
 7.24 regulations and a specific analysis of the need for and reasonableness of each difference;  
 7.25 and

7.26 ~~(8)~~ (4) an assessment of the cumulative effect of the rule with other federal and state  
 7.27 regulations related to the specific purpose of the rule.

7.28 ~~The statement must describe how the agency, in developing the rules, considered and~~  
 7.29 ~~implemented the legislative policy supporting performance-based regulatory systems set~~  
 7.30 ~~forth in section 14.002.~~

7.31 For purposes of clause ~~(8)~~ (4), "cumulative effect" means the impact that results from  
 7.32 incremental impact of the proposed rule in addition to other rules, regardless of what state

8.1 or federal agency has adopted the other rules. Cumulative effects can result from individually  
8.2 minor but collectively significant rules adopted over a period of time.

8.3 The statement must also describe the agency's efforts to provide additional notification  
8.4 under section 14.14, subdivision 1a, to persons or classes of persons who may be affected  
8.5 by the proposed rule or must explain why these efforts were not made.

8.6 The agency must consult with the commissioner of management and budget to help  
8.7 evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local  
8.8 government. The agency must send a copy of the statement of need and reasonableness to  
8.9 the Legislative Reference Library no later than when the notice of hearing is ~~mailed under~~  
8.10 ~~section 14.14, subdivision 1a~~ sent.

8.11 Sec. 12. Minnesota Statutes 2016, section 14.14, subdivision 1a, is amended to read:

8.12 Subd. 1a. **Notice of rule hearing.** (a) ~~Each agency shall maintain a list of all persons~~  
8.13 ~~who have registered with the agency for the purpose of receiving notice of rule proceedings.~~  
8.14 ~~Persons may register to receive notice of rule proceedings by submitting to the agency:~~

8.15 ~~(1) their electronic mail address; or~~

8.16 ~~(2) their name and United States mail address.~~

8.17 ~~The agency may inquire as to whether those persons on the list wish to remain on it and~~  
8.18 ~~may remove persons for whom there is a negative reply or no reply within 60 days. The~~  
8.19 ~~agency shall, at least 30 days before the date set for the hearing, give notice of its intention~~  
8.20 ~~to adopt hold a hearing on the proposed rules by United States mail or electronic mail to all~~  
8.21 ~~persons on its list who have registered their names with the agency under section 14.105,~~  
8.22 ~~and by publication in the State Register.~~

8.23 ~~The mailed notice must include either a copy of the proposed rule or an easily readable~~  
8.24 ~~and understandable description of its nature and effect and an announcement that a free~~  
8.25 ~~copy of the proposed rule is available on request from the agency. In addition, each agency~~  
8.26 ~~shall make reasonable efforts to notify persons or classes of persons who may be significantly~~  
8.27 ~~affected by the rule being proposed by giving notice of its intention in newsletters,~~  
8.28 ~~newspapers, or other publications, or through other means of communication. The notice~~  
8.29 ~~in the State Register must include the proposed rule or an amended rule in the form required~~  
8.30 ~~by the revisor under section 14.07, together with an easily readable and understandable~~  
8.31 ~~summary of the overall nature and effect of the proposed rule, a citation to the most specific~~  
8.32 ~~statutory authority for the proposed rule, a statement of the place, date, and time of the~~  
8.33 ~~public hearing, a statement that a free copy of the proposed rule and the statement of need~~



9.1 and reasonableness may be requested from the agency, a statement that persons may register  
9.2 with the agency for the purpose of receiving notice of rule proceedings ~~and notice that the~~  
9.3 ~~agency intends to adopt a rule~~ and other information required by law or rule. When an entire  
9.4 rule is proposed to be repealed, the agency need only publish that fact, along with an easily  
9.5 readable and understandable summary of the overall nature of the rules proposed for repeal,  
9.6 and a citation to the rule to be repealed.

9.7 The mailed notice of hearing must be the same as the notice published in the State  
9.8 Register, except that the mailed notice may omit the text of the proposed rule.

9.9 (b) The chief administrative law judge may authorize an agency to omit from the notice  
9.10 of rule hearing the text of any proposed rule, the publication of which would be unduly  
9.11 cumbersome, expensive, or otherwise inexpedient if:

9.12 (1) knowledge of the rule is likely to be important to only a small class of persons;

9.13 (2) the notice of rule hearing states that a free copy of the entire rule is available upon  
9.14 request to the agency; and

9.15 (3) the notice of rule hearing states in detail the specific subject matter of the omitted  
9.16 rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose  
9.17 and motivation.

9.18 Sec. 13. Minnesota Statutes 2014, section 14.14, subdivision 2a, is amended to read:

9.19 Subd. 2a. **Hearing procedure.** When a hearing is held on a proposed rule, it shall be  
9.20 conducted by an administrative law judge assigned by the chief administrative law judge.  
9.21 The administrative law judge shall ensure that all persons involved in the rule hearing are  
9.22 treated fairly and impartially. The agency shall submit into the record the jurisdictional  
9.23 documents, including the statement of need and reasonableness, comments and hearing  
9.24 requests received, and any written exhibits in support of the proposed rule. The agency may  
9.25 also present additional oral evidence. Interested persons may present written and oral  
9.26 evidence. The administrative law judge shall allow questioning of agency representatives  
9.27 or witnesses, or of interested persons making oral statements, in order to explain the purpose  
9.28 or intended operation of a proposed rule, or a suggested modification, or for other purposes  
9.29 if material to the evaluation or formulation of the proposed rule. The administrative law  
9.30 judge may limit repetitive or immaterial oral statements and questioning.

10.1 Sec. 14. Minnesota Statutes 2016, section 14.22, subdivision 1, is amended to read:

10.2 Subdivision 1. **Contents.** (a) ~~Unless an agency proceeds directly to a public hearing on~~  
10.3 ~~a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency~~  
10.4 ~~shall give notice of its intention to adopt a rule without public hearing. The agency shall~~  
10.5 ~~give the notice required by this section, unless the agency gives notice of a hearing under~~  
10.6 ~~section 14.14. The agency shall give notice must be given of its intention to adopt a rule by~~  
10.7 ~~publication in the State Register and by United States mail or electronic mail to persons~~  
10.8 ~~who have registered their names with the agency under section 14.14, subdivision 1a 14.105.~~  
10.9 ~~The mailed notice must include either a copy of the proposed rule or an easily readable and~~  
10.10 ~~understandable description of its nature and effect and an announcement that a free copy~~  
10.11 ~~of the proposed rule is available on request from the agency. In addition, each agency shall~~  
10.12 ~~make reasonable efforts to notify persons or classes of persons who may be significantly~~  
10.13 ~~affected by the rule by giving notice of its intention in newsletters, newspapers, or other~~  
10.14 ~~publications, or through other means of communication. The notice in the State Register~~  
10.15 ~~must include the proposed rule or the amended rule in the form required by the revisor under~~  
10.16 ~~section 14.07; an easily readable and understandable summary of the overall nature and~~  
10.17 ~~effect of the proposed rule; a citation to the most specific statutory authority for the proposed~~  
10.18 ~~rule; a statement that persons may register with the agency for the purpose of receiving to~~  
10.19 ~~receive notice of rule proceedings and notice that a rule has been submitted to the chief~~  
10.20 ~~administrative law judge; and other information required by law or rule. When an entire~~  
10.21 ~~rule is proposed to be repealed, the notice need only state that fact, along with an easily~~  
10.22 ~~readable and understandable summary of the overall nature of the rules rule proposed for~~  
10.23 ~~repeal, and a citation to the rule to be repealed. The notice must include a statement advising~~  
10.24 ~~the public:~~

10.25 (1) that the public has at least 30 days in which to submit comment in support of or in  
10.26 opposition to the proposed rule and that comment is encouraged;

10.27 (2) that each comment should identify the portion of the proposed rule addressed, the  
10.28 reason for the comment, and any change proposed;

10.29 (3) that the requester is encouraged to propose any change desired;

10.30 ~~(3)~~ (4) that if 25 or more persons submit a written request for a public hearing within  
10.31 the 30-day comment period, a public hearing will be held and the agency will use the process  
10.32 under section 14.14;

11.1 ~~(4)~~ (5) of the manner in which persons must request a public hearing on the proposed  
 11.2 rule, including the requirements contained in section 14.25 relating to a written request for  
 11.3 a public hearing; and

11.4 ~~(5) of the requirements contained in section 14.25 relating to a written request for a~~  
 11.5 ~~public hearing, and that the requester is encouraged to propose any change desired;~~

11.6 (6) that the agency may modify the proposed rule ~~may be modified~~ if the modifications  
 11.7 are supported by the data and views submitted; ~~and.~~

11.8 ~~(7) that if a hearing is not required, notice of the date of submission of the proposed rule~~  
 11.9 ~~to the chief administrative law judge for review will be mailed to any person requesting to~~  
 11.10 ~~receive the notice.~~

11.11 In connection with the statements required in clauses (1) and ~~(3)~~ (4), the notice must  
 11.12 also include the date on which the ~~30-day~~ comment period ends. The mailed notice of intent  
 11.13 to adopt a rule must be the same as the notice published in the State Register, except that  
 11.14 the mailed notice may omit the text of the proposed rule if it includes an announcement of  
 11.15 where a copy of the proposed rule may be obtained.

11.16 (b) The chief administrative law judge may authorize an agency to omit from the notice  
 11.17 of intent to adopt the text of any proposed rule, the publication of which would be unduly  
 11.18 cumbersome, expensive, or otherwise inexpedient if:

11.19 (1) knowledge of the rule is likely to be important to only a small class of persons;

11.20 (2) the notice of intent to adopt states that a free copy of the entire rule is available upon  
 11.21 request to the agency; and

11.22 (3) the notice of intent to adopt states in detail the specific subject matter of the omitted  
 11.23 rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose  
 11.24 and motivation.

11.25 Sec. 15. Minnesota Statutes 2016, section 14.23, is amended to read:

11.26 **14.23 STATEMENT OF NEED AND REASONABLENESS.**

11.27 By the date of the section 14.22 notice, the agency shall prepare a statement of need and  
 11.28 reasonableness, which must be available to the public. The statement of need and  
 11.29 reasonableness must include the analysis information required in section 14.131. ~~The~~  
 11.30 ~~statement must also describe the agency's efforts to provide additional notification under~~  
 11.31 ~~section 14.22 to persons or classes of persons who may be affected by the proposed rules~~  
 11.32 ~~or must explain why these efforts were not made. For at least 30 days following the notice,~~

12.1 ~~the agency shall afford the public an opportunity to request a public hearing and to submit~~  
12.2 ~~data and views on the proposed rule in writing.~~

12.3 The agency shall send a copy of the statement of need and reasonableness to the  
12.4 Legislative Reference Library no later than when the notice of intent to adopt is ~~mailed~~ sent.

12.5 Sec. 16. Minnesota Statutes 2016, section 14.25, subdivision 1, is amended to read:

12.6 Subdivision 1. **Requests for hearing.** If, during the ~~30-day~~ period allowed for comment  
12.7 under section 14.22, 25 or more persons submit to the agency a written request for a public  
12.8 hearing of the proposed rule, the agency shall proceed under the provisions of sections 14.14  
12.9 to 14.20. The written request must include: (1) the name and address of the person requesting  
12.10 the public hearing; ~~and~~ (2) the portion or portions of the rule to which the person objects  
12.11 ~~or a statement that the person opposes the entire rule. If not previously published under~~  
12.12 ~~section 14.22, subdivision 2, a notice of the public hearing must be published in the State~~  
12.13 ~~Register and mailed to those persons who submitted a written request for the public hearing.~~  
12.14 ~~Unless the agency has modified the proposed rule, the notice need not include the text of~~  
12.15 ~~the proposed rule but only a citation to the State Register pages where the text appears; and~~  
12.16 (3) the reasons for the objection to each portion of the rule identified.

12.17 A written request for a public hearing that does not comply with the requirements of  
12.18 this section is invalid and may not be counted by the agency for purposes of determining  
12.19 whether a public hearing must be held. A written request for a public hearing is not invalid  
12.20 due to failure of the request to correctly identify the portion of the rule to which the person  
12.21 objects if the agency reasonably can determine which portion of the rule is the basis for the  
12.22 objection.

12.23 Sec. 17. Minnesota Statutes 2016, section 14.26, is amended to read:

12.24 **14.26 ADOPTION OF PROPOSED RULE; SUBMISSION TO ADMINISTRATIVE**  
12.25 **LAW JUDGE.**

12.26 Subdivision 1. **Submission.** If no hearing is required, the agency shall submit to an  
12.27 administrative law judge assigned by the chief administrative law judge the proposed rule  
12.28 and notice as published, the rule as adopted, any written comments received by the agency,  
12.29 and a statement of need and reasonableness for the rule. The agency shall give notice to all  
12.30 persons who requested to be informed that these materials have been submitted to the  
12.31 administrative law judge. This notice must be given on the same day that the record is  
12.32 submitted. If the proposed rule has been modified, the notice must state that fact, and must  
12.33 also state that a free copy of the proposed rule, as modified, is available upon request from

13.1 the agency. The rule and these materials must be submitted to the administrative law judge  
13.2 within 180 days of the day that the comment period for the rule is over or the rule is  
13.3 automatically withdrawn. The agency may not adopt the withdrawn rules without again  
13.4 following the procedures of sections 14.05 to 14.28, with the exception of section 14.101,  
13.5 if the noncompliance is approved by the chief administrative law judge. The agency shall  
13.6 report its failure to adopt the rules and the reasons for that failure to the Legislative  
13.7 Coordinating Commission, other appropriate legislative committees, and the governor.

13.8 ~~Subd. 2. **Resubmission.** Even if the 180-day period expires while the administrative~~  
13.9 ~~law judge reviews the rule, if the administrative law judge rejects the rule, the agency may~~  
13.10 ~~resubmit it after taking corrective action. The resubmission must occur within 30 days of~~  
13.11 ~~when the agency receives written notice of the disapproval. If the rule is again disapproved,~~  
13.12 ~~the rule is withdrawn. An agency may resubmit at any time before the expiration of the~~  
13.13 ~~180-day period. If the agency withholds some of the proposed rule, it may not adopt the~~  
13.14 ~~withheld portion without again following the procedures of sections 14.14 to 14.28.~~

13.15 Subd. 3. **Review.** ~~(a)~~ Within 14 days of receiving a submission under subdivision 1, the  
13.16 administrative law judge shall approve or disapprove the rule as to its legality and its form  
13.17 to the extent that the form relates to legality, including the issues of whether the rule if  
13.18 modified is substantially different, as determined under section 14.05, subdivision 2, from  
13.19 the rule as originally proposed, whether the agency has the authority to adopt the rule, and  
13.20 whether the record demonstrates a rational basis for the need for and reasonableness of the  
13.21 proposed rule. ~~If the rule is approved, the administrative law judge shall promptly file four~~  
13.22 ~~paper copies or an electronic copy of the adopted rule in the Office of the Secretary of State.~~  
13.23 ~~The secretary of state shall forward one copy of each rule to the revisor of statutes, to the~~  
13.24 ~~agency, and to the governor.~~ If the rule is disapproved, the administrative law judge shall  
13.25 state in writing the reasons for the disapproval and make recommendations to overcome  
13.26 the defects.

13.27 Subd. 3a. **Correction of defects.** ~~(b)~~ (a) The written disapproval must be submitted to  
13.28 the chief administrative law judge for approval. If the chief administrative law judge approves  
13.29 of the findings of the administrative law judge, the chief administrative law judge shall send  
13.30 the statement of the reasons for disapproval of the rule to the agency, the Legislative  
13.31 Coordinating Commission, the house of representatives and senate policy committees with  
13.32 primary jurisdiction over state governmental operations, and the revisor of statutes and  
13.33 advise the agency and the revisor of statutes of actions that will correct the defects. The rule  
13.34 may not be filed in the Office of the Secretary of State, nor be published, until the chief  
13.35 administrative law judge determines that the defects have been corrected or, if applicable,

14.1 that the agency has satisfied the rule requirements for the adoption of a substantially different  
14.2 rule.

14.3 (b) The agency may resubmit the disapproved rule under paragraph (a) to the chief  
14.4 administrative law judge after correcting the defects. If the 180-day period expires while  
14.5 the chief administrative law judge is reviewing the rule, the agency may resubmit the rule  
14.6 within 30 days of the date the agency received written notice of disapproval. In all other  
14.7 cases, the agency may resubmit the rule at any time before the expiration of the 180-day  
14.8 period in subdivision 1. If the resubmitted rule is disapproved by the chief administrative  
14.9 law judge, the rule is withdrawn. If the agency does not resubmit a portion of the rule, it  
14.10 may not adopt that portion of the rule without again following the procedures of sections  
14.11 14.14 to 14.28.

14.12 Subd. 3b. **Need or reasonableness established.** (e) If the chief administrative law judge  
14.13 determines that the need for or reasonableness of the rule has not been established, and if  
14.14 the agency does not elect to follow the suggested actions of the chief administrative law  
14.15 judge to correct that defect, then the agency shall submit the proposed rule to the Legislative  
14.16 Coordinating Commission and to the house of representatives and senate policy committees  
14.17 with primary jurisdiction over state governmental operations for advice and comment. The  
14.18 agency may not adopt the rule until it has received and considered the advice of the  
14.19 commission and committees. However, the agency need not wait for advice for more than  
14.20 60 days after the commission and committees have received the agency's submission.

14.21 ~~(d) The administrative law judge shall disregard any error or defect in the proceeding~~  
14.22 ~~due to the agency's failure to satisfy any procedural requirements imposed by law or rule~~  
14.23 ~~if the administrative law judge finds:~~

14.24 ~~(1) that the failure did not deprive any person or entity of an opportunity to participate~~  
14.25 ~~meaningfully in the rulemaking process; or~~

14.26 ~~(2) that the agency has taken corrective action to cure the error or defect so that the~~  
14.27 ~~failure did not deprive any person or entity of an opportunity to participate meaningfully~~  
14.28 ~~in the rulemaking process.~~

14.29 Subd. ~~3a~~ **3c. Filing.** If the rule is approved, the administrative law judge shall promptly  
14.30 file four paper copies or an electronic copy of the adopted rule in the Office of the Secretary  
14.31 of State. The secretary of state shall forward one copy of each rule to the revisor of statutes,  
14.32 to the agency, and to the governor.

15.1 Subd. 3d. **Harmless error.** The administrative law judge shall disregard any error or  
15.2 defect in the proceeding due to the agency's failure to satisfy any procedural requirements  
15.3 imposed by law or rule if the administrative law judge finds:

15.4 (1) that the failure did not deprive any person or entity of an opportunity to participate  
15.5 meaningfully in the rulemaking process; or

15.6 (2) that the agency has taken corrective action to cure the error or defect so that the  
15.7 failure did not deprive any person or entity of an opportunity to participate meaningfully  
15.8 in the rulemaking process.

15.9 Subd. 4. **Costs.** The Office of Administrative Hearings shall assess an agency for the  
15.10 actual cost of processing rules under this section. Each agency shall include in its budget  
15.11 money to pay the assessment. Receipts from the assessment must be deposited in the  
15.12 administrative hearings account created in section 14.54.

15.13 Sec. 18. Minnesota Statutes 2016, section 14.388, subdivision 1, is amended to read:

15.14 Subdivision 1. **Requirements.** If an agency for good cause finds that the rulemaking  
15.15 provisions of this chapter are unnecessary, impracticable, or contrary to the public interest  
15.16 when adopting, amending, or repealing a rule to:

15.17 (1) address a serious and immediate threat to the public health, safety, or welfare;

15.18 (2) comply with a court order or a requirement in federal law in a manner that does not  
15.19 allow for compliance with sections 14.14 to 14.28;

15.20 (3) incorporate specific changes set forth in applicable statutes when no interpretation  
15.21 of law is required; or

15.22 (4) make changes that do not alter the sense, meaning, or effect of a rule,

15.23 the agency may adopt, amend, or repeal the rule after satisfying the requirements of  
15.24 subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4). The agency shall  
15.25 incorporate its findings and a brief statement of its supporting reasons in its order adopting,  
15.26 amending, or repealing the rule.

15.27 After considering the agency's statement and any comments received, the Office of  
15.28 Administrative Hearings shall determine whether the agency has provided adequate  
15.29 justification for its use of this section.

15.30 Rules adopted, amended, or repealed under ~~clauses~~ clause (1) ~~and (2)~~ are effective for  
15.31 a period of two years from the date of publication of the rule in the State Register.

16.1 Rules adopted, amended, or repealed under clause (2), (3), or (4) are effective upon  
16.2 publication in the State Register.

16.3 Sec. 19. Minnesota Statutes 2016, section 14.389, is amended to read:

16.4 **14.389 EXPEDITED PROCESS.**

16.5 Subdivision 1. **Application.** (a) This section applies when a law requiring or authorizing  
16.6 rules to be adopted states that this section must or may be used to adopt the rules. When a  
16.7 law refers to this section, the process in this section is the only process an agency must  
16.8 follow for its rules to:

16.9 (1) a law requiring or authorizing rules to be adopted states that this section must or may  
16.10 be used to adopt the rules;

16.11 (2) an agency is adopting or incorporating by reference a specific code or standard  
16.12 referenced in a law requiring or authorizing rules to be adopted under this chapter;

16.13 (3) an agency is adopting or modifying a rule to conform to a change in federal law or  
16.14 regulation that is binding on the state or a state law or rule; or

16.15 (4) an agency is repealing rules that are obsolete, unnecessary, or duplicative of other  
16.16 state or federal statutes or rules.

16.17 (b) An agency may also use this process to adopt rules it determines are noncontroversial  
16.18 if there is other law authorizing the rules.

16.19 (c) Rules adopted under this section have the force and effect of law. Sections 14.19 and  
16.20 14.366 apply to rules adopted under this section.

16.21 Subd. 2. **Notice and comment.** (a) The agency must publish notice of the proposed rule  
16.22 in the State Register and must mail the notice by United States mail or electronic mail to  
16.23 persons who have registered with the agency to receive mailed notices.

16.24 (b) The notice for rules adopted under the authority granted in subdivision 1, paragraph  
16.25 (b), must include a statement that if 25 or more persons request that the agency follow all  
16.26 of the requirements for rules adopted with or without a public hearing, as appropriate, except  
16.27 section 14.101, the agency shall adopt the rule only after complying with all of the  
16.28 requirements for rules adopted with or without a public hearing, as appropriate, except  
16.29 section 14.101. The notice must also include an easily readable and understandable  
16.30 description of the purpose, nature, and effect of the proposed rules, including a description  
16.31 of the persons or classes of persons who are likely to be affected by the proposed rulemaking.  
16.32 A hearing request made pursuant to this subdivision must be in writing and include: (1) the



17.1 name and address of the person requesting the agency to adopt the rule in compliance with  
17.2 the procedures under sections 14.05 to 14.28; and (2) the portion or portions of the rule to  
17.3 which the person objects or a statement that the person is opposed to the entire rule.

17.4 (c) The mailed notice must include either a copy of the proposed rule or a description  
17.5 of the nature and effect of the proposed rule and a statement that a free copy is available  
17.6 from the agency upon request.

17.7 (d) The notice in the State Register must include the proposed rule or the amended rule  
17.8 in the form required by the revisor under section 14.07, an easily readable and understandable  
17.9 summary of the overall nature and effect of the proposed rule, and a citation to the most  
17.10 specific statutory authority for the rule, including authority for the rule to be adopted under  
17.11 the process in this section.

17.12 (e) The agency must allow 30 days after publication in the State Register for comment  
17.13 on the rule.

17.14 Subd. 3. **Adoption.** The agency may modify a proposed rule if the modifications do not  
17.15 result in a substantially different rule, as defined in section 14.05, subdivision 2, paragraphs  
17.16 (b) and (c). If the final rule is identical to the rule originally published in the State Register,  
17.17 the agency must publish a notice of adoption in the State Register. If the final rule is different  
17.18 from the rule originally published in the State Register, the agency must publish a copy of  
17.19 the changes in the State Register. The agency must also file a copy of the rule with the  
17.20 governor. The rule is effective upon publication in the State Register.

17.21 Subd. 4. **Legal review.** Before publication of the final rule in the State Register, the  
17.22 agency must submit the rule and its order adopting, amending, or repealing the rule to an  
17.23 administrative law judge in the Office of Administrative Hearings. The agency's order must  
17.24 include the agency's findings and a brief statement summarizing its reasons for using this  
17.25 expedited process. The administrative law judge shall make a determination that the agency's  
17.26 submission establishes the need for and reasonableness of the proposed rules and fulfills  
17.27 any relevant substantive or procedural requirements imposed on the agency by law or rule.  
17.28 This shall not be construed to mean that the agency must submit a statement of need and  
17.29 reasonableness as required in section 14.131. The administrative law judge shall within 14  
17.30 days approve or disapprove the rule as to its legality and its form to the extent the form  
17.31 relates to legality.

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

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

18.4 (2) if 100 or more people submit a written request for a public hearing, the agency may  
18.5 adopt the rule only after complying with all of the requirements of chapter 14 for rules  
18.6 adopted after a public hearing, except for section 14.101.

18.7 Subd. 6. **Additional notice plan.** An agency proposing expedited rules under subdivision  
18.8 1 must give notice by methods designed to reach persons or classes of persons who might  
18.9 be affected by the proposal before publication of the notice required by subdivision 2 in the  
18.10 State Register. The agency must submit its additional notice plan to the Office of  
18.11 Administrative Hearings and receive approval of the plan before publication. The request  
18.12 for approval must include a description of the proposed additional notice plan; a description  
18.13 or a draft of the proposed rules; and an explanation of why the agency believes that its  
18.14 additional notice plan provides sufficient notice. The administrative law judge must approve  
18.15 or disapprove the plan within five working days after the office receives it.

18.16 Sec. 20. **REPEALER.**

18.17 Minnesota Statutes 2016, sections 14.05, subdivision 5; and 14.3895, are repealed.

18.18 Sec. 21. **EFFECTIVE DATE; APPLICATION.**

18.19 This act is effective August 1, 2017, and applies to rules for which a notice of hearing  
18.20 under Minnesota Statutes, section 14.14; a notice of intent to adopt under Minnesota Statutes,  
18.21 section 14.22; or a dual notice under Minnesota Statutes, section 14.225, is published in the  
18.22 State Register on or after that date."

18.23 Amend the title accordingly