

House Research Act Summary

CHAPTER: 469

SESSION: 2000 Regular Session

TOPIC: Review of Administrative Rules

Date: May 15, 2000

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Overview

Authorizes the House and Senate governmental operations committees to: formally object to agency rules; petition a court for a declaratory judgment to determine the validity of a rule objected to; intervene in litigation arising from agency action relating to rules; and comment on proposed rules for which need and reasonableness is at issue. Establishes a schedule under which agency rules will be reviewed. Creates a task force to make recommendations on specified issues relating to rulemaking.

- 1 Objections to rules.** Authorizes the House and Senate governmental operations committees to formally object to an administrative rule. This objection authority is the same as the authority the Legislative Coordinating Commission (or a joint subcommittee established by the commission) has under current law. Under this objection authority, if an objection is not withdrawn, the burden is on the agency, in a court action, to establish that the rule objected to is valid.
The section also authorizes the governmental operations committees to petition a court for a declaratory judgment to determine the validity of a rule objected to by the committee, and to intervene in litigation arising from agency action relating to rules. Under current law, the Legislative Coordinating Commission has this authority (and retains it under this bill).
- 2 Need or reasonableness.** This section involves a situation in which a public hearing on proposed rules has been held, and the administrative law judge determines that the agency has not established the need for or reasonableness of the rules. The section permits the governmental operations committees to comment on the rules. Under current law the LCC has this authority.
- 3 Need or reasonableness.** Similar concept to previous section, but applies when rules are proposed for adoption without a public hearing.
- 4 Rule review.** Establishes a schedule for review of rules of specified agencies. The schedule for rule review is from 2002 to 2005. An entity whose rules are to be reviewed must report to the

legislature. The report must: (1) list any rules the agency recommends for repeal; (2) list and briefly describe the rationale for rules the agency believes should remain in effect; and (3) suggest any improvements in rules.

5 **Rules task force.** Requires a rules task force consisting of legislators and governor's appointees to make recommendations by January 15, 2001 on specified topics relating to administrative rules and rulemaking.

6 **Report.** Requires the state board of teaching to consult with MnSCU faculty and administrators and report by January 15, 2001 on their opinions of board of teaching rules relating to institution and teacher preparation program approval.

7 **Repealer.** Repeals specified rules that agencies stated were no longer needed.

Department of Administration rules relating to: motor pool insurance claims;
publications; and TELPAK telephone circuits;

Department of Agriculture rules defining food products;

Department of Public Safety odometer information rules.

8 **Effective dates.**