

HOUSE RESEARCH

Bill Summary

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Authors: Leppik and others
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Analyst: Mark Shepard, 651-296-5051

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Overview

Requires the Legislative Coordinating Commission (LCC) to establish a joint House/Senate group to perform certain duties relating to review of administrative rules.

The former joint Legislative Commission to Review Administrative Rules (LCRAR) was abolished in 1996. The legislature transferred some of the LCRAR's functions to the LCC, and abolished other functions. The legislature also provided that the LCC may (but is not required to) create a joint bicameral group to perform the LCC's rulemaking duties. This bill requires the creation of such a group, and assigns it certain of the LCC's duties relating to rulemaking.

Section

- 1 Bicameral rules review group.** Requires the Legislative Coordinating Commission to establish a bicameral legislative group to review administrative rules. The group must include at least three House members and three Senators, including at least one member of the minority caucus from each house. Provides that the bicameral group must perform the functions assigned to it in sections 2 to 4 of this bill.
As under current law, the LCC would retain discretionary authority to delegate the following other rulemaking functions to the bicameral group: authority to formally object to a rule (thus changing the burden of proof in a court action challenging the rule); authority to initiate or intervene in certain litigation challenging rules; authority to require an agency to hold a public hearing on rules.
- 2 Promote adequate and proper rules.** Provides that the bicameral group appointed by the LCC, instead of the LCC, has the duty to promote adequate and proper agency rules.
- 3 Jurisdiction.** Provides that the bicameral group has jurisdiction over the same types of rules as the LCC. Provides that the bicameral group, instead of the LCC has authority to review statutory exemptions to the rulemaking process.

- 4 Hearings.** Provides that the bicameral group appointed by the LCC, instead of the LCC, may hold public hearings to investigate complaints about rules. Requires the group to hold a public hearing on a rule upon written request of two or more group members or five legislators. (This requirement is moved to this section of law from current section 3.305, subdivision 8, which is repealed in section 5 of the bill.)
- 1 Repealer.** Repeals Minnesota Statutes, section 3.305, subdivision 8, which currently requires the LCC to review a rule upon request of two or more of its members or five or more legislators. The substance of this requirement is imposed on the bicameral group in section 4.
- 6 Effective date.** Effective July 1, 1999.