

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill requires legislative approval before a "major rule" of a state agency takes effect. The bill defines "major rule" and specifies a process for legislative consideration of these rules. The bill also provides for sunset and legislative review of existing rules.

**1 Definitions.** Defines terms used in this section. "Major rule" is defined as a rule that the agency (after consulting with the commissioner of employment and economic development) finds has resulted in or is likely to result in:

- (1) an adverse effect or impact on the private-sector economy of Minnesota of \$2 million or more in a year;
- (2) a significant increase in costs or prices for consumers, including industry, government, or private enterprises within certain geographic regions of Minnesota; or
- (3) significant adverse impacts on the competitiveness of private sector Minnesota-based enterprise, or on private sector employment, investment, productivity or innovation.

"Nonmajor rule" means a rule that is not a major rule.

**2 Legislative review.**

**Subd. 1. Report to legislature.** Requires that before a rule can take effect, an agency must report to the legislature. The report must include a copy of the rule, a concise general statement summarizing the rule, a classification of the rule as major or nonmajor, and a list of related regulatory actions.

**Subd. 2. Information to be made available.** Specifies information that an agency must make available to the commissioner of employment and economic development (and to legislators, upon request), in connection with the classification of a rule as major or nonmajor.

**Subd. 3. Classification of nonmajor rule; notice.** For a rule that an agency has classified as a nonmajor rule, requires the agency to publish a notice identifying the rule as a nonmajor rule

and setting forth an explanation of the classification as nonmajor.

**Subd. 4. Joint resolution of approval required for major rule.** Provides that a major rule shall not take effect or have the force of law unless a joint resolution of approval is enacted into law. Provides that if a joint resolution of approval is not enacted with 20 legislative days after the report under subdivision 1 is received, the rule is not approved, and a subsequent joint resolution of approval relating to the same rule may not be considered in the same biennial session of the legislature. If a joint resolution of approval is not enacted, requires the agency to publish notice in the State Register that the rule was not approved and does not have force of law (except as provided in the following subdivision).

**Subd. 5. Major rule taking effect under executive order.** Specifies conditions under which the governor may authorize a major rule to take effect for a limited period without legislative approval. This authority applies to a rule that the governor determines is:

- (1) necessary because of imminent threat to public health, safety, security, or other emergency; or
- (2) necessary for enforcement of criminal laws.

**Subd. 6. Approval of rules reported late in legislative sessions.** Specifies a process and timeline for legislative consideration or rules reported late in legislative sessions.

- 3 Legislative approval for major rules.** Specifies the form of a joint resolution addressing a major rule, and permits the resolution to address only the major rule. Provides that the resolution may not be amended. Specifies procedures and timelines for legislative consideration of joint resolutions under this section.
- 4 Judicial review.** Provides that no determination, finding, action, or omission under this chapter is subject to judicial review, except that a court may determine if an agency has completed requirements for a rule to take effect, and an administrative law judge may review an agency's classification of a rule as nonmajor. Provides that adoption of a legislative joint resolution of approval shall not be interpreted to serve as a grant or modification of statutory authority by the legislature for promulgation of a rule, and does not affect any claims against alleged defects in rules.
- 5 Sunset, sunset review, and legislative reapproval of major rules.** Provides that major rules remain in force and effect for no longer than two years from the date of enactment of a joint resolution of approval, unless the rule is later classified as a nonmajor rule, or the major rule is reapproved by a new joint resolution.
- 6 Sunset and legislative approval of existing rules.** Provides that rules in effect on the effective date of this section are deemed major rules unless classified (under a process specified in this section) as nonmajor. Provides that major rules shall be deemed to have been approved by joint resolutions as of 180 days after the effective date of this act (this date is significant because it triggers the process under section 5 for required reapproval of the major rules).
- 7 Title and purpose.** Provides that this act may be cited at the Responsible Rulemaking and Accountable Representation Act (RRAR). States the purpose of the act.