
Over time, as statutes are amended and expanded, the text may become disorganized, ambiguous, or lack clarity. A recodification of statutes makes significant changes to the organization and text of statutes to reorganize and improve the clarity of the text.

What is a recodification bill?

According to the Minnesota Revisor of Statutes' *Revisor's Manual*, "a recodification bill is a bill that makes significant changes in statutory coding within one or more chapters of Minnesota Statutes, usually with the aim of organizing the material in a new and more useful way."¹ In addition, the bill may make other technical changes including using consistent terminology, rewriting language for clarity and consistency, and repealing obsolete language. However, the language in a recodification bill is not intended to change existing policy or have a fiscal impact.

There have been several statutory recodifications in recent years, including a recodification of statutes governing various programs related to child care, early education, child welfare, and economic assistance when the administration of those programs was moved to a newly created state agency.²

What are the different types of recodifications?

There are two different types of recodification bills: a repeal and reenactment bill, and a renumbering bill.

A **repeal and reenactment bill** "repeals existing law and sets out the new law as new, underscored text."³ This method of recodification has the advantage of clearly setting out in the bill how the new law will read and will be organized. The disadvantages are: (1) when the new law is printed in Minnesota Statutes, the statutory history will only reflect the newly recodified law; and (2) it may be difficult to tell where the new language came from in the old law. In the past, these issues have been resolved by instructing the revisor to publish a concordance table or by having the revisor prepare a side-by-side comparison document. However, in some cases, the existing law is so extensively rewritten and reorganized that the revisor may have a difficult time identifying the origins of certain parts of the bill with any specificity.

A **renumbering bill** "instructs the revisor to renumber certain existing statutes with other statutory numbers."⁴ The advantage of a renumbering bill is that the statutory history can be easily tracked. The disadvantages are that the bill will not show exactly how the new law will be reorganized, and this method does not work well if the recodification requires extensive rewriting or reorganization of existing law.

¹ Office of the Revisor of Statutes, [Minnesota Revisor's Manual](#), 2013 Edition, p. 170.

² For more on this, see the House Research Department publication [Department of Children, Youth, and Families Statute Recodification](#), August 2024.

³ *Revisor's Manual*, p. 170.

⁴ *Ibid.*

Either type of recodification bill, or a combination of both, may be used, depending on the extent of the text that needs to be rewritten and the complexity of the reorganization.

When does it make sense to do a recodification?

It may make sense to recodify language if the language:

- has been added to or amended multiple times over the course of several years, such that the language is no longer logically organized, coherent, and easy to understand;
- is not organized in a logical, clear way;
- needs modernization; or
- is ambiguous or lacking in clarity.

What are some technical issues to think about when working on a recodification?

Some technical issues to think about when working on a recodification include:

- 1) Will a renumbering bill suffice, or does the language require a repeal and reenactment?
- 2) What would be a logical way to reorganize the language?
- 3) Are there long sections or subdivisions that could be broken up into smaller blocks of text?
- 4) Are there terms that need to be defined?
- 5) Is terminology used consistently throughout?
- 6) Is the language ambiguous?
- 7) Is there obsolete language that should be stricken or repealed?
- 8) Would a layperson be able to read and understand the language?

Who is generally involved in working on a recodification?

Nonpartisan staff from the House of Representatives, Senate, and Revisor's Office generally work with the appropriate executive branch staff on a recodification. The Revisor's Office staff provides guidance on coding and other technical issues, ensure that any revisor instructions are drafted in a way that can be completed by the Revisor's Office, and may be able to provide companion documents. The executive agency staff ensures that any rewriting does not change existing policy or have a fiscal impact.

In addition, it may be useful to include key stakeholders at some point in the process, particularly if the recodification includes extensive rewriting and reorganization. This may help to ease potential concerns regarding the recodification.

Finally, the chair of the committee with jurisdiction over the statutes that are proposed to be recodified, or another member who will author the bill, should be provided with background information on the recodification bill and the need for the recodification.



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