SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2183

(SENATE AUTHORS: THOMPSON and DeKruif)

DATE	D-PG	OFFICIAL STATUS
03/01/2012	4076	Introduction and first reading Referred to Education
03/15/2012	4489	Comm report: To pass
	4503	Second reading
03/26/2012	5150	Special Order
	5150	Third reading Passed
03/27/2012	5159	Author added DeKruif
04/17/2012	5874	Returned from House Presentment date 04/17/12
04/23/2012	5998	Governor's action Veto Chapter 191 04/20/12
	6000	Veto message laid on table

A bill for an act

relating to education; prohibiting the commissioner of education from enforcing unadopted rules; amending Minnesota Statutes 2010, section 127A.05, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 127A.05, subdivision 4, is amended to read:

Subd. 4. **Administrative rules.** (a) The commissioner may adopt new rules or amend any existing rules only under specific authority and consistent with the requirements of chapter 14. The commissioner may repeal any existing rules adopted by the commissioner. The commissioner may grant a variance to rules adopted by the commissioner upon application by a school district for purposes of implementing experimental programs in learning or school management. This subdivision shall not prohibit the commissioner from making technical changes or corrections to rules adopted by the commissioner.

(b) When the commissioner issues a policy, guideline, bulletin, criterion, manual standard, or similar pronouncement to school districts that meets the definition of a rule under section 14.02, subdivision 4, but that has not been adopted as a rule, the commissioner must include in the pronouncement a notice to the districts that the pronouncement is not enforceable. Consistent with section 14.381, subdivision 1, a district may petition the Office of Administrative Hearings seeking an order of an administrative law judge determining that the commissioner is enforcing or attempting to enforce a pronouncement as though it were a duly adopted rule.

EFFECTIVE DATE. This section is effective the day following final enactment.