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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4184

02/22/2024 Authored by Johnson, Daniels, Neu Brindley and Knudsen The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; requiring approval of certain standing committees
1.3 of the legislature for adoption of rules; amending Minnesota Statutes 2022, sections
1.4 14.126; 14.18, subdivision 1; 14.19.

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

1.6 Section 1. Minnesota Statutes 2022, section 14.126, is amended to read:

1.7 14.126 COMMITTEE AUTHORITY OVER RULE ADOPTION.

1.8 Subdivision 1. ~~Delay Approval action. If the standing committee of the house of~~
1.9 ~~representatives and the standing committee of the senate with jurisdiction over the subject~~
1.10 ~~matter of a proposed rule both vote to advise an agency that a proposed rule should not be~~
1.11 ~~adopted as proposed, the agency may not adopt the rule until the legislature adjourns the~~
1.12 ~~annual legislative session that began after the vote of the committees. An agency may not~~
1.13 ~~publish a notice of adoption in the State Register until the standing committee of the house~~
1.14 ~~of representatives and the standing committee of the senate with jurisdiction over the subject~~
1.15 ~~matter of the proposed rule has voted to approve its adoption. The speaker of the house and~~
1.16 ~~the president of the senate shall determine if a standing committee has jurisdiction over a~~
1.17 ~~rule before a committee may act under this section.~~

1.18 Subd. 2. **Vote.** A committee vote under this section must be by a majority of the
1.19 committee. The vote may occur any time after the publication of the rulemaking notice
1.20 under section 14.14, subdivision 1a, 14.22, 14.389, subdivision 2, or 14.3895, subdivision
1.21 3, ~~and before notice of adoption is published in the State Register under section 14.18, 14.27,~~
1.22 ~~14.389, subdivision 3, or 14.3895, subdivision 3.~~ A committee voting under this section
1.23 shall notify the agency, the revisor of statutes, and the chief administrative law judge of the

2.1 vote as soon as possible. The committee shall publish notice of the vote in the State Register
2.2 as soon as possible.

2.3 Sec. 2. Minnesota Statutes 2022, section 14.18, subdivision 1, is amended to read:

2.4 Subdivision 1. **Generally.** A rule is effective after it has been subjected to all requirements
2.5 described in sections 14.126 and 14.131 to 14.20, and five working days after the notice of
2.6 adoption is published in the State Register unless a later date is required by ~~section 14.126~~
2.7 ~~or~~ other law or specified in the rule. If the rule adopted is the same as the proposed rule,
2.8 publication may be made by publishing notice in the State Register that the rule has been
2.9 adopted as proposed and by citing the prior publication. If the rule adopted differs from the
2.10 proposed rule, the portions of the adopted rule that differ from the proposed rule must be
2.11 included in the notice of adoption together with a citation to the prior State Register
2.12 publication of the remainder of the proposed rule. The nature of the modifications must be
2.13 clear to a reasonable person when the notice of adoption is considered together with the
2.14 State Register publication of the proposed rule, except that modifications may also be made
2.15 that comply with the form requirements of section 14.07, subdivision 7.

2.16 If the agency omitted from the notice of proposed rule adoption the text of the proposed
2.17 rule, as permitted by section 14.14, subdivision 1a, paragraph (b), the chief administrative
2.18 law judge may provide that the notice of the adopted rule need not include the text of any
2.19 changes from the proposed rule. However, the notice of adoption must state in detail the
2.20 substance of the changes made from the proposed rule, and must state that a free copy of
2.21 the portion of the adopted rule that was the subject of the rulemaking proceeding, not
2.22 including any material adopted by reference as permitted by section 14.07, is available upon
2.23 request to the agency.

2.24 Sec. 3. Minnesota Statutes 2022, section 14.19, is amended to read:

2.25 **14.19 DEADLINE TO COMPLETE RULEMAKING.**

2.26 Within 180 days after issuance of the administrative law judge's report or that of the
2.27 chief administrative law judge, the agency shall submit its notice of adoption, amendment,
2.28 or repeal to the State Register for publication. If the agency has not submitted its notice to
2.29 the State Register within 180 days, the rule is automatically withdrawn. The agency may
2.30 not adopt the withdrawn rules without again following the procedures of sections 14.05 to
2.31 14.28, with the exception of section 14.101, if the noncompliance is approved by the chief
2.32 administrative law judge. The agency shall report to the Legislative Coordinating
2.33 Commission, other appropriate committees of the legislature, and the governor its failure

3.1 to adopt rules and the reasons for that failure. The 180-day time limit of this section does
3.2 not include:

3.3 (1) any days used for review by the chief administrative law judge or the commission
3.4 if the review is required by law; or

3.5 ~~(2) days during which the rule cannot be adopted, because of votes by legislative~~
3.6 ~~committees under section 14.126; or~~

3.7 ~~(3)~~ (2) days during which the rule cannot be adopted because approval of the legislature
3.8 is required under section 14.127.

3.9 Sec. 4. **EFFECTIVE DATE; APPLICATION.**

3.10 This act is effective the day following final enactment and applies to rules for which a
3.11 notice of adoption must be published on or after that date.