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Minnesota Legislation on Rulemaking Authority

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Highlights through History

1939:

"1939 legislation had given virtually unlimited substantive rulemaking authority to agencies." - Johnson's [A History of Minnesota Administrative Procedure and the Office of Administrative Hearings](#), 2011.

See [Laws of Minnesota 1939, chapter 431](#), art. 8, sec. 6.

1945:

The Minnesota Legislature began uniform rulemaking processes for state agencies. - Johnson's [A History of Minnesota Administrative Procedure and the Office of Administrative Hearings](#), 2011.

See [Laws of Minnesota 1945, chapter 452](#).

1946:

U.S. APA – see [5 U.S.C. section 551](#).

1957:

Minnesota legislature addressed uniformity of process for agency administrative hearings (see [Laws of Minnesota 1957, chapter 806](#)).

1974:

House and Senate Governmental Operations committees held interim meetings to review MAPA (Minnesota Administrative Procedures Act).

1975:

This was a major change to rulemaking laws. The terms "rule" and "regulation" were now defined - see [Laws of Minnesota 1975, chapter 380](#).

1976:

[Legislative Commission to Review Administrative Rules \(LCRAR\)](#) began work (established in 1974).

1981:

Substantive changes to rulemaking laws – see [Laws of Minnesota 1981, chapter 109](#).

1982:

Recodified sections of chapter 15 to chapter 14. ([Laws of Minnesota 1982, chapter 424](#), sec. 130.

1995:

The LCRAR was eliminated, effective 1996 and rule approval authority transferred from attorney general to the Office of Administrative Hearings. (in [Laws of Minnesota 1995, chapter 248](#), art. 2, sec. 6, subd. 1).

1998:

The LCC was required to review "broad statutory delegations of rulemaking authority to state agencies) – see [Laws of Minnesota 1998, chapter 303](#), sec. 5.

2000:

[Rules Reform Task Force](#) established in [2000 Minn. Laws Chap. 469 Sec. 5](#). (and was active 2000-2001)

2001:

[Laws of Minnesota 2001, chapter 179](#) made some changes related to the recommendations of the Rules Reform Task Force.

Resources consulted:

Nobles, James R., and Thomas J. Triplett. [A Staff Report to the House and Senate Governmental Operations Committee on the Minnesota Administrative Procedures Act and Its Current Application](#). St. Paul, Minn: House Research, 1975. [and [supplement](#)] KFM5840 .N62 1975

Triplett, Thomas J. and Nobles, James. "[Rule-Making Under Minnesota's Administrative Procedure Act: 1975 Amendments](#)." Hennepin Lawyer, July- August 1975. Vertical File A 5.5

Minnesota Association of Commerce and Industry. "[Facts on an Issue: The Expanding Authority of State Agencies](#)." Feb. 1975. Vertical File A 5.5

[1974-1976 news clippings](#). Vertical File A 5.5

Triplett, Thomas J., and Sandra S. Gardebring. [Survey of Agency Opinions on the Administrative Procedure Act \(APA\)](#). St. Paul, Minn: State of Minnesota, Office of the Governor, 1978. KFM5840 .T75 1978

Auerbach, Carl A. "[Administrative Rulemaking in Minnesota](#)." Minnesota Law Review 151, 1979. Vertical File A 5.5

Keppel, William J. and Gilbert, Dayton. Minnesota Administrative Practice and Procedure [[a selection from this book](#)], 1982. KFM5840 .K46

Explains types of rules and how rules have the "force of law" and some relationships between Minnesota law and federal law on administrative rulemaking.

Frickley, Philip P. "[The Constitutionality of Legislative Committee Suspension of Administrative Rules: The Case of Minnesota](#)." Minnesota Law Review, June 1986. Vertical File A 5.5

Hamilton, Neil W. and Prince, J. David. "[Legislative Oversight of Administrative Agencies in Minnesota](#)." William Mitchell Law Review, 12(2), 1986. Vertical File A 5.5

Legislative Coordinating Commission: Subcommittee on Generic Rulemaking: [Report on broad statutory delegations of rulemaking authority](#), 1998. KFM5840 .M562 1998

[Reforming Rule Making: Building a More Accountable, Open and Less Burdensome Process: Final report](#). St. Paul, Minn: The Taskforce, 2001. KFM5840 .R44 2001

Maeda, David. "[Clarifying Changes: Task Force Recommends Bill that Would Change the Way State Departments Develop Administrative Rules](#)." Session Weekly, March 16, 2001. Vertical File A 5.5

Johnson, Bruce H. [A History of Minnesota Administrative Procedure and the Office of Administrative Hearings](#), 2011. KFM5840 .J64 2011