

1.10 CONCLUSION

Little attention was given to state administrative procedure in Minnesota from the adoption of the first codified APA in 1957 through the mid-1970s, by either the public or the legislature. Since that time, however, administrative procedures have generated substantial interest and much legislation. The relative informality of procedures before 1975 gave way to a more formal and somewhat burdensome system. The system, in turn, became the subject of legislation between 1977 and the early 1980s to reduce cost and time requirements. The 1995 legislation has now reversed the movement, and legislative interest is growing in ways to limit state agency rulemaking. The 1997 legislation allowed agencies to use a simplified notice and comment procedure for rulemaking if authorized by the legislature.

This pendulum will no doubt continue to swing with political and programmatic redirections. In the end, however, it is unlikely that the basic characteristics of the Minnesota APA, such as public notice and hearing in contested matters and the use of independent administrative law judges, will change. Refinements will be made in the statutory procedures, and practitioners and those affected will need to stay abreast of legislators' penchant for APA amendments.