

1.2 THE ORIGINS OF THE MINNESOTA ADMINISTRATIVE PROCEDURE ACT (APA)

Before 1945, Minnesota had virtually no codified procedures relating to executive branch quasi-legislative activities (rulemaking) or quasi-judicial activities (contested cases). Each state agency had its own procedures for implementing rules and enforcing them. In 1945, in response to growing public and legislative attention to executive branch activities, the legislature enacted two bills that together constituted the first preliminary steps toward a comprehensive APA for rulemaking in Minnesota.

Chapter 452 of the 1945 legislation defined those agencies subject to these new rulemaking provisions, characterized affected agency statements (rules and regulations), and gave affected agencies specific authority to enact rules and regulations "to carry out the duties and powers imposed upon and granted to" them.¹ Under Chapter 452, a public hearing was required before a rule could be adopted, and the agency was required to give thirty days notice to "accredited representatives of trade associations or other interested groups who have registered their names with the Secretary of State for that purpose."² In addition, review by the attorney general was required for "form and legality," since each rule had the effect of law if the specified procedures were followed.³ Chapter 590 of the 1945 legislation specified that copies of agency rules were to be distributed to clerks of court, the revisor of statutes, the secretary of the Minnesota State Bar Association, and each district judge.⁴ A "publication board" was established to oversee the implementation of this requirement.⁵

Few changes were made to this fledgling APA between 1945 and 1957. However, in 1957, the legislature enacted chapter 806, the first true codified APA for the state.⁶ This act codified a uniform set of procedures to guide both rulemaking and contested case activities by state agencies. Many of the rulemaking provisions in the 1945 legislation were carried over in the 1957 enactment, but this later act was more specific in its definition of covered agencies, requirement for demonstrated need and reasonableness of the rules, and various procedural steps. Chapter 806 served Minnesota government for nearly two decades. Although the years 1957 through 1975 were a high growth period for state government, there were few significant amendments to the APA. The number of agencies subject to the APA increased, but no meaningful changes were made in the substantive procedures established in chapter 806.

¹ 1945 Minn. Laws ch. 452, §2, at 869.

² 1945 Minn. Laws ch. 452, §2, at 870.

³ *Id.*

⁴ 1945 Minn. Laws ch. 590, §1 at 1154.

⁵ 1945 Minn. Laws ch. 590, §2 at 1154.

⁶ 1957 Minn. Laws ch. 806, §§1-14, at 1100-1105.