

## 18.4 EDITING, COMPILING, PUBLISHING, AND PRESERVING

Legislation passed in 1980 created *Minnesota Rules*, the current compilation of Minnesota agency rules. The 1980 law mandated comprehensive changes in the publication of rules effective July 1, 1980.<sup>1</sup> It directed the revisor of statutes to formulate a plan for the compilation of both permanent and temporary agency rules in a manner convenient for public use, to publish this compilation and any necessary pamphlets, supplements, or new rule compilations, and to sell them for a reasonable fee. Before 1980, agencies' rules were being published by the department of administration in a form known as the *Minnesota Code of Agency Rules* (MCAR). MCAR was a collation of all the different state agency rules, which had not been previously subject to any uniform requirements.

The year 1980 also marked a change in the official status of the published form of the rules. Although the publication of MCAR was mandated by law, the law was silent in regard to what effect the courts should give to that publication. By law, *Minnesota Rules* is prima facie evidence of the text of rules.<sup>2</sup> This makes the rules equivalent in status to the laws published in *Minnesota Statutes*<sup>3</sup>

During the recompilation, the revisor could change the order of rules and their format but could not rewrite the rules or change the meaning of any rule. Part of the recompilation task included the preparation of appropriate tables, cross-references, explanatory notes, and indexes.<sup>4</sup> These finding aids were not part of MCAR.

*Minnesota Rules* was first published in June 1983.<sup>5</sup> The 1983 edition contained a concordance table showing the MCAR number and the corresponding *Minnesota Rules* number assigned to it in its recompiled form. In 1985, the concordance table was reprinted with an additional part including those rules adopted after the original cut-off date in 1983. The combined tables provided users with a complete table reflecting the recompilation of all administrative rules from MCAR to *Minnesota Rules* format.

The full edition of *Minnesota Rules* is published every odd-numbered year and is supplemented each even-numbered year in a one or two volume supplement. The set contains the text of the agency rules, an index, citations to the statutory authority for each rule, historical notes, editorial notes, and other useful research aids.

The revisor is assigned the duty and given the necessary editorial powers by statute to publish and update the rules as an ongoing process, similar to the process used for *Minnesota Statutes*.<sup>6</sup> *Minnesota Rules* is also accessible via the Internet.<sup>7</sup> The office does continuous revision to keep the text online accurate and up-to-date.

The original publication of *Minnesota Rules* contained only rules adopted under the APA. However, many agencies have sought and been given statutory exemption of their rules from the APA. As a consequence, the original publication contained a large percentage, but not all, of the rules then in force. A legislative change in 1984 provided that all exempt rules then in effect had to be filed with the revisor before January 1, 1985. If agencies failed to file

<sup>1</sup> 1980 MINN. LAWS ch. 615, §§ 57-59, 63, at 1565-668.

<sup>2</sup> MINN. STAT. § 14.37, subd. 2 (2014).

<sup>3</sup> *Id.* § 3C.13.

<sup>4</sup> 1980 Minn. Laws ch. 615, § 57, subds. 1(a), 2, at 1565-66.

<sup>5</sup> MINN. RULES (1983).

<sup>6</sup> MINN. STAT. §§ 3C.10, subds. 1, 2, 14.47, subds. 5, 6 (2014).

<sup>7</sup> Available at <https://www.revisor.mn.gov/rules/>.

the exempt rules, the rules were no longer effective. The revisor was given the power to edit the filed rules to the same extent as rules originally published in *Minnesota Rules*.<sup>8</sup> These exempt rules were then published by the revisor.<sup>9</sup>

*Minnesota Rules* uses an organizational method similar to that used in *Minnesota Statutes*. However, it uses different nomenclature.

The rules are arranged in a decimal numbering system. In a part number, the four digits before the decimal point represent the chapter number. The four digits after the decimal point assign a unique number to each rule in the chapter. Together, the chapter and part numbers identify each basic unit of *Minnesota Rules*.

The basic numbered unit in *Minnesota Rules* is the “part.” The divisions of rules are the part, subpart, item, subitem, unit, and subunit. The part is designated by an eight-digit number, such as 1001.0100. The subpart is designated by an Arabic number, such as Subpart 1. The item is designated by an uppercase letter, such as A. The subitem is designated by an Arabic number enclosed in parentheses, such as (1). The unit is designated by a lowercase letter in parentheses, such as (a), and the subunit by a lowercase roman numeral. Novel methods of coding and dividing the rules are not permitted.

Under Minnesota Statutes, sections 3E.01 to 3E.10, the Uniform Electronic Legal Material Act,<sup>10</sup> the revisor is directed to electronically preserve and authenticate certain legal materials, including *Minnesota Rules*.<sup>11</sup> Each time a change to a rule is published online, that version of the rule is preserved and made available to the public. Directions to authenticate and print a PDF version of the rule are also available online.

The revisor’s office also has developed and made available on its web site a public rules status system that allows a user to follow many of the actions taken by state departments and agencies when they adopt administrative rules. It also provides access to historical rule information, documents and notices for rules adopted since 1980. This system provides access to the entire *State Register* in searchable electronic form, agency SONARs (statement of need and reasonableness), final drafts of proposed and adopted rules approved by the revisor, and orders on review of rules and ALJ reports from the Office of Administrative Hearings.

<sup>8</sup> MINN. STAT. § 14.385 (2014).

<sup>9</sup> MINN. RULES (1985).

<sup>10</sup> MINN. STAT. § 3E.01 (2014); 2013 MINN. LAWS ch. 7, at 1-3.

<sup>11</sup> MINN. STAT. § 3E.02, subd. 3(4) (2014).