

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes a legislative commission on unnecessary mandates to review rules and laws affecting local governments and make legislative proposals to repeal or modify unnecessary mandates. It also gives the commission authority to temporarily suspend rules and to object to rules.

Section

1 Legislative commission on unnecessary mandates; established.

Subd. 1. Established. Establishes the commission.

Subd. 2. Membership. Provides for 14 legislators to serve as the commission: seven senators and seven representatives.

Subd. 3. Terms; vacancies. Provides for commission members to serve for a biennium and for vacancies to be filled so as to preserve the representation established by this section.

Subd. 4. Chair. Provides for the commission members to select a chair from among the members at the beginning of each biennium. Requires the chair to alternate between the house and senate.

Subd. 5. Compensation. Provides that members serve without compensation but may be reimbursed for expenses.

Subd. 6. Staff. Directs the legislative coordinating commission (LCC) to provide administrative support to the commission.

Section

Subd. 7. Meetings; procedures; tie votes. Provides for calling the first meeting each biennium. Provides that commission action requires a majority vote of members from both the House and the Senate.

Subd. 8. Funding. Provides for the LCC to annually bill the commissioner of revenue for costs of the commission and the grants authorized in section 3. Maximum amount per year is \$100,000, of which one-half is from LGA and one-half is from HACA.

- 2 **Legislative commission on unnecessary mandates; review and recommendations to legislature.** Directs the commission to solicit from local governments information on laws and rules that may be unnecessary. Directs the commission to prepare each year a bill to repeal or modify laws or rules it determines are unnecessary.
- 3 **Legislative commission on unnecessary mandates; grants.** Permits the commissioner of revenue, upon recommendation of the legislative commission, to make grants to local government associations, the University of Minnesota, MnSCU, or other accredited postsecondary schools to research and make recommendations on unnecessary mandates. Limits grants to an unspecified amount.
- 4 **Legislative commission on unnecessary mandates; temporary rule suspension.** Permits the commission to suspend any rule on which the commission receives negative testimony at a public hearing. Requires the commission to prepare a bill to repeal any rule the commission has suspended. Provides that the rule remains effective if the bill to repeal is not enacted (unless the agency repeals it). This section is based on prior law for the Legislative Commission to Review Administrative Rules.
- 5 **Sunset.** Provides that the commission sunsets on June 30, 2007.
- 6 **Objections to rules.** Permits the commission to object to a rule formally and thereby change the burden of proof to the agency in a proceeding for judicial review or enforcement of the rule. Permits the commission to petition for a declaratory judgment to determine the validity of a rule and to intervene in litigation arising out of agency action. The LCC and legislative committees currently have this authority.
- 7 **Public hearings by state agencies.** Permits the commission to require an agency to conduct public hearings on rules. The LCC currently has this authority.
- 8 **First meeting after effective date of act.** Provides for the speaker of the house to designate a commission member to convene the first meeting. Provides for the first commission to serve until the beginning of the next biennium.
- 9 **Effective date.** Makes the act effective immediately.