

1.1 ..... moves to amend H.F. No. 1285 as follows:

1.2 Page 2, after line 12, insert:

1.3 "Sec. 3. Minnesota Statutes 2016, section 14.386, is amended to read:

1.4 **14.386 PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.**

1.5 (a) A rule adopted, amended, or repealed by an agency, under a statute enacted after  
1.6 January 1, 1997, authorizing or requiring rules to be adopted but excluded from the  
1.7 rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect  
1.8 of law only if:

1.9 (1) the revisor of statutes approves the form of the rule by certificate;

1.10 (2) the person authorized to adopt the rule on behalf of the agency signs an order adopting  
1.11 the rule;

1.12 (3) the Office of Administrative Hearings approves the rule as to its legality within 14  
1.13 days after the agency submits it for approval and files four paper copies or an electronic  
1.14 copy of the adopted rule with the revisor's certificate in the Office of the Secretary of State;  
1.15 and

1.16 (4) a copy is published by the agency in the State Register.

1.17 The secretary of state shall forward one copy of the rule to the governor.

1.18 A statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but  
1.19 excluded from the rulemaking provisions of chapter 14 or from the definition of a rule does  
1.20 not excuse compliance with this section unless it makes specific reference to this section.

1.21 (b) A rule adopted under this section is effective ~~for a period of two years from~~ until the  
1.22 legislature adjourns the annual legislative session that began after the date of publication  
1.23 of the rule in the State Register. The authority for the rule expires at the end of this ~~two-year~~

2.1 period. This paragraph does not apply if the rule has been approved by a law enacted after  
2.2 publication of the rule in the State Register.

2.3 (c) The chief administrative law judge shall adopt rules relating to the rule approval  
2.4 duties imposed by this section and section 14.388, including rules establishing standards  
2.5 for review.

2.6 (d) This section does not apply to:

2.7 (1) any group or rule listed in section 14.03, subdivisions 1 and 3, except as otherwise  
2.8 provided by law;

2.9 (2) game and fish rules of the commissioner of natural resources adopted under section  
2.10 84.027, subdivision 13, or sections 97A.0451 to 97A.0459;

2.11 (3) experimental and special management waters designated by the commissioner of  
2.12 natural resources under sections 97C.001 and 97C.005;

2.13 (4) game refuges designated by the commissioner of natural resources under section  
2.14 97A.085; or

2.15 (5) transaction fees established by the commissioner of natural resources for electronic  
2.16 or telephone sales of licenses, stamps, permits, registrations, or transfers under section  
2.17 84.027, subdivision 15, paragraph (a), clause (3).

2.18 (e) If a statute provides that a rule is exempt from chapter 14, and section 14.386 does  
2.19 not apply to the rule, the rule has the force of law unless the context of the statute delegating  
2.20 the rulemaking authority makes clear that the rule does not have force of law.

2.21 Sec. 4. Minnesota Statutes 2016, section 14.388, subdivision 1, is amended to read:

2.22 Subdivision 1. **Requirements.** If an agency for good cause finds that the rulemaking  
2.23 provisions of this chapter are unnecessary, impracticable, or contrary to the public interest  
2.24 when adopting, amending, or repealing a rule to:

2.25 (1) address a serious and immediate threat to the public health, safety, or welfare;

2.26 (2) comply with a court order or a requirement in federal law in a manner that does not  
2.27 allow for compliance with sections 14.14 to 14.28;

2.28 (3) incorporate specific changes set forth in applicable statutes when no interpretation  
2.29 of law is required; or

2.30 (4) make changes that do not alter the sense, meaning, or effect of a rule,

3.1 the agency may adopt, amend, or repeal the rule after satisfying the requirements of  
3.2 subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4). The agency shall  
3.3 incorporate its findings and a brief statement of its supporting reasons in its order adopting,  
3.4 amending, or repealing the rule.

3.5 After considering the agency's statement and any comments received, the Office of  
3.6 Administrative Hearings shall determine whether the agency has provided adequate  
3.7 justification for its use of this section.

3.8 Rules adopted, amended, or repealed under clauses (1) and (2) are effective ~~for a period~~  
3.9 ~~of two years from~~ until the legislature adjourns the annual legislative session that began  
3.10 after the date of publication of the rule in the State Register, unless the rule has been approved  
3.11 by a law enacted after that publication.

3.12 Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication  
3.13 in the State Register."

3.14 Renumber the sections in sequence and correct the internal references

3.15 Amend the title accordingly