



2021 LEGISLATIVE SPECIAL SESSION: RULEMAKING RECAP

I. First Special Session, chapter 2; Office of Higher Education:

- Article 2, section 47: repeals Minnesota Rules, parts 4830.9050; 4830.9060; 4830.9070; 4830.9080; and 4830.9090. The rule parts govern state grants used as a match to the National Service Scholars Program of the Corporation for National Service. The program was created in 1997.

II. First Special Session, chapter 4; Department of Commerce and Public Utilities Commission:

- Article 3, section 2: adds a new subdivision 10b under Minnesota Statutes, section 60A.092. The subdivision allows credits under the reinsurance program, with one of the conditions being that the assuming insurer must be licensed in a reciprocal jurisdiction. But if a jurisdiction is not in a reciprocal jurisdiction, the statute gives the commissioner of commerce authority to adopt criteria under rulemaking for when the commissioner can approve the jurisdiction:

“The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with **criteria developed under rules issued by the commissioner**. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance **with a process set forth in rules** issued by the commissioner . . .”

The commissioner has additional rulemaking authority under the subdivision.

- Article 3, section 28: the commissioner of commerce may use **expedited rulemaking** to follow the legislature’s directive requiring the commissioner to amend Minnesota Rules to “permit a data service organization to collect loss adjustment expense data and to consider and include in its ratemaking report losses developed to their ultimate value, trended losses, and loss adjustment expenses.” The commissioner must amend Minnesota Rules, parts 2705.1000, item B, subitem (4); 2705.0200, subpart 7; 2705.1700, subpart 2; and 2705.1800, item B, or other parts of Minnesota Rules, chapter 2705.

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III. First Special Session, chapter 5; Departments of Transportation and Public Safety:

- Article 4, section 126: the commissioner of public safety must develop a safety manual for animal-drawn vehicles. The manual is not considered a rule and is exempt from any chapter 14 rulemaking requirements.
- Article 4, section 130: the commissioner of public safety must amend Minnesota Rules, parts 7410.2500 and 7410.2800, to “include a licensed physician assistant and an advanced practice registered nurse as among the medical providers authorized to complete any required medical statement or report.” The commissioner may use **expedited rulemaking**. Chapter 7410 contains the Department of Public Safety’s rules on licensing and testing drivers and other driving-related requirements.
- Article 4, section 151: repeals Minnesota Rules, parts 7470.0300; 7470.0400; 7470.0500; 7470.0600; and 7470.0700. Chapter 7470 contains requirements for licensing and inspecting school buses, including issuing inspection certificates. Minnesota, Statutes, section 169.451, subdivision 3 (article 4, section 61), was amended to change the inspection and certificate requirements and move them from rule to statute.

IV. First Special Session, chapter 6; Department of Natural Resources and Pollution Control Agency:

- Article 2, section 17: the commissioner of natural resources and the Board of Animal Health are given concurrent regulatory authority over farmed white-tailed deer; both agencies must send a report to the legislature detailing efforts under this concurrent authority along with recommendations on how to better manage chronic wasting disease. This new authority was added in a new subdivision 14 under Minnesota Statutes, section 35.155.
- Article 2, section 18: the commissioner of natural resources is given additional **expedited authority** to adopt rules to change the placement and boundaries of land use districts established in the Mississippi River Corridor Critical Area. Unlike traditional expedited authority that is onetime, the commissioner has standing authority to continually use the expedited rulemaking process under Minnesota Statutes, section 84.027, subdivision 13a.

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- Article 2, section 36: the commissioner of natural resources has the authority to “develop reasonable policies for special-use permits to use state parks, state recreation areas, and state waysides.” These policies are not rules and are not subject to chapter 14 rulemaking requirements (Minnesota Statutes, section 85.052, subdivision 7).
- Article 2, section 131: the commissioner of the Pollution Control Agency must use **good-cause-exempt rulemaking** to “amend rules to require reports to the agency from a solid waste facility to be submitted by March 1 for the previous calendar year.”
- Article 2, section 134: Minnesota Rules, part 7044.0350, is repealed. This part requires the PCA and commissioner of agriculture to score sites using the EPA’s Hazard Ranking System. A site is where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or is otherwise located. The requirement to use the EPA’s Hazard Ranking System was added to Minnesota Statutes, section 115B.17, subdivision 13 (article 2, section 93).

V. First Special Session, chapter 7; Departments of Health and Human Services:

- Article 1, section 40: the following Minnesota Rules are repealed: Minnesota Rules, parts 9505.0275; 9505.1693; 9505.1696, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22; 9505.1699; 9505.1701; 9505.1703; 9505.1706; 9505.1712; 9505.1715; 9505.1718; 9505.1724; 9505.1727; 9505.1730; 9505.1733; 9505.1736; 9505.1739; 9505.1742; 9505.1745; and 9505.1748.

Chapter 9505 deals with various rules on the medical-assistance program, the state Medicaid program.

- Article 2, section 82: a Family Child Care Training Advisory Committee is established to study possible updates to “rules and statutes governing family child care training, including technical updates to facilitate providers’ understanding of training requirements.”
- Article 4, section 9: the Board of Marriage and Family Therapy must ensure that at least 4 of its 40 continuing-education training hours include several new topics listed in Minnesota Statutes, section 148B.31. The continuing-education training hours are required under Minnesota Rules, part 5300.0320, subpart 2.

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- Article 6, section 28: the legislature instructs the revisor’s office to substitute “telemedicine” with “telehealth” in both *Minnesota Statutes* and *Minnesota Rules*.
 - Article 17, section 14: a Task Force on Eliminating Subminimum Wages is established to “develop a plan and make recommendations to phase out payment of subminimum wages to people with disabilities on or before August 1, 2025.” Part of the report to the legislature must include recommendations for amending rules to implement task-force recommendations.
- VI.** First Special Session, chapter 10; Departments of Labor and Industry and Employment and Economic Development:
- Article 1, section 5: appropriates \$47,000 each year to the Bureau of Mediation Services for rulemaking on peace-officer-related grievance procedures.
- VII.** First Special Session, chapter 11; Department of Corrections; POST Board:
- Article 9, section 5: adds minimum standards on correctional facilities that the commissioner of corrections must adopt through rule. Requires the commissioner to define “emergency or unusual occurrences” in rule (Minnesota Statutes, section 241.021, subdivision 1).
 - Article 9, section 33: the POST Board may adopt rules to enforce the changes to section 214.10, subdivision 11, relating to reasonable-grounds determinations of licensed peace officers.
- VIII.** First Special Session, chapter 12; state government:
- Article 2, section 30: reduces the required number of hearing requests under **expedited rulemaking** from 100 to 50 (Minnesota Statutes, 14.389, subdivision 5).
- IX.** First Special Session, chapter 14; Department of Revenue:
- Article 6, section 20: the commissioner of revenue must review “the framework for valuations of property described in Minnesota Statutes, sections 273.33, 273.35, 273.36, and 273.37, including the methodology for valuations prescribed in Minnesota Rules, chapter 8100.” Chapter 8100 contains the commissioner’s rules on valuating utility companies.

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