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# **REVISOR OF STATUTES PERFORMANCE REPORT**

## **July 1, 2002 – June 30, 2004**

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**Office of the Revisor of Statutes  
700 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155  
651-296-2868**

**Web: [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us)  
E-mail: [revisor@revisor.leg.state.mn.us](mailto:revisor@revisor.leg.state.mn.us)**

**Michele L. Timmons  
Revisor of Statutes**

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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	1
<b>DUTIES OF THE REVISOR'S OFFICE</b>	3
<b>LEGISLATIVE DUTIES</b>	3
BILL DRAFTING	3
RESOLUTION DRAFTING	4
AMENDMENT DRAFTING	4
REVISOR'S, CORRECTIONS, AND STYLE AND FORM BILLS	5
FORM APPROVALS OF BILLS	5
HOUSE COMMITTEE REPORTS	6
CONFERENCE COMMITTEE REPORTS	6
COMPARISON REPORTS	7
ENGROSSMENTS	8
ENROLLMENTS	9
<b>ADMINISTRATIVE RULE DRAFTING</b>	10
RULE DRAFTING AND FORM APPROVAL OF RULES	10
PROPOSED RULES	11
MODIFICATIONS	11
NOTICES OF ADOPTION	12
ADOPTED RULES	12
<b>PUBLICATIONS AND ACCESS TO DATA</b>	13
LAWS OF MINNESOTA	13
MINNESOTA STATUTES AND SUPPLEMENT	14
LAWS TABLES	15
STATUTORY EDITORIAL OPERATIONS	16
MINNESOTA RULES AND SUPPLEMENT	17
INDEXES	18
COURT RULES	18
REVISOR'S MANUAL	19
RULE DRAFTING MANUAL	19
RULEMAKING GUIDE	19
COMPUTER SEARCHES	19
COPIES OF, AND ACCESS TO, PUBLIC DATA	19
<b>LEGAL ASSISTANCE AND LIAISON</b>	20
COUNSEL TO SUBCOMMITTEE ON CLAIMS	20
COURT OPINIONS REPORT	20
UNIFORM LAWS CONFERENCE	21
INFORMATION FOR OTHER STATE OFFICES AND THE GENERAL PUBLIC	21
COMPILING DATA ON OPERATION AND EFFECT OF LAWS	22
INTERNAL OPERATIONS	22
<b>COMPUTER SERVICES</b>	22

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MAINTAINING A COMPUTER SYSTEM	22
NEW SYSTEM DEVELOPMENT	24
SECURITY IMPROVEMENTS	25
INTERNET	25
<b>ACKNOWLEDGEMENTS</b>	<b>28</b>

## EXECUTIVE SUMMARY

The Office of the Revisor of Statutes is a nonpartisan legislative agency with 60 permanent full-time and temporary employees providing a broad range of services to the legislature, legislative staff, and executive and judicial branches of state government. The services provided by the office are imposed by law, legislative rule, or legislative custom.

This report is a review for the legislative biennium beginning July 1, 2002, and ending June 30, 2004, of each of the functions of the revisor's office that are identified by law, rule, or custom. Included as part of the report are graphs showing long-term trends in selected areas of office activities.

The biennium shows stabilization in the various kinds of documents produced by the office. In general, the volume of legislative work during the 2003-2004 biennium shows a slight reduction in the number of documents requested. However, the relative size of each document, as well as the number of versions prepared for each, reveals a slight increase. In addition, the editing and publishing activity of the office continues to grow, as evidenced by the amount of "new" law passed compared to the number of repealed laws removed from the statutes. Administrative rule activity remained stable in 2003-2004.

As in all state and legislative offices, budget reductions were a major force during the biennium. Both permanent and temporary positions were intentionally held open, including during session, to meet budget targets. Additional cost-saving measures are reflected in revisor's office publications:

- The *2003 Minnesota Rules* publication was published with a soft cover.
- The rules were reduced from 13 volumes to 11, primarily by eliminating obsolete forms.
- *Laws of Minnesota 2004* was published in only one volume due to the number of acts passed and the use of lower density paper.
- The index and *Court Rules* volumes of *Minnesota Statutes 2004* will be published in soft cover.
- The 2004 statutes index has been reduced from 3 volumes to 2, and has been produced in part by in-house staff, reducing the costs for contract indexers.

Numerous revisor's office staff participated in brainstorming sessions to find these creative and innovative ways to reduce costs.

During 2003 and 2004, the revisor's office devoted significant time and made substantial progress in the effort to completely replace our 30-year-old mainframe computer system. Highlights include:

- implementation of a storage area network (SAN) in 2004 to handle more data
- implementation of a redundant router connection, serving the revisor's office, LCC, reference library, and senate
- implementation of new monitors and Wyse terminals for revisor's staff
- development of a new status system and Web server, with a target implementation date of 2005

- development of customized software for core bill drafting functions, including auto-engrossing and prototypes for side-by-side production

The target date for full implementation of the new legislative bill drafting system is January 2006. The ability to meet this deadline will depend in large part on funding availability and the resulting rate of future development.

The revisor's office will prepare its next performance report in the fall of 2006. The report will review the work of the office during the 2005-2006 biennium.

## DUTIES OF THE REVISOR'S OFFICE

This section of the report examines each of the functions of the revisor's office assigned by law, rule, request, or custom.

### LEGISLATIVE DUTIES

#### **Bill Drafting**

*Source of mandate: Minnesota Statutes, sections 3C.03, subdivision 2; 3C.035; and 3C.05, subdivision 1*

The mandate to draft and review bills and related legislative documents generated for the legislature is the office's chief responsibility during the legislative session. That mandate has many component duties: the work of drafting itself, the management of drafting loads, the maintenance of a bill tracking system, the systems and software that support bill production, the training and documentation associated with those systems, the work of data entry, and the work of supervision and quality control. As mandated by statute, the office drafts bills on request for any member of the House of Representatives and the Senate, the Governor, and state departments and agencies. Bill drafting services are nonpartisan and confidential. All drafting is done by lawyers, and the attorney-client privilege, as well as broad statutory confidentiality protection, attaches. A peer review procedure is utilized as part of the comprehensive quality control system for bill drafting. Computer programs developed in the revisor's office transfer data for all introduced bills to the legislative Web site.

In 2003-2004, the office drafted 664 bills for the executive branch and 5,742 for the legislature.

Much of the bill drafting for departments and agencies is done prior to the start of each session of the legislature. We cooperate with the Governor's office in preparing and jacketing agency bills, and with House and Senate majority and minority leadership in a collaborative effort to deliver these bills to the legislature in a timely manner.

In the first half of the biennium, 3,292 drafting files were opened and in the second half, 3,114 were opened. Of these totals, 435 and 632, respectively, were resolution files.

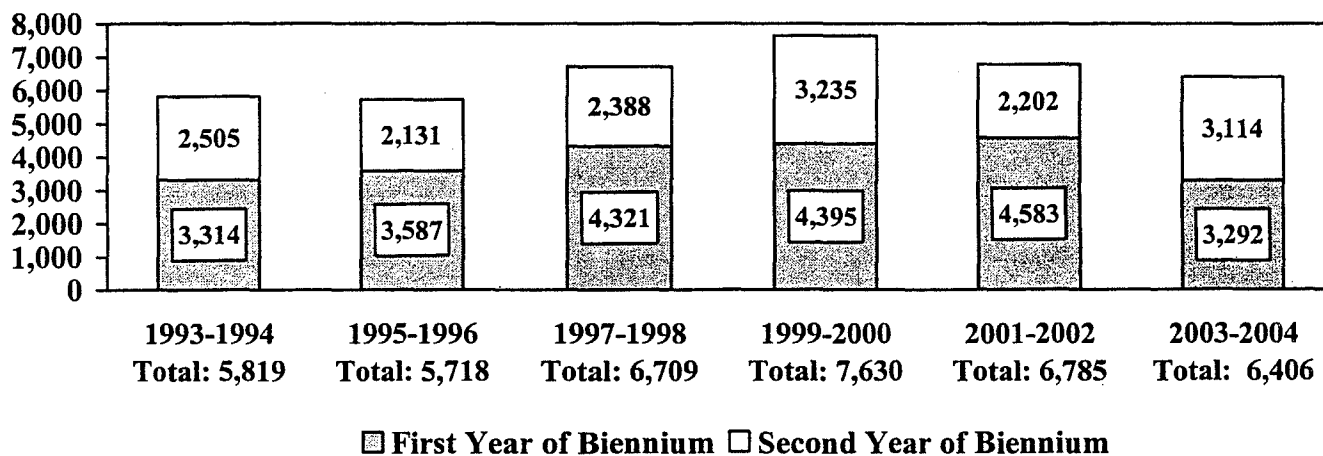
## Resolution Drafting

Source of mandate: *Minnesota Statutes, section 3C.03, subdivision 2*

The revisor's office drafts memorial, concurrent, and congratulatory resolutions. Memorial resolutions are drafted for the same reasons as are bills: to accomplish public goals. A memorial resolution contains a statement of facts referred for action by a governmental official, agency, or body. Concurrent resolutions are drafted to do the internal business of the legislature, such as establishing budget limits; some simple resolutions also do internal business. The majority of resolutions drafted by the office, called congratulatory resolutions, are drafted to help individual legislators maintain good constituent relations. Resolutions are often presented at public functions by members or their designees. They are prepared and delivered directly to the requesting member who in turn obtains the proper signatures. In addition to formal resolutions, the office prepares text that can be used by the governor's office in drafting proclamations if that is the form of congratulation the requester prefers.

The office prepared 723 congratulatory resolutions in the first half of the biennium and 1,104 in the second half.

### Bill and Resolution Drafts

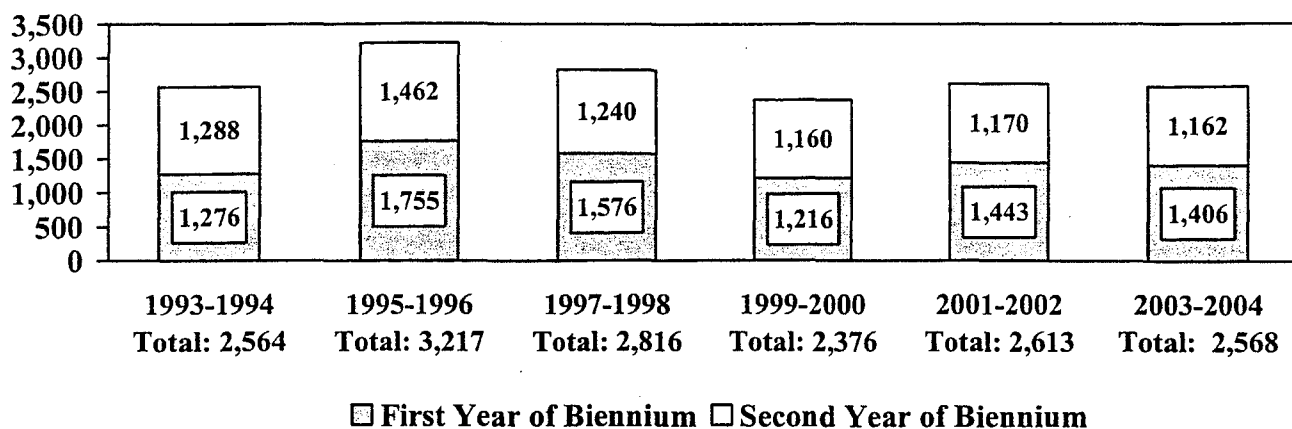


## Amendment Drafting

Source of mandate: *Minnesota Statutes, section 3C.03, subdivision 2*

Amendments are prepared at the request of members, the Governor and other constitutional officers, and state agencies for Senate and House committees and floor sessions. In addition, two lawyers from the office are available on the House floor during floor sessions to draft amendments and to provide related legal advice. Support staff for preparing the amendments on the House floor is also provided by the revisor's office. The office prepared 1,406 amendments in the first half of the biennium and 1,162 in the second half.

## Amendment Drafts



### Revisor's, Corrections, and Style and Form Bills

*Source of mandate: Minnesota Statutes, section 3C.04*

Three types of bills are researched, proposed, and drafted by the office and introduced for consideration by members who sit on the House and Senate committees with jurisdiction over civil law matters. They are bills to correct technical errors in the statutes, "the revisor's bill," bills to correct errors in a given session's bills, "the session corrections bill," and bills to improve the style and form of statutory chapters, "style and form bills." Revisor's office staff attend committee hearings on these bills and testify as requested by the members.

Revisor's bills to correct obsolete and redundant language, erroneous and obsolete references, and conflicting amendments were passed in *Laws 2003*, chapter 2, and *Laws 2004*, chapter 228. Session correction bills to correct session errors were passed in *Laws 2003, First Special Session* chapter 23, and *Laws 2004*, chapter 289.

The session corrections bill is customarily one of the final bills passed during a session. Because of end of session time constraints, an abbreviated procedure developed with legislative leadership is used for these end of session correction bills.

Style and form bills produced by the office are not generally introduced as stand-alone bills but are integrated into more substantive pieces of legislation.

### Form Approvals of Bills

*Source of mandate: House rule 4.01, Joint Rule 2.01, and custom and usage of the legislature*

The revisor's office examines each bill and endorses approval of its form and its compliance with Joint Rules of the House and Senate, House Rules, and the provisions of the Minnesota Constitution relating to bills, for example, the single subject and enacting clause requirements. Technically, this requirement of approval applies to bills prepared for introduction in the House of Representatives. In practice, it applies to all bills, since bills drafted for a Senate member have



both House and Senate copies. Form checks and approvals are a standard part of the quality control component of the bill drafting process.

### House Committee Reports

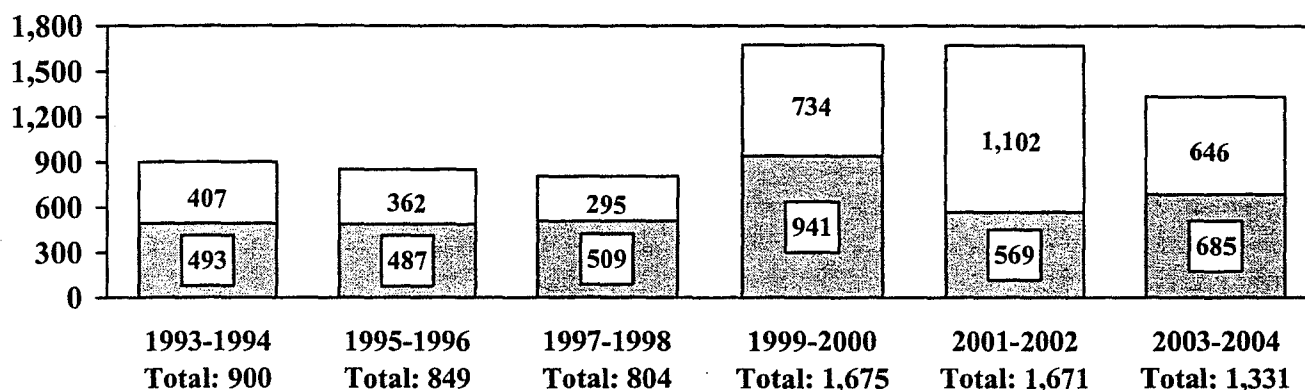
*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 6 (requested by the Speaker and Chief Clerk of the House)*

The office drafts and approves all committee reports from standing committees of the House. Staff works closely with House committee staff and members to make sure the reports are technically accurate and legally sufficient.

During the 2003 session, 685 committee reports were prepared for the House. During the 2004 session, 646 committee reports were prepared for the House. We prepare minority reports for committees when requested. Since 1999, committee reports were prepared each time a committee took action on a bill. Prior to that, we prepared a committee report only when a bill was amended by the committee.

We also prepare subcommittee or division reports for the House. These reports are prepared at the request of a committee secretary or the chief committee clerk.

### House Committee Reports



■ First Year of Biennium □ Second Year of Biennium

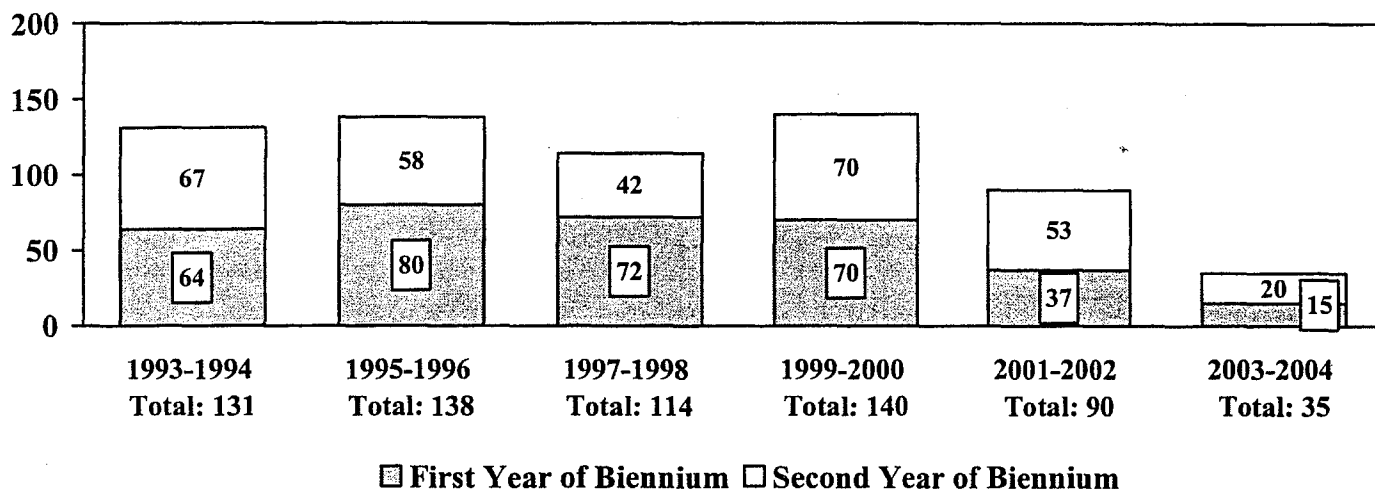
### Conference Committee Reports

*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 6; custom and usage of the legislature*

The revisor's office drafts and approves all conference committee reports of the House and Senate. Staff works closely with members and conference committee staff to make sure the reports are technically accurate and legally sufficient. These reports are usually prepared under time constraints during the last few days of session. Computer programs developed by our office transfer data for conference committee reports to the legislative Web site.

During the 2003 session, we prepared 15 conference committee reports that were returned to the desks. There were 5 conference committee reports on House bills and 10 on Senate bills. When alternative and unofficial versions of reports are added, the total is 17. For 2004, the figures are as follows: 20 total reports returned to the desk, 11 for the House and 9 for the Senate. The addition of alternative and unofficial versions brings the total to 28.

### Conference Committee Reports Returned to the Desks



### Comparison Reports

*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 6; custom and usage of the legislature (requested by members, Secretary of the Senate, and Chief Clerk of the House)*

The revisor's office prepares two types of comparison reports for the legislature: side-by-side comparison reports and House and Senate desk comparison reports.

Side-by-side comparisons are usually requested for House and Senate bills under conference committee consideration. These documents show the text of the bills in a side-by-side presentation.

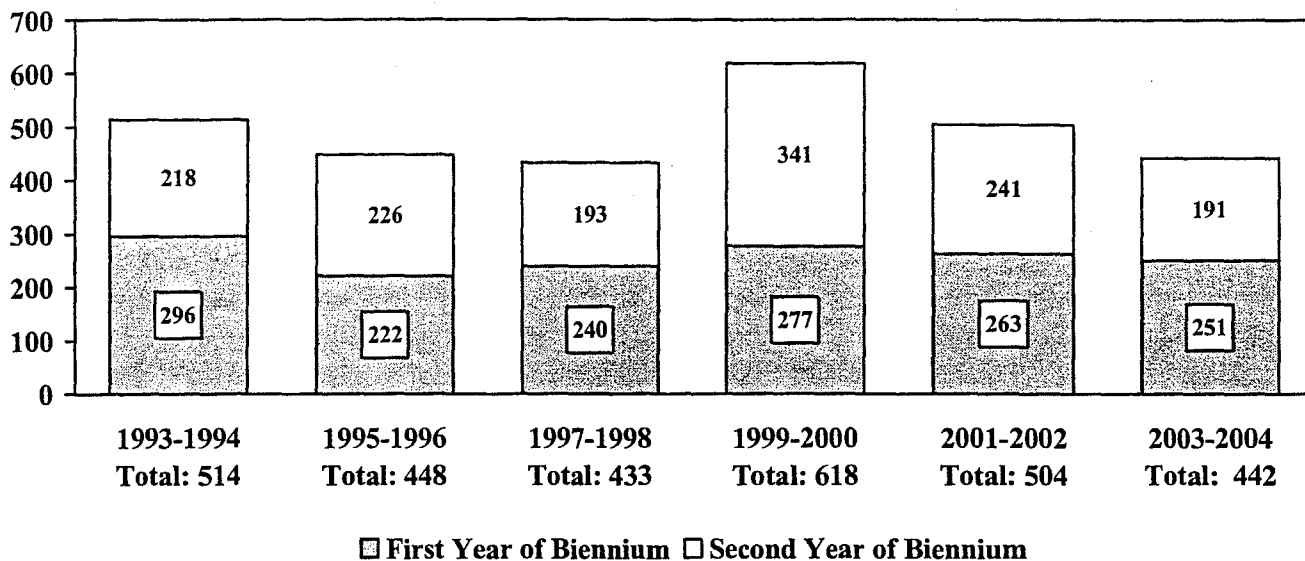
In 2003, 96 side-by-side comparison reports were prepared and in 2004, 47 side-by-side comparison reports were prepared for a total of 143 reports.

Desk bill comparison reports are also prepared in a different form for use by the House and Senate desks. The reports are used to determine differences in companion bills.

The office prepares a short form for the Senate that reports only that the bills are identical or not identical. For the House, we prepare a detailed report showing the differences in language in each companion bill.

In 2003, the office completed 84 reports for the Senate and 71 for the House. In 2004, the office completed 68 reports for the Senate and 76 for the House.

### Side-by-side and Desk Bill Comparisons



### Engrossments

*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 5, and Joint Rule 2.07*

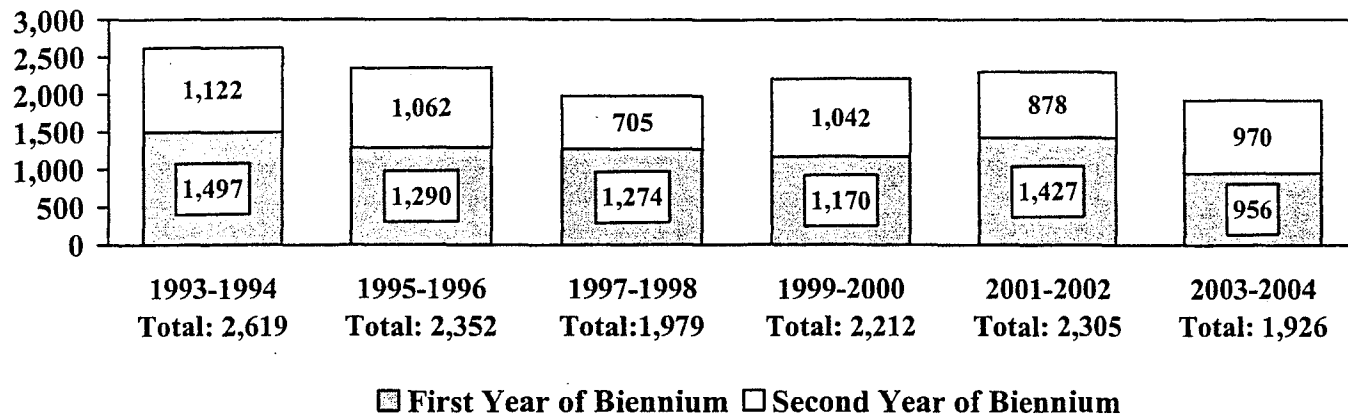
When bills are amended in committee or on the floor in the house of origin, the revisor's office merges the amendments into the bill text to produce engrossments, which help readers understand the effect of the amendments. The office also prepares "unofficial" engrossments of amendments adopted by one house to a bill that originates in the other house, "unofficial" engrossments of amendments that are being considered in committees, and other similar working documents.

If amendments cannot be engrossed, the reviewing attorney will suggest journal corrections for minor technical matters, or will work with interested members and staff to correct substantive problems that are found.

Computer programs developed in our office transfer data for engrossments to the legislative Web site.

In the 2003 and special session, 956 engrossments were completed and in the 2004 session, 970 were completed. These figures include unofficial engrossments requested by the desks. Of that number, the office prepared 518 engrossments on House bills in the 2003 regular and special sessions and 565 in 2004. The office prepared 438 engrossments on Senate bills in the 2003 regular and special sessions and 405 in 2004.

### Engrossments



### Enrollments

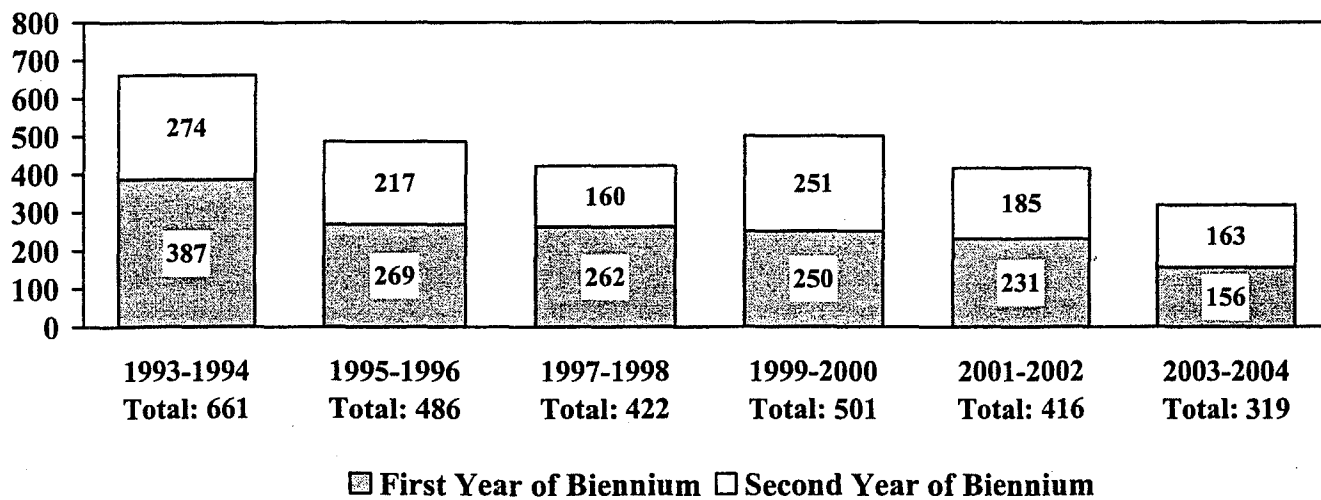
Source of mandate: Minnesota Statutes, section 3C.04, subdivision 5, and Joint Rule 2.07

After a bill has passed both houses in the same form, either as introduced or as finally engrossed, the bill is ready to be enrolled and presented to the Governor. Each enrollment is checked for technical accuracy and legal sufficiency.

Signatures of the presiding and chief administrative officers of each house, and the revisor, are obtained and the bill is formally presented to the Governor on behalf of the legislature. This work is done under time constraints imposed by the Minnesota Constitution.

In 2003, 156 enrollments were prepared and in 2004, 163 were prepared as well as 1 resolution.

### Enrollments



## ADMINISTRATIVE RULE DRAFTING

### Rule Drafting and Form Approval of Rules

Source of mandate: Minnesota Statutes, sections 3C.03, subdivision 2, and 14.07, subdivisions 1, 2, and 4

The office provides administrative rule drafting services to agencies, providing assistance in proposing and adopting rules that are written clearly and concisely, consistent with legislative direction, and free of common drafting errors.

The office reviews and approves the form of all rules to ensure that they are numbered, formatted, and edited in a way that will fit smoothly into the published compilation of *Minnesota Rules*.

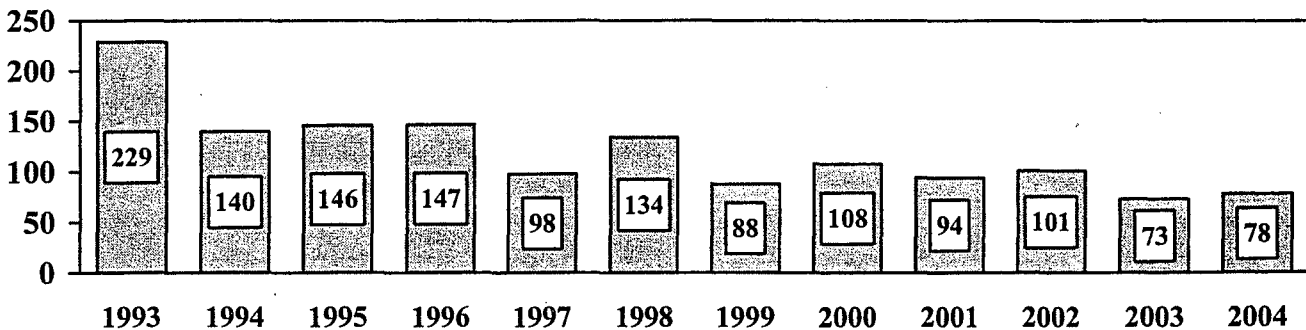
As part of this approval, the office certifies that documents incorporated by reference in rules are conveniently available to the public. In addition to form approval, substantive review is provided as a part of the drafting assistance performed by the office.

Quality controls for rule drafting include review and approval by the drafting attorneys and peer review by senior legal staff. Many redrafts of documents are typical as a part of the agencies' development of language for rules (see Average Document Drafts per File, next page). Other elements include clerical review, the use of specifically adapted computer programs, the text editing system, regular review of all processes, and formal and informal instruction of staff in quality control.

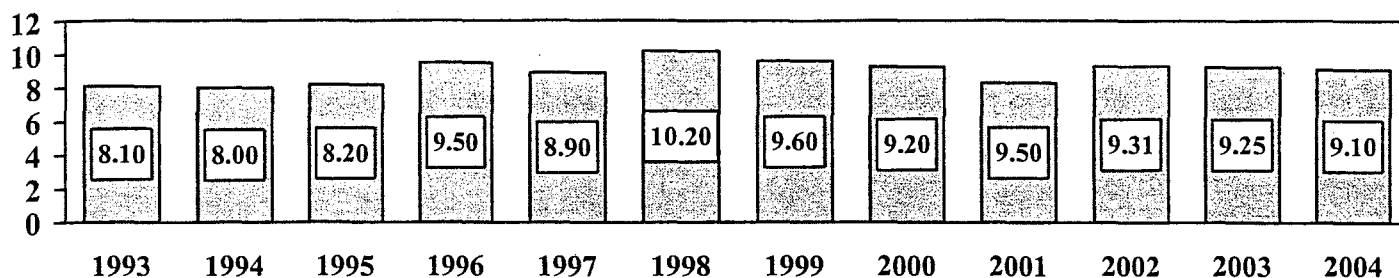
The computerized rule tracking system that provides public information about the progress of rules through the rulemaking process is being updated to run on the Internet on the BASIS system. The system includes all rule proceedings since December 1980, the year the revisor's office took over rule drafting and publishing.

The office opened 73 rule drafting files in 2003 and 78 in 2004.

**New Rule Drafting Files  
by Fiscal Year**



**Average Document Drafts per File  
by Fiscal Year**

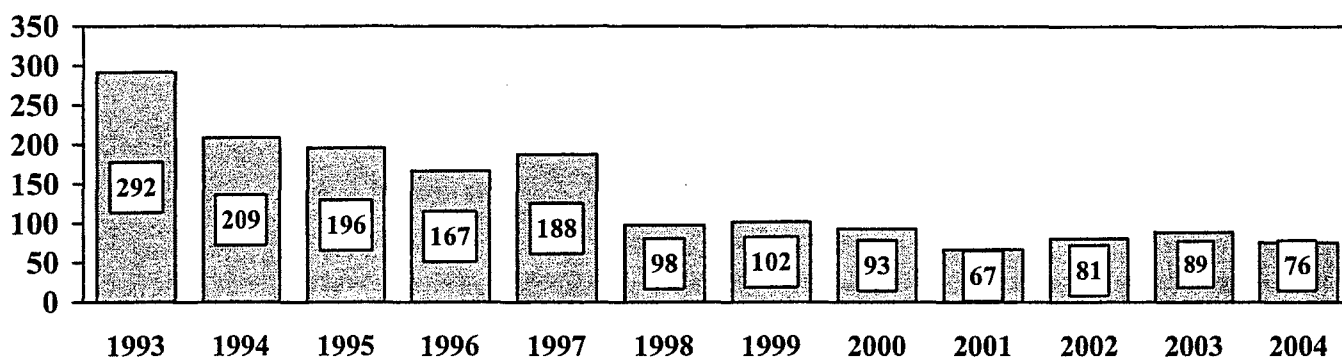


**Proposed Rules**

*Source of Mandate: Minnesota Statutes, sections 14.07, 14.14, and 14.20*

The revisor's office prepares the document that contains the text of a proposed rule, certified approved as to form, for publication in the *State Register*.

**Final Proposed Rule Drafts Approved  
by Fiscal Year**

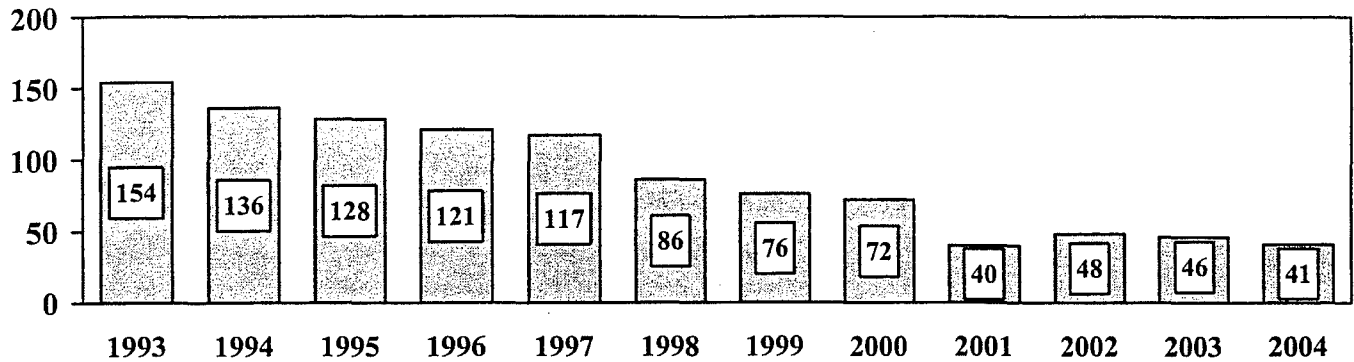


**Modifications**

*Source of mandate: Minnesota Statutes, section 14.07*

Agencies sometimes modify or change rules during the rulemaking process to correct defects found by the office of administrative hearings, in response to public comment on the rules, on their own initiative, or to reflect suggestions made by the reviewing attorney in the office. The office prepares the text of these modifications to rules, approved as to form, for use by agencies.

**Modifications  
by Fiscal Year**

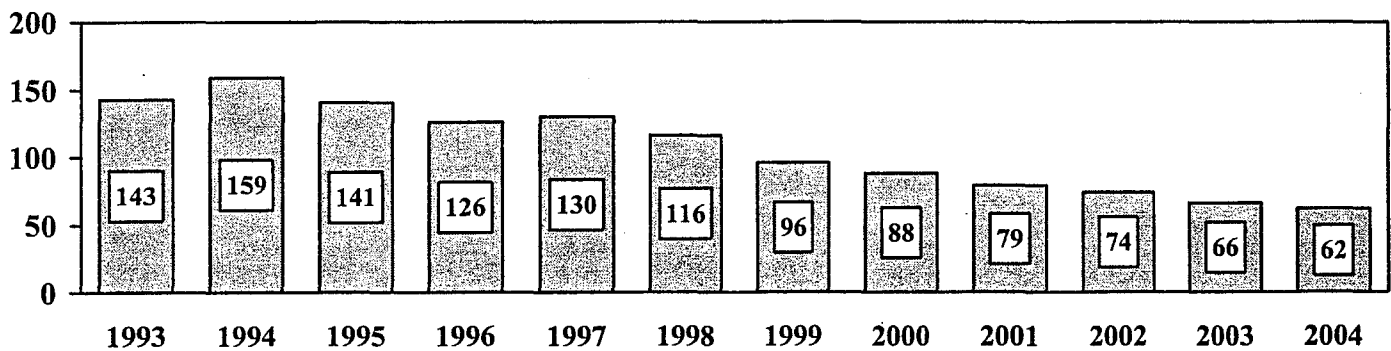


**Notices of Adoption**

*Source of mandate: Minnesota Statutes, sections 14.18 and 14.27*

Agencies are required to give the public notice of the adoption of rules. The office prepares and approves the form of these notices of adoption, which are then published in the *State Register*.

**Notices of Adoption  
by Fiscal Year**

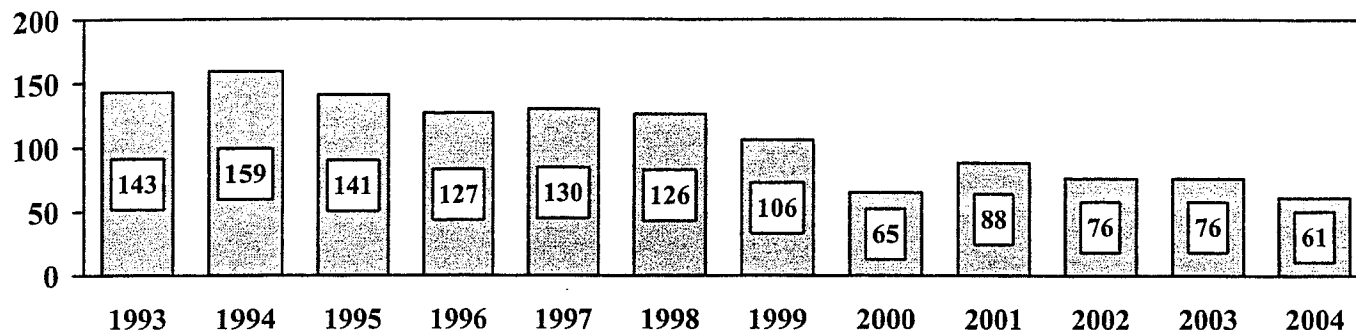


**Adopted Rules**

*Source of mandate: Minnesota Statutes, sections 14.08, 14.20, 14.28, 14.38, 14.386, and 14.388*

The office prepares copies of rules that have been adopted by agencies, approved as to form, for filing with the Secretary of State.

### Final Adopted Rules by Fiscal Year



### PUBLICATIONS AND ACCESS TO DATA

#### Laws of Minnesota

*Source of mandate: Minnesota Statutes, sections 3C.06 and 3C.08, subdivision 1*

After each regular legislative session, the revisor's office publishes all laws enacted during that session. A computer program is used to check the integrity of the source statutory language in *Laws of Minnesota*.

*Laws of Minnesota 2003* contains 133 chapters from the regular session and 23 chapters from the special session affecting 3,736 sections of *Minnesota Statutes*. The number of statutory sections affected in 2003, when compared with the comparable odd-numbered year session in 2001, represents a slight decrease in acts passed and sections affected. The number of pages in the printed set decreased by about 450 pages.

*Laws of Minnesota 2004* contains 163 chapters affecting 2,599 sections of *Minnesota Statutes*. This is a slight decrease in the number of chapters over the comparable even-numbered year session in 2002. The actual bulk of the set, when comparing number of pages, decreased by a little over 200 pages.

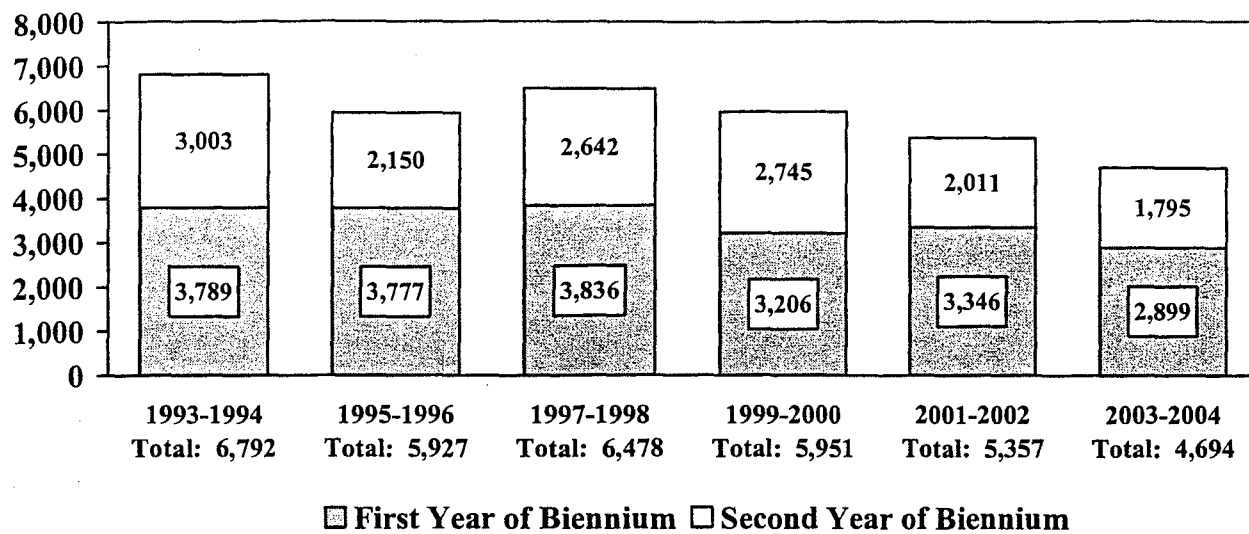
The press run for *Laws of Minnesota* was again set at 2,500 sets, a reduction begun in 2001. Sales have decreased perhaps due to the on-line availability of the material.

*Minnesota Statutes*, section 3C.12, provides for free distribution of the session laws to certain listed bodies. The remainder are sold and the revenue is directed to the general fund.

*Laws of Minnesota 2003* and *Laws of Minnesota 2004* are available to the public on the Internet, as well as in book form.



## Session Law Pages



### Minnesota Statutes and Supplement

*Source of mandate: Minnesota Statutes, sections 3C.08 to 3C.12*

*Minnesota Statutes 2003 Supplement* supplemented the 2002 edition of *Minnesota Statutes*. As in the most recent editions, the 2003 supplement was printed in pocket part format. Sections affected by instructions to the revisor were included in the 2003 supplement.

The full edition of *Minnesota Statutes 2004* became available in December 2004. The publication includes section histories, tables, an index, and other editorial aids. The full set of *Minnesota Statutes* includes a volume of court rules.

In response to the state's budget constraints, the size of the 2004 edition was reduced from 15 to 14 volumes. The reduction was accomplished by reducing the size of the index from 3 to 2 volumes. Another change implemented in order to realize cost reductions, was the binding of the index and court rule volumes in soft rather than hard cover.

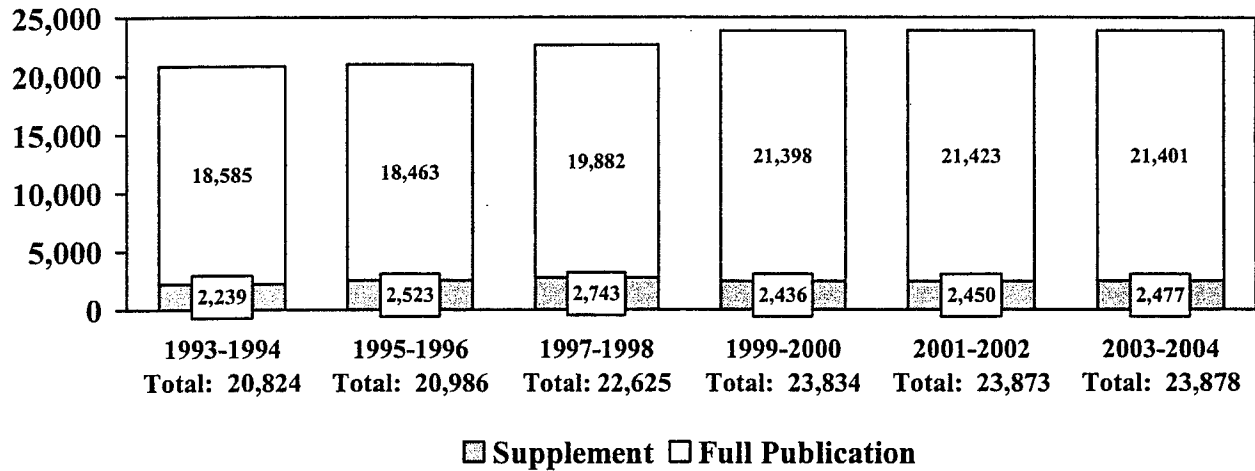
The 2003-2004 biennium, like previous ones, had a number of instructions to the revisor and recodification of various chapters as part of the work. Chapter 82 (Real Estate Brokers and Salespersons) was rearranged and renumbered. Much of chapter 268 (Department of Economic Security) was renumbered as chapter 116J (Department of Employment and Economic Development). Several other individual sections were recodified. In addition, changes to individual terms and phrases were implemented as directed. In-house efforts included updates to capitalization resulting from new writing standards and the addition of subdivision headnotes where none previously existed.

All materials are reviewed by staff attorneys and editors in two stages of the editorial work.

Like the session laws, free distribution of the statutes is provided for in *Minnesota Statutes*, section 3C.12. The remainder are sold and the revenue is directed to the general fund.

*Minnesota Statutes 2004* is available on the Internet, as well as in book form.

### Statutes and Supplement Pages



### Laws Tables

*Source of mandate: Minnesota Statutes, section 3C.08, subdivision 1*

Laws that pertain to specific political subdivisions are infrequently coded in *Minnesota Statutes* and need finding aids to make them accessible. The revisor's office produces tables of these laws to accompany both the session law publication and the statutes. The tables are compiled by a staff attorney, not generated by a computer program. *Laws of Minnesota 2003*, Tables 4 to 6, and *Laws of Minnesota 2004*, Tables 4 and 5, list local laws passed alphabetically by the names of local government units. Also listed are the dates of local approval and the filing of approval with the Secretary of State if local approval has been filed. Table 1 of *Minnesota Statutes* also lists the acts alphabetically, from 1849 through the 2004 session.

The office also publishes other tables to help users find the law, including Table 1 of the session laws, indicating each time a previously enacted session law has been acted on in that legislative session. In 1999 the office began a project to prepare a consolidated, comprehensive Table 1. It now dates back to 1945 and is available on the Internet.

Other tables include, in *Laws of Minnesota*, a table to coordinate *Laws of Minnesota* with the permanent statutes and a table showing House or Senate file numbers with corresponding chapter numbers. *Minnesota Statutes* includes an allocation of acts table, a table representing the organization of state government, a statutory cross-reference table, and a table of statutory authority for administrative rules.

### Statutory Editorial Operations

Session Year	Session Chapters	Session Law Pages	Average Pages Per Chapter	Statute or Supplement Pages	Statutory Units – Amended	Statutory Units - New	Statutory Units - Repealed	Total Statutory Units - Other	Statutory Units - Affected	Session Laws Press Run	Statutes and Supplement Press Run
1993	381	3,789	9.95	2,239	2,954	1,202	419	8	4,583	3,100	4,300
<u>1994</u>	<u>274</u>	<u>3,003</u>	<u>10.96</u>	<u>18,585</u>	<u>2,444</u>	<u>998</u>	<u>423</u>	<u>2</u>	<u>3,867</u>	3,100	4,300
Total	655	6,792	10.37	20,824	5,398	2,200	842	10	8,450		
1995	268	3,777	14.09	2,523	3,027	1,159	712	7	4,905	3,100	4,500
<u>1996</u>	<u>206</u>	<u>2,150</u>	<u>10.44</u>	<u>18,463</u>	<u>1,876</u>	<u>648</u>	<u>750</u>	<u>22</u>	<u>3,296</u>	3,100	4,500
Total	474	5,927	12.50	20,986	4,903	1,807	1,462	29	8,201		
1997	261	3,836	15.04	2,743	3,439	1,254	635	135	5,463	3,100	4,500
<u>1998</u>	<u>167</u>	<u>2,642</u>	<u>15.41</u>	<u>19,882</u>	<u>2,607</u>	<u>587</u>	<u>560</u>	<u>20</u>	<u>3,774</u>	3,100	4,500
Total	428	6,478	15.16	22,625	6,046	1,841	1,195	155	9,237		
1999	250	3,206	12.82	2,436	2,703	825	593	117	4,238	3,100	4,500
<u>2000</u>	<u>251</u>	<u>2,745</u>	<u>10.93</u>	<u>21,398</u>	<u>1,720</u>	<u>818</u>	<u>347</u>	<u>80</u>	<u>2,965</u>	3,100	4,500
Total	501	5,951	11.88	23,834	4,423	1,643	940	197	7,203		
2001	218	3,346	15.35	2,450	2,468	804	706	29	4,007	2,600	4,000
<u>2002</u>	<u>251</u>	<u>2,011</u>	<u>8.01</u>	<u>21,423</u>	<u>1,455</u>	<u>458</u>	<u>399</u>	<u>58</u>	<u>2,370</u>	<u>2,500</u>	4,000
Total	469	5,357	11.42	23,873	3,923	1,262	1,105	87	6,377	5,100	
2003	156	2,899	18.58	2,477	2,230	837	625	44	3,736	2,500	4,000
<u>2004</u>	<u>163</u>	<u>1,795</u>	<u>11.01</u>	<u>21,401</u>	<u>1,630</u>	<u>627</u>	<u>311</u>	<u>31</u>	<u>2,599</u>	<u>2,500</u>	4,000
Total	319	4,694	14.71	23,878	3,860	1,464	936	75	6,336	5,000	

## Minnesota Rules and Supplement

Source of mandate: *Minnesota Statutes, section 14.47*

Two supplements to *Minnesota Rules 2001* were published, one in 2002 and one in early 2003. The first contained changes to *Minnesota Rules 2001* adopted through September 3, 2002. The second contained changes to *Minnesota Rules 2001* adopted through March 3, 2003.

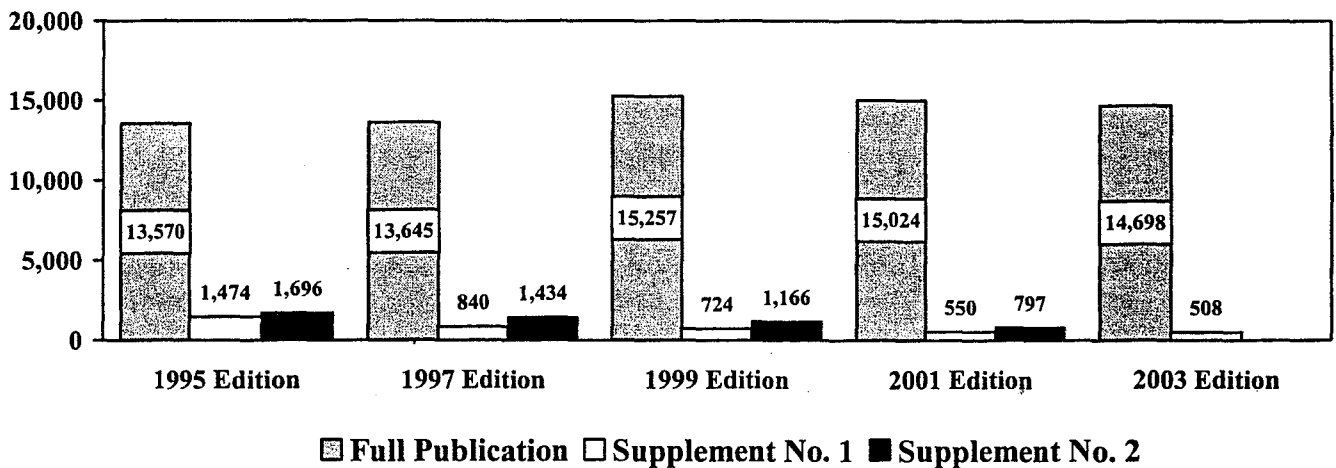
A full edition of *Minnesota Rules* was published late in 2003. In response to budget reductions imposed during the 2003 legislative session, the edition was published in soft, rather than hard cover. In addition, the size of the set was reduced from 13 to 11 volumes. The reduction can, in large part, be attributed to the repeal of many forms that were part of the rules of the Department of Commerce. The official publication includes a table of *State Register* citations, a table of amendments, and a table of statutory authority.

Over the last several editions of *Minnesota Rules*, the revisor's office has instituted a process to remove obsolete rules under its authority in *Minnesota Statutes, section 14.47, subdivision 6*. This process has enabled some agencies to avoid a lengthy and expensive formal rulemaking process.

The text of *Minnesota Rules* has been available on the Internet, with search capabilities, since May 1997. The text is updated throughout the year as changes are adopted. In response to the availability of the rules online, the press run was reduced 200 sets to a total of 1,000.

The 2003 published edition was supplemented in 2004 in pamphlet format.

### Rules and Supplement Pages



## Indexes

*Source of mandate: Minnesota Statutes, sections 3C.06, 3C.08, and 14.47*

The revisor's office produced the following indexes in 2003 and 2004:

- index to *Laws of Minnesota 2003*
- index to *Laws of Minnesota 2004*
- index to *Minnesota Statutes 2003 Supplement* (pocket part)
- index to *Minnesota Statutes 2004* (full set published)
- index to *Minnesota Rules 2002, Supplement 2* (pocket part)
- index to *Minnesota Rules 2003* (full set published)
- indexes to the *Court Rules* volume of the statutes set in 2004
- indexes for internal publications as needed

In 2003 and 2004, the revisor's office made significant changes in its management of indexing. In response to budget constraints, the office has brought the work of indexing in-house for session laws, rules, and statutes. Previously, the updating of the statutes index was done by freelance indexers under contract to the revisor's office and overseen by a revisor's staff member. While we continue to use contract indexers, the bulk of the work will now be done by revisor's staff. The training of staff to accomplish the work was begun in 2003 and continues.

The 2004 index to *Minnesota Statutes* incorporates changes that go beyond simply updating the law. To reduce costs and to continue improvements to the index, the three volumes of printed index were compressed to two volumes. The changes that made this reduction possible included removal of cross-references from obsolete names, removal of certain extremely specific main headings, tightening the display to save space, and editing entries to decrease the number of runover lines. The number of cross-references has been reduced, the cross-reference structure simplified, and the forms of cross-references changed to allow many of them to be shorter. Double entry was substituted for cross-references when that resulted in a shorter line.

The office consulted with different types of users concerning proposed changes in order to identify and preserve features they valued while still reducing production costs. As a result of these efforts, the printed index has been shortened by about 25 percent of its original length. Further cost savings were accomplished by printing the index volumes in soft rather than hard cover.

The full statutes index continues to be available on line as well as in print. The session law indexes are also available in print and electronic forms.

## Court Rules

*Source of mandate: Minnesota Statutes, section 3C.08, subdivision 1*

In accordance with *Minnesota Statutes*, section 3C.08, the office publishes *Minnesota Court Rules* in a separate volume that accompanies *Minnesota Statutes*. Work on the 2003 supplement to the *Court Rules* volume was completed on schedule. The supplement included extensive amendments to Juvenile Court, as well as amendments to Sentencing Guidelines, Criminal Procedure, Professional Rules, and No-Fault Arbitration Rules. The *Court Rules* volume will be

published in the fall of 2004 and will include amendments to existing rules and new sets of rules received through August 1, 2004. This volume will include extensive amendments to General Rules of Practice, as well as amendments to Sentencing Guidelines, Juvenile Court, Criminal Procedure, and Professional Rules.

### **Revisor's Manual**

*Source of mandate: Minnesota Statutes, section 3C.03, subdivision 4*

The office publishes a manual of form requirements and drafting advice for the use of those who draft bills. A substantially revised edition of the bill drafting manual was published in November 2002. A PDF and HTML version of this manual is available on our Web site.

### **Rule Drafting Manual**

*Source of mandate: Minnesota Statutes, section 14.07, subdivision 1, clause (2)*

The office publishes a manual of form requirements and drafting advice for the use of those who draft administrative rules. A new edition of the rule drafting manual is being prepared to replace the edition published in 1997. It will be substantially reorganized and revised. Many new forms and aids to the user will be included. An electronic version of this manual is available on our Web site.

### **Rulemaking Guide**

*Source of mandate: custom and usage*

Since 1987, the office has published a guide to help agencies through the process of adopting rules. *Rulemaking in Minnesota: A Guide* describes each of the three types of rulemaking proceedings, explains what is required of agencies at each stage of the process, and provides references to the applicable laws and rules. The guide is periodically revised as necessary to include changes made to these laws and rules. A revised guide was published February 2002, and is available in electronic form on our Web site.

### **Computer Searches**

*Source of mandate: Minnesota Statutes, section 3C.03 (extension of bill drafting assistance)*

The office produces and upgrades software to perform word and phrase searches on statute, rule, and bill text. As well as doing such searches for our own drafting and editorial work, we do searches at the request of members, agencies, and some outside entities such as the County Attorneys Association.

Requests for searches have decreased because we have made it possible to search *Laws of Minnesota* and *Minnesota Statutes* online. In addition, *Minnesota Rules* is now searchable through the North Star system.

### **Copies of, and Access to, Public Data**

*Source of mandate: custom and usage*

The legislative Web site is made available to the public by the revisor's office in conjunction with the House and Senate index offices and the Legislative Reference Library. Our office provides access to the text of bills, statutes, and administrative rules as well as finding aids such

as indexes and search software. The Web site also provides public access to House and Senate bill status information. This information is input by House and Senate index staff, but computer support is provided by the revisor's data systems staff. Internet information is set out in more detail on pages 25 and 26.

The office also makes available, upon request, computer disks and paper extracts containing the text of portions of *Minnesota Statutes* and *Minnesota Rules*. Transfers are done for bills, statutes, and rules for state agencies, as well as for the general public. During the biennium, 136 paper and electronic extracts were requested for a total of 24,248 pages. Many of these extracts were customized combinations of statutes and rules. The revisor's office charges a fee for the extracts with a \$500 maximum for large documents. Revenue from the extracts is transferred to the general fund. Extract requests for the biennium were reduced by about a third from the previous biennium, possibly due to the availability of statutes and rules on the Internet.

The office also sells copies of our entire databases or portions of our databases to outside sources as requested. Currently, the largest purchasers we have are Lexis-Nexis for use on its online services and West Group for use on the online Westlaw service.

## LEGAL ASSISTANCE AND LIAISON

### **Counsel to Subcommittee on Claims**

*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 6, and custom and usage of the legislature (requested by LCC)*

At the request of the Legislative Coordinating Commission, since 1991 the office has assigned an attorney to act as counsel to the Joint Senate/House Subcommittee on Claims. Senior Assistant Revisor Craig Lindeke has acted as the counsel since the 1993 legislative session. Duties include reviewing the hundreds of claims made to the subcommittee, making recommendations on each claim, acting as counsel at subcommittee hearings, responding to telephone calls and correspondence from claimants and their lawyers, and drafting the annual claims bill. The work has included traveling to various places around the state to better understand claims.

Ten claims were paid in the 2003 claims bill. (*Laws of Minnesota 2003, First Special Session chapter 15*).

### **Court Opinions Report**

*Source of mandate: Minnesota Statutes, section 3C.04, subdivision 3*

As required by *Minnesota Statutes*, section 3C.04, subdivision 3, the office prepares a biennial report on Supreme Court and Court of Appeals opinions declaring a statute unconstitutional, pointing out deficiencies in a statute, or recommending statutory changes. To produce the report, staff attorneys read and review every case from the preceding two-year period. Reports are submitted in November of each even-numbered year. Since 1998, Senior Assistant Revisor Ron Ray has acted as lead coordinator and reporter for the report.

The report submitted in November 2004 contained ten cases. Four cases involved questions of constitutionality in particular statutory applications.

## **Uniform Laws Conference**

*Source of mandate: Minnesota Statutes, section 3.251*

The revisor or the revisor's designated representative is one of Minnesota's four appointed Uniform State Laws commissioners. Michele Timmons attended the 2003 and 2004 meetings of the National Conference on Uniform State Laws. In addition, Ms. Timmons served on the drafting committee for the Uniform Environmental Covenants Act.

During the 2003 and 2004 annual meetings, the National Conference of Commissioners on Uniform State Laws continued to enhance the Uniform Commercial Code, adopting amendments to Article 7. The conference also adopted the Uniform Environmental Covenants Act as well as acts on certificates of title, real property electronic recordation, management of institutional funds, residential mortgage satisfaction, and wage withholding and unemployment insurance procedures.

The office drafts uniform laws at the request of Minnesota commissioners for introduction and consideration by the Minnesota Legislature. In the 2003-2004 biennium, the office drafted 17 uniform acts. Four uniform acts were adopted in 2004, tying Minnesota with two other states for the most uniform acts passed. These acts were Uniform Commercial Code, Article 1 and Article 7, the Limited Partnership Act, and the Conflicts of Laws – Limitations Act.

## **Information for Other State Offices and the General Public**

*Source of mandate: Minnesota Statutes, section 3.251*

Attorneys and other staff in the revisor's office answer numerous questions from the public relating to laws, statutes, and rules. Attorneys and the office's language specialist also act as faculty for continuing legal education, addressing classes in law or public administration, and participating in organizations such as the Interagency Rules Committee. The computer searches we provide are also a source of information to state agencies and the public.

We provide information to state agencies in conjunction with our drafting duties. We have offered or assisted in offering seminars to agency staff on drafting in general and on specialized areas in drafting. We participate in the annual training for agency rulemaking staff coordinated by the Department of Employee Relations.

In 1999 the office began a series of educational seminars for attorneys and other staff. A total of 29.25 hours of continuing legal education credit has been obtained for these seminars, which have been attended by hundreds of legislative and executive branch staff, members of the legislature, and members of the public. The office offers as many seminars as it can fit into its workload each year. In 2004, the office offered four seminars for a total of 6.25 hours of continuing legal education credit. Notices announcing the seminars are sent legislativewide and to the executive branch departments, the judicial branch, and various other members of the Minnesota bar. Seminars have been offered on a variety of topics with a focus on topics that may be of interest to the legislature. The topics have included a discussion of the newest version of the revisor bill drafting manual that was published in 2002, professional responsibility, elimination of bias, legislative research on the Internet, prisons and prisoners, redistricting, rulemaking, and current Minnesota Supreme Court decisions.



The seminars are offered to provide educational opportunities particularly to legislative staff because of the very minimal number of seminars on topics with a legislative focus offered by outside vendors. Also, the seminars provide a service to all attorneys employed by the legislature who are required by the Minnesota Supreme Court to earn legal education credits. These free seminars reduce the cost of continuing legal education credits for all legislative, executive branch, and judicial branch staff attorneys, particularly during the current times of tight budgets and budget reduction.

During the biennium, office staff have also participated in meetings of the Council of State Government, the National Conference of State Legislatures, and the Minnesota Bar Association. The office also helped to staff the legislature's State Fair booth and the House of Representatives new member orientation in December 2004.

### **Compiling Data on Operation and Effect of Laws**

*Source of Mandate: Minnesota Statutes, section 3C.04, subdivision 2*

The office gathers information on the operation and effect of laws by encouraging staff to request specialized legal treatises relating to their assigned bill drafting subject areas. Several attorneys have acquired collections that they actively use in drafting. Acquisitions to these collections are made on a regular basis, but have been reduced due to budget reductions.

### **Internal Operations**

*Source of Mandate: custom and procedure*

Many organizational efforts have centered around the revisor's office role in legislative drafting. The writing standards task force, originally started during the 1999 interim, concluded its work and began implementation of changes. Changes were discussed with staff from House Research, Senate Counsel and Research, the Chief Clerk of the House, and the Secretary of the Senate. The major change implemented during the 2003-2004 biennium was to change capitalization rules to a more "up" style. In addition, a long-term project to write headnotes for all statutory sections was completed.

As a part of the new computer system development project described below, the revisor's office has mapped out legislative processes and identified all of the required documents. In so doing, the office has sought input from House, Senate, and Legislative Coordinating Commission offices. The revisor's office has approached this enormous project by creating a cohesive project team comprised of both in-house staff and outside consultants.

## **COMPUTER SERVICES**

### **Maintaining a Computer System**

*Source of mandate: custom and usage*

The revisor's computer operations provide computer programs and equipment used in the preparation of legislative documents and in the publication work of the office. Terminals, printers, and access to our systems are made available to staff in the Office of Senate Counsel and Research, the House Research Department, the House and Senate index offices, the

Legislative Commission on Pensions and Retirement, the Chief Clerk's office, and the Secretary of the Senate's office. Training and help desk support is provided to users of the systems.

The core revisor computer system offers several unique capabilities. Many of these functions have been in use for many years. The ability to incorporate, or engross, amendments by program and a program that creates a "rough" statute supplement from session laws are two examples.

The revisor's office uses the Text Editing (TE) system running on the mainframe to prepare all House committee reports, House and Senate conference committee reports, side-by-side full text reports, drafting and modification of administrative rules drafts, and maintenance of our statutory and administrative rules databases. House Research and the Office of Senate Counsel and Research also use TE for bill and amendment drafting. Offices under the Secretary of the Senate use TE for creating Senate committee reports, Senate daily and permanent journals, introductions, calendars, and Senate floor amendments. Staff in the Chief Clerk's office use facilities developed in TE to extract data for inclusion in the daily and permanent journals.

Procedures and programs have been developed to extract amendments from the VM system for display on the House and Senate Web sites. In the 1998 biennium, the House and Senate bill status systems were migrated from VM to our Unix system. BASIS, a commercial software product, was configured by revisor's computer staff for these functions. The entry of status information by House and Senate index offices is immediately available on the Web. Programs and procedures were developed to extract data to be used in several House and Senate documents from the BASIS databases.

XTE, an application using X-Windows and UNIX servers, has been used since 1998 for the production of Senate desk documents. In addition, XTE has been used to produce administrative rule-draft documents. XTE has been successfully developed as a strong composition engine. This development was beneficial for the legislature, and the Senate was able to produce the Senate journal in-house, saving an estimated \$950,000 in the first biennium of production.

The computer system currently includes an IBM VM mainframe, ten Hewlett Packard Unix servers, two NT servers, approximately 120 desktop NCD x-terminals, network switches, a Cisco router, and 20 printers.

In 2003 and 2004, in anticipation of the new development, many infrastructure upgrades were made. The infrastructure consists of:

- network equipment
- network cables
- storage area network (SAN)
- disk backup application
- 60 Wyse/Citrix thin client terminals and Windows login servers

End-of-life switches and routers network equipment were replaced, resulting in a redundant system. Two fail-over firewalls were added. Network cable patch panels were installed in the computer room. The 60 Wyse/Citrix thin client terminals will allow the user to log on to a Windows server and then execute the new XML-based system, called XTEND.

The storage area network (SAN) is a high-availability, expandable device that contains nothing but disks. Individual servers connect directory to the SAN using high-speed, fiber-optic cables. The server reads/writes data to the SAN, not to the server's internal disks. The advantages of using a SAN for certain software applications are:

- because stored data does not reside directly on any of a network's servers, server power is utilized for business applications
- as more storage devices are added to a SAN, they too will be accessible from any server connected to the SAN
- multiple servers can read the same data from the SAN

In 2004, a new disk backup application was installed and configured. This network-based application retrieves data from servers on the network and writes the data to high-capacity tapes. Data includes the official publications, active documents, databases, Web pages, and individual user files. These tapes are stored off site.

### **New System Development**

*Source of mandate: custom and usage*

While both TE and XTE have served the revisor's office and the Minnesota Legislature well, both systems are old. TE is now 30 years old, and XTE development began 12 years ago. In the fall of 2001, the revisor's office began looking for options for a future computer system. The office identified XML-based systems as being worthy of further exploration.

In March 2002, the revisor's office began a pilot project to determine the feasibility of replacing the current bill-drafting system with an XML-based system. The pilot project concluded in September 2002 with the recommendation to immediately begin a project to develop an XML-based system. More specifically, a consultant who developed Ohio's legislative bill drafting system has recommended that Minnesota purchase XML-based editing software, a widely used relational database, and an XML-based composition engine. In addition, the consultant has recommended that the same widely used relational database be obtained to replace the current bill status system.

During the pilot project, the revisor's office established a user group comprised of staff representing the House of Representatives, Senate, Legislative Coordinating Commission, Legislative Reference Library, and the revisor's office. The group gave information and feedback to the revisor's office during the pilot project, and has continued to provide input through the development phases. The objective of the revisor's office is to develop a new system which meets the needs of the entire Minnesota Legislature.

As full project development began in the last quarter of 2002, Arbortext's Epic Editor and E3 composition engine were purchased. In addition, Oracle has been purchased as the database product.

Throughout 2003 and 2004, both in-house and contract programmers have been customizing the off-the-shelf software to meet legislative needs. This is no small task, as 30 years of prior development must be completely replicated in a new system. To date, core bill drafting functions have all been programmed, including difficult features such as auto-engrossing. A prototype for side-by-side creation is expected before the end of 2004. During 2005, the new

system will be tested and perfected, with an anticipated implementation date of January 2006. As with the planning phases, other legislative staff offices are participating in the testing process.

### **Security Improvements**

*Source of mandate: custom and usage*

By the fall of 2001, the Intertechnologies Group of the Department of Administration had completed a security audit of the legislative computer systems. Intertech recommended the installation of one or more firewalls to improve security and other security-related components, including a security policy. The Senate, Legislative Coordinating Commission, Legislative Reference Library, and revisor's office worked together as the Legislative Security and Infrastructure Group (LSIG) to achieve a common solution. A firewall was installed in December 2001 before the beginning of the 2002 session. The revisor's office has played a key role by providing a staff person to serve as the Security Firewall System Administrator. For the approximately one-quarter to one-half time responsibility attributable to the firewall, the administrator receives direction from the LSIG group.

### **Internet**

*Source of mandate: custom and usage*

The revisor's office's efforts in providing Internet access to data have been very successful. We have been able to contribute a considerable portion of data to the main legislative Web site. Statistical counts for access to data on our Web applications are consistently high, especially during the legislative session when it is not unusual to see the counts approach nearly 1,000,000 for a weekly time period. The table below shows the number of visits to the revisor servers since the inception of Internet availability in 1994.

Almost all official revisor's publications are available on the Internet via the legislative Web site, including *Minnesota Statutes*, *Laws of Minnesota*, and *Minnesota Rules*. The revisor's office provided the court rules database to the court system and consequently the court rules are now available through the Minnesota Supreme Court's Web site.

*Minnesota Statutes* is fully updated annually online although the printed publication is only fully updated every two years. In addition, *Laws of Minnesota* is available online from 1994 to the present. The office has begun to make a preliminary version of session laws available online shortly after the conclusion of each legislative session. This new practice provides session laws to the public much earlier than they could be made available in printed form.

The office uses a commercial software product, CINDEXTM, to create the indexes for *Laws of Minnesota* and *Minnesota Statutes* and to make them available on the Internet. Programs were written to format the indexes with internal links and with links to session laws and statutory sections. We hope to develop the capability of updating the index to *Minnesota Rules* as frequently as the rules text; when we can do so, we will be able to provide an on-line index to *Minnesota Rules*.

The statutes are searchable through the revisor's Web site and the session laws are searchable through North Star. With the addition of the session law and statutes index to the Web site, users now have a powerful arsenal of tools to quickly help them find the laws they are seeking.

In 1999, the office also made available online a consolidated Table 1 from *Laws of Minnesota* covering the 1975 legislative session through the 1999 legislative session. (Table 1 shows action taken each year on uncoded session laws passed in previous sessions.) Work is continuing on Table 1, and data from 1945 through 2004 is now available on line.

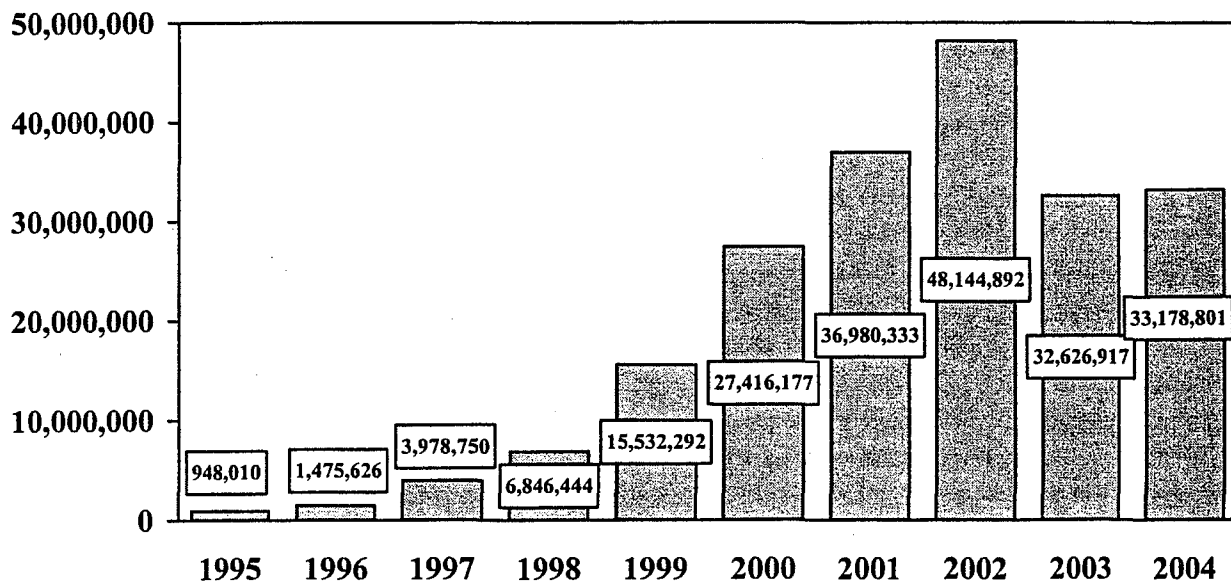
House and Senate bill status are also available via revisor servers. House and Senate bills have been available since 1995 and conference committee reports, unofficial engrossments have been made available more recently. This information is maintained on the Web, so that users can search bill status back through 1995.

*Minnesota Rules* is also available online, and is continuously updated, as rules are adopted, usually within a week after publication of the notice of adoption in the *State Register*. The rules are searchable through the North Star system. The revisor's bill drafting and rule drafting manuals and the rulemaking guide are also available on the Internet.

In 1999, the legislature amended *Minnesota Statutes*, section 3C.12, subdivision 2, to require the revisor to survey recipients of free copies of the publications in light of the online availability. The revisor's office is monitoring Internet usage for potential impact on the size of the press run and have reduced press runs for the session laws, statutes, and rules in response to a lower demand for the printed sets.

The graph below shows the number of "hits" on revisor servers from the inception of the Gopher server in 1995.

**Access to Revisor Servers by Fiscal Year**



During the 2004 session, the revisor's office also experienced a great deal of "mining" of the database, which impacted the speed of bill status information availability. In an effort to improve our service in light of this new demand, we plan to put a new Web server into

production for 2005. This Web server will extract bill status information from the new Oracle database.

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