

PERFORMANCE REPORT
ON THE
OFFICE OF THE REVISOR OF STATUTES
FOR THE PERIOD
JULY 1, 1982 - JUNE 30, 1983

August 15, 1983

The functions of the Office of the Revisor of Statutes are established by law, rule, or custom. Thirty-one identifiable functions were assigned during some portion of the year. Of that number, two functions were terminated during the year and five require only minimal work. Despite this extensive number, the principal functions of the office are drafting and publishing. The performance of these major duties, in the terms of production volume, is shown in the tables on the following pages. However, the office should not be judged by these statistics alone. In order to ensure continued high quality performance, the office has established a yearly program of self-evaluation.

This written review is the office's fifth self-evaluation of its yearly performance. It is intended to provide a more comprehensive look at how the office has performed than merely looking at production statistics or making a seat of the pants judgment on how "well" the office is doing. The review first provides production statistics. Then the office's performance on each of its thirty-one assigned functions is analyzed.

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

BILL DRAFTING OPERATIONS

<u>Session Year</u>	<u>Drafting Files</u>	<u>Net Drafting Files Introduced</u>	<u>%</u>	<u>Amendment Drafts</u>	<u>Total Bill Introductions</u>	<u>Bill Comparisons</u>	<u>Conference Committee Reports</u>
1969	4050	*	*	*	5776	*	*
1971	4908	*	*	*	6012	*	*
<u>Special</u>	<u>566</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>497</u>	<u>*</u>	<u>*</u>
<u>TOTAL</u>	<u>5474</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>6509</u>	<u>*</u>	<u>*</u>
1973	4771	*	*	*	5113	*	*
1974	2030	*	*	*	2202	*	*
<u>TOTAL</u>	<u>6801</u>	<u>3621</u>	<u>53%</u>	<u>*</u>	<u>7315</u>	<u>*</u>	<u>*</u>
1975	3683	*	*	*	3643	*	*
1976	1541	*	*	*	1654	*	*
<u>TOTAL</u>	<u>5224</u>	<u>2645</u>	<u>51%</u>	<u>559</u>	<u>5297</u>	<u>*</u>	<u>*</u>
1977	3301	*	*	388	3268	197	*
1978	1418	*	*	*	1680	171	*
<u>TOTAL</u>	<u>4719</u>	<u>3049</u>	<u>65%</u>	<u>*</u>	<u>4948</u>	<u>368</u>	<u>*</u>
1979	3267	1998	61%	425	3249	138	49
<u>Special</u>	<u>8</u>	<u>3</u>		<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>
1980	1571	974	62%	454	1692	180	55
<u>TOTAL</u>	<u>4846</u>	<u>2975</u>	<u>61%</u>	<u>879</u>	<u>4944</u>	<u>318</u>	<u>104</u>
1981	2901	1817	63%	395	3018	227	72
<u>Specials</u>	<u>35</u>	<u>18</u>	<u>51%</u>	<u>10</u>	<u>27</u>	<u>0</u>	<u>0</u>
1982	1562	876	56%	404	1484	159	62
<u>TOTAL</u>	<u>4498</u>	<u>2711</u>	<u>60%</u>	<u>809</u>	<u>4529</u>	<u>386</u>	<u>134</u>
1983	2607	1594	61%	566	2690	225	92

*Statistics Not Available

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

STATUTORY EDITORIAL OPERATIONS

<u>Session Year</u>	<u>Chapters</u>	<u>Session Law Pages</u>	<u>Average Pages Per Chapter</u>	<u>Statute or Supplement Pages</u>	<u>Statutory Sections- Amended</u>	<u>Statutory Sections- New</u>	<u>Statutory Sections- Repealed</u>	<u>Statutory Sections- Other</u>	<u>Total Statutory Sections Affected</u>
1969	1159	2678	2.31	6453	1629	1253	427	1	3310
1971	966	2156	2.23	None	1543	1121	478	6	3148
<u>Special</u>	<u>48</u>	<u>387</u>	<u>8.06</u>	<u>None</u>	<u>127</u>	<u>107</u>	<u>86</u>	<u>0</u>	<u>320</u>
<u>TOTAL</u>	<u>1014</u>	<u>2543</u>	<u>2.50</u>	<u>None</u>	<u>1670</u>	<u>1228</u>	<u>564</u>	<u>6</u>	<u>3468</u>
1973	783	2472	3.15	1280	1965	1173	1210	0	4348
<u>1974</u>	<u>583</u>	<u>1457</u>	<u>2.50</u>	<u>7091</u>	<u>1120</u>	<u>950</u>	<u>599</u>	<u>0</u>	<u>2669</u>
<u>TOTAL</u>	<u>1366</u>	<u>3929</u>	<u>2.87</u>	<u>8371</u>	<u>3085</u>	<u>2123</u>	<u>1809</u>	<u>0</u>	<u>7017</u>
1975	437	1623	3.72	958	1335	851	714	0	2900
<u>1976</u>	<u>348</u>	<u>1405</u>	<u>4.04</u>	<u>7509</u>	<u>1533</u>	<u>748</u>	<u>782</u>	<u>0</u>	<u>3063</u>
<u>TOTAL</u>	<u>785</u>	<u>3028</u>	<u>3.86</u>	<u>8467</u>	<u>2868</u>	<u>1599</u>	<u>1496</u>	<u>0</u>	<u>5963</u>
1977	455	1449	3.19	874	1508	652	543	0	2703
<u>1978</u>	<u>342</u>	<u>1251</u>	<u>3.66</u>	<u>8253</u>	<u>1315</u>	<u>535</u>	<u>312</u>	<u>0</u>	<u>2162</u>
<u>TOTAL</u>	<u>797</u>	<u>2700</u>	<u>3.39</u>	<u>9127</u>	<u>2823</u>	<u>1187</u>	<u>855</u>	<u>0</u>	<u>4865</u>
1979 & Specials	343	1297	3.78	757	1233	508	389	0	2130
<u>1980</u>	<u>283</u>	<u>1621</u>	<u>5.73</u>	<u>10,704</u>	<u>1606</u>	<u>838</u>	<u>598</u>	<u>0</u>	<u>3042</u>
<u>TOTAL</u>	<u>626</u>	<u>2918</u>	<u>4.66</u>	<u>11,461</u>	<u>2839</u>	<u>1346</u>	<u>987</u>	<u>0</u>	<u>5172</u>
1981 & Specials	381	2602	7.19	1732	2522	975	875	25	4397
<u>1982 & Specials</u>	<u>272</u>	<u>1786</u>	<u>6.57</u>	<u>11,509</u>	<u>1543</u>	<u>667</u>	<u>443</u>	<u>21</u>	<u>2675</u>
<u>TOTAL</u>	<u>653</u>	<u>4388</u>	<u>6.73</u>	<u>13,241</u>	<u>4065</u>	<u>1642</u>	<u>1318</u>	<u>46</u>	<u>7072</u>
1983	375	*	*	*	2506	896	506	14	3922

*=Statistics Not Available

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

ENGROSSING AND ENROLLING OPERATIONS

<u>Session Year</u>	<u>Engrossed House Bills</u>	<u>Engrossed Senate Bills</u>	<u>Unofficial House Engrossments</u>	<u>Unofficial Senate Engrossments</u>	<u>Total Engrossments</u>	<u>House Enrollments</u>	<u>Senate Enrollments</u>	<u>Total Enrollments</u>	<u>Vetoes</u>	<u>Senate & House Resolutions Enrolled</u>
1969	*	*	*	*	*	680	490	1170	3	8
1971	*	*	*	*	*	435	539	974	3	5
<u>Special</u>	*	*	*	*	*	16	35	51	2	1
<u>TOTAL</u>	*	*	*	*	*	451	574	1025	5	6
1973	*	*	*	*	*	420	363	783	0	8
<u>1974</u>	*	*	*	*	*	297	286	583	0	2
<u>TOTAL</u>	*	*	*	*	*	717	649	1366	0	10
1975	763	648	2	4	1411	257	180	437	1	1
<u>1976</u>	475	432	73	6	907	174	176	350	4	2
<u>TOTAL</u>	1238	1080	75	10	2318	431	356	787	5	3
1977	608	716	67	6	1324	211	244	455	0	1
<u>1978</u>	544	431	58	15	975	242	100	342	0	2
<u>TOTAL</u>	1152	1147	125	21	2299	453	344	797	0	3
1979	494	584	65	7	1078	194	151	345	5	3
<u>Special</u>)					1	2	3	0	0
<u>1980</u>	381	511	53	4	892	139	144	283	5	0
<u>TOTAL</u>	875	1095	118	11	1970	334	297	631	10	3
1981	388	633	26	14	1021	194	192	386	7	3
<u>Specials</u>) 20	7	0	0	27	13	7	20	1	1
<u>1982</u>	461	435	24	12	896	161	125	286	10	5
<u>TOTAL</u>	869	1075	50	26	1944	368	324	692	18	9
1983	626	635	40	18	1261	205	182	387	1	11

*Statistics not available

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

ADMINISTRATIVE RULES - SOURCE AND TYPE OF RULE DRAFTING

	<u>Agencies Served</u>	<u>Department-level Agencies</u>	<u>Smaller Agencies</u>	<u>Original Drafts by Revisor</u>	<u>Agency Drafts Needing Few Changes</u>	<u>Agency Drafts Needing Many Changes</u>
F.Y. 1982	46	13	33	1	15	65
F.Y. 1983	40	16	24	0	35	105

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

ADMINISTRATIVE RULES - DRAFTING FORM APPROVAL OF PROPOSED RULES

	(1) <u>Drafting Files</u>	(2) <u>Rough Drafts Prepared</u>	(3) <u>Preliminary Drafts Prepared</u>	(4) <u>Final Proposed Rule Drafts Approved</u>	(5) <u>Total (2)+(3)+(4)</u>	(6) <u>Average Drafts Per File</u>
F.Y. 1982	195	175	104	201	480	3
F.Y. 1983	140	140	154	117	411	3

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

ADMINISTRATIVE RULES - DRAFTING AND FORM APPROVAL OF ADOPTED RULES

	<u>Modification Drafts after Proposed Stage</u>	<u>Files Disapproved at Adoption Stage</u>	<u>Files Approved after Disapproval</u>	<u>Files Approved Without being Disapproved</u>	<u>Total Files Approved For Adoption</u>
F.Y. 1982	109	44*	44*	80	124
F.Y. 1983	73	0	0	117	117

* One-half of these files represent rules proposed without revisor approval before July 1, 1981.

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS
ENROLLED BILLS - PRIMARY DRAFTING SOURCE #

<u>Session Year</u>	<u>Revisor</u>	<u>Legislator or No.I.D.</u>	<u>Executive Department</u>	<u>House Research</u>	<u>Senate Counsel</u>	<u>Miscellaneous</u>	<u>Unknown</u>	<u>Total</u>
1969	*	*	*	*	*	*	*	*
1971	*	*	*	*	*	*	*	*
<u>Special</u>	*	*	*	*	*	*	*	*
<u>TOTAL</u>	*	*	*	*	*	*	*	*
1973	*	*	*	*	*	*	*	*
<u>1974</u>	*	*	*	*	*	*	*	*
<u>TOTAL</u>	*	*	*	*	*	*	*	*
1975	77	123	69	3	18	36	111	437
<u>1976</u>	<u>80</u>	<u>103</u>	<u>39</u>	<u>2</u>	<u>14</u>	<u>18</u>	<u>92</u>	<u>348</u>
<u>TOTAL</u>	<u>157</u> (20%)	<u>226</u> (29%)	<u>108</u> (14%)	<u>5</u> (1%)	<u>32</u> (4%)	<u>54</u> (7%)	<u>203</u> (26%)	<u>785</u>
1977	*	*	*	*	*	*	*	*
<u>1978</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>TOTAL</u>	<u>283</u> (36%)	<u>250</u> (31%)	<u>132</u> (17%)	<u>30</u> (4%)	<u>38</u> (5%)	<u>33</u> (4%)	<u>28</u> (4%)	<u>794</u>
1979	127	106	23	15	31	33	0	335
<u>Special</u>	<u>115</u>	<u>82</u>	<u>48</u>	<u>13</u>	<u>21</u>	<u>4</u>	<u>0</u>	<u>283</u>
<u>1980</u>	<u>242</u> (39%)	<u>188</u> (30%)	<u>71</u> (11%)	<u>28</u> (5%)	<u>52</u> (8%)	<u>37</u> (6%)	<u>0</u> (0%)	<u>618</u>
1981	182 (48%)	44 (12%)	74 (19%)	20 (5%)	29 (8%)	32 (8%)	0 (0%)	381
Regular & Specials								
1982	156 (57%)	46 (17%)	17 (6%)	31 (11%)	24 (9%)	1 (0%)	0 (0%)	275
<u>Regular & Specials</u>	<u>338</u> (52%)	<u>90</u> (14%)	<u>91</u> (14%)	<u>51</u> (8%)	<u>53</u> (8%)	<u>33</u> (5%)	<u>0</u> (0%)	<u>656</u>
<u>TOTAL</u>								
1983	132 (34%)	92 (24%)	52 (13%)	49 (13%)	49 (13%)	3 (1%)	10 (3%)	387

#=Not necessarily the original drafting source

* Statistics not available

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

COMMITTEE REPORTS*

<u>Session Year</u>	<u>House Committee Reports</u>
1983	445

*The revisor did not draft committee reports before 1983 and now only does it for the house.

Function:

- drafting bills, resolutions, and amendments for the members of the legislature, the heads of departments, and the governor.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (1).

Performance:

The office prepared 2607 bills and resolutions and 566 amendments for the 1983 session of the legislature. The number of bills drafted represents a continuation of the downward trend since 1971 when 4,908 drafts were prepared in one year. Although statistics on bill draft length is not available, it is believed that the length of bills has gone up as the number of drafts have gone down. The number of amendments drafted represents a sharp increase (i.e.--43 percent and 33 percent) in the number drafted over equivalent periods two and four years ago. Reasons for the increases and decreases are subject to speculation. Virtually all drafts were completed within the time allotted by the requester.

375 bills and 11 resolutions were enrolled and presented to the governor. The number of enrollments also represents a continuation of the downward trend since 1969 when there were 1,159 chapters enrolled. Despite that reduction, the volume of laws enacted (as shown in editorial statistics) remains similar to that back in 1969. As a result, it can be concluded that while the legislature is passing fewer acts, it is packing more law into each act passed.

The proportion of first drafts prepared in the revisor's office compared to other possible legislative drafting sources remained stable. All outside drafts required close review and many required substantial revisions. The lack of any demonstrable trend toward the preparation of first drafts elsewhere would indicate satisfaction with the quality of drafting by the office.

Problems:

Three experienced staff attorneys retired or resigned during the year and had to be replaced. This is an unfortunately high number. However, the departure represents the first change in professional staff (with the exception of staff hired on a temporary basis) in about five years. It is, thus, believed that the changes this past year do not represent latent dissatisfaction with the office or the leading edge of further departures. Effort must always be given to ensure the stability of the staff.

It was also necessary to replace three bill drafting assistants who left at the end of March. Some changeover is expected but the timing of these departures, in the latter part of the session, caused serious problems of finding replacements on short notice. The office was fortunate in replacing the departed staff with former staff who were experienced on the terminals.

There is little definition of the respective drafting responsibilities of the revisor's office as to house research, senate counsel, and, to a lesser extent, partisan staff. The lack of definition should be resolved.

Function:

- examine bills and endorse approval of both form and compliance with joint rules and house rules.

Source of Mandate: House Rule 5.1

Performance:

All bills prepared for introduction in the house of representatives (which, in practice, means virtually all bills) were checked for compliance with legislative rules. This function was continued without difficulty and is integrated into the bill drafting procedure.

Problems:

None

Function:

- preparing house committee reports.

Source of Mandate: Minnesota Statutes 1982, section 482.03, clause (9);

- request of the speaker and chief clerk.

Performance:

The prior practice of checking the formal accuracy of house committee reports and recommending changes was much enlarged in 1983 so that the reports were entirely prepared in the revisor's office. 445 reports were prepared. This work was a large addition to the office's drafting load. The product was satisfactory to the house and solved a problem of numerous journal corrections to house committee reports. It also substantially reduced the number of problems connected with engrossing house amendments and reduced the time used to prepare engrossments.

Problems:

This addition to our work occurs at what was already a very busy time. The load was especially evident on the supervisors who must check the product of those keyboarding and proofreading documents.

Function:

- drafting administrative rules upon the request of an agency.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 1, clause (f).

Performance:

During fiscal year 1983, the office handled 140 sets of rules for agencies for form approval or drafting assistance before proposal in the State Register. Drafts were prepared for 13 department-level agencies and for 24 smaller boards and commissions. Although this year's count of 140 drafting files is less than last year's 195, last year's figure includes rules already proposed when the office started approving rules as to form on July 1, 1981. The drafting load then remains about the same as last year.

Unlike bill drafting, it appears that agencies always prepare some kind of draft to give to the revisor's staff for revision. No drafts come into the office as an idea alone. Despite the fact that all agencies prepared some kind of draft, 75 percent of the drafts required major rewriting by the revisor's staff. This fact points out the need by the agencies for expert assistance in drafting rules. During the year, all rule files but one were delivered within the time requested by the agency.

The office prepares seven documents for each set of rules proposed and finally adopted. Four of these seven documents routinely involve the preparation of multiple drafts. The four documents are:

- (a) rough or preliminary drafts of proposed rules;
- (b) final drafts of proposed rules;
- (c) modifications of proposed rules; and,
- (d) final adopted rules. The number of multiple drafts prepared remained unchanged from the prior year.

The office prepared 294 rough or preliminary drafts, 171 final proposed rules, 75 stripped proposed rules, 73 modifications, 117 final adopted rules, 84 notices of adoption, and 78 stripped adopted rules. The average number of pages in the final proposed rules approved was 14.5. The average number of pages in the final adopted rules approved was 12.3.

Problems:

The number of drafts on each file remains stable at three compared to last year. This number remains much higher than expected. It was originally believed that the number of drafts for a set of rules would be low compared to bills. This was due to the expectation that agencies would have a more fixed idea of the content of the proposed draft. The contrary has proved true. Agencies do a substantial amount of mind changing on the content of rules, and those changes are reflected in the number of drafts necessary on each file.

Function:

- compiling and publishing the Laws of Minnesota, Minnesota Statutes, and Minnesota Statutes Supplement together with an index and finding aids.

Source of Mandate: Minnesota Statutes 1982, section 648.50, subdivision 1; clauses (a) to (c) and (g).

Performance:

Work on the 1982 publication of session laws and statutes went well.

Laws 1982 arrived on schedule despite the three special sessions included in that volume.

Minnesota Statutes 1982 included a tremendous amount of work in recodifying several sections in data privacy, the administrative procedure act, energy, planning and development, a portion of the revenue chapter, and a portion of the education chapter. The number of instructions to the revisor in 1982 also added to the burden of the editorial work. In addition, the complex text of the court rules (volume 9) was coded into the data base and for the first time was set by photocomposition. Table 1, the table of local special acts, was expanded to include the laws back to 1893. Despite this amount of work, the statutes arrived on schedule.

Work on Laws 1983 and Minnesota Statutes 1983 Supplement is in progress. This year's supplement will appear in pocket parts to the 1982 statutes. Another new feature in this year's supplement is the updating of the court rules volume.

Problems:

Editorial work on these publications is done by staff members often assigned to other office work. The commitment to ensure the integrity of all text, as well as the timeliness of the publications, requires critical coordination of staff time.

The complexity of coding the court rule volume for photocomposition, because of the amount of varied tabular matter, resulted in an additional staff burden in this initial stage.

Function:

- examining all administrative rules and approving or rejecting their form.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 2.

Performance:

In fiscal year 1983, no rules were disapproved by the revisor's office at the proposal stage or at the adoption stage. In the prior year 44 were disapproved. The reduction was achieved by a change in office procedures. The drafting attorneys assigned to conduct reviews worked closely with the agencies during the drafting stage to correct any style or form irregularities that existed. The office was able to make the necessary changes to the rules in the time limits given, thereby eliminating the need to formally disapprove rules.

The office sponsored a law change adopted during the 1983 regular session extending the time limit the office is given to approve rules at the adoption stage. The five calendar-day limit presently in effect becomes a five working-day limit on August 1, 1983. The former time limit made it extremely difficult for our office to review and incorporate into final drafts the extensive modifications sometimes made by agencies. These problems were exacerbated when the five-day limit included weekends and holidays.

In fiscal year 1983, 117 final adopted rule drafts were approved as to form by this office. The average time the office took to prepare these drafts was 2.23 days.

Problems:

Agencies have not given the office enough time to prepare final proposed rules. The office was rarely given more than one week to prepare these documents. Unreasonable statutory rulemaking deadlines are part of the problem. So is the ignorance or indifference of some agencies to the time and effort involved in preparing drafts. Most of these drafts needed extensive style and form revisions by our drafting attorneys. It is hoped that the permanent rule drafting manual soon to be published will help agency drafters produce better drafts, although experience with the present temporary rule drafting manual suggests otherwise.

Function:

- publish rules adopted by the Minnesota Supreme Court and other courts.

Source of Mandate: Minnesota Statutes 1982, section 480.057, subdivision 2.

Performance:

Work on the 1982 edition of the court rule volume was successfully completed on schedule. Improvements included use of a standard format for all rules, inclusion of a preface, and use of thumbcut divisions to help readers locate rules.

The revisor's office is supplementing the court rule volume with pocket parts in 1983. This method of supplementation will enable us to provide users of the rules with updated text in a format familiar to the bench and bar.

Work on the 1983 pocket part supplementation of the court rule volume is in progress as of the date of this report.

The court rule project staff has accomplished or is in the process of accomplishing the following work relating to preparing the pocket part supplement for publication:

- 1) compiling, coding, keyboarding and proofing 325-350 pages of new and amendatory court rule material;
- 2) making numerous technical corrections in our court rule data bases; and
- 3) preparing a preface for the pocket part supplement designed to help readers locate court rule changes and to coordinate the text of the main volume with the pocket part supplement.

The revisor's office provided the supreme court committee amending the rules of civil appellate procedure with numerous high quality drafts during April 1983 when the committee drafted the rules. In cooperation with the clerk of appellate courts, the revisor's office will supply updated copies of court rules to the public and bench and bar on an experimental basis.

Problems:

The decentralized nature of court rulemaking has created a few minor problems for the revisor's office.

- 1) We do not receive all court rule changes from a centralized source, but must rely on a variety of courts and judicial agencies to supply us with changes. Since the courts and judicial agencies supply text on a cooperative rather than mandated basis, we cannot be certain we receive all changes for timely inclusion in our publications.

2) While the revisor's office is required by law to publish court rules, it does not have editorial authority to correct errors or impose a consistent system of grammatical usage. As a result, we are limited in what steps we can take editorially to improve text. The status of court rules as having the "force of law" would be enhanced if some form of centralized editorial control existed to impose uniform style and usage standards and introduce incremental improvements in the text as needed.

3) Substantial amendment was made to the rules of criminal procedure and rules of civil appellate procedure, and a large new set of juvenile rules was adopted within a period of less than a year. This amount of material to be processed created difficulty due to work to be accomplished on other publications. Perhaps the publication mandate should be reviewed by the legislature with a view to the priority of this work as compared with the revisor's other work, whether the courts' needs are being met, and whether the revisor's staff needs to meet the mandate.

Function:

- compiling and publishing Minnesota Rules and Minnesota Rules Supplement together with an index and finding aids.

Source of Mandate: Minnesota Statutes 1982, section 482.07, subdivision 1; and 648.31, subdivisions 1 to 4.

Performance:

The compilation of materials for the first publication of Minnesota Rules is nearing completion.

Editorial and data entry work on the recompiled MCAR will be completed by September 1, and composition of text will begin October 1 after each agency has had the opportunity to review its recompiled rules. Delivery of the printed volumes is expected in mid-January, 1984. The completed index is expected to arrive in May 1984.

Additional features included in Minnesota Rules are an allocation table, showing the old MCAR citation and the new Minnesota Rules citation; a derivation table; a table showing incorporations by reference; a statutory authority citation for each rule; a user's guide; and other additional editorial features.

After work on the initial publication, a reliable data base for drafting to the new Minnesota Rules format will be available by February 1, 1984.

Plans to supplement the Minnesota Rules in May 1984 are in progress.

Problems:

Work on the recompilation of the nearly 450,000 lines of text comprising Minnesota Rules has been accomplished by staff also working on numerous other office functions. The coordination of staff time to meet the demands of the legislative session, bill drafting, engrossing and enrolling, rule drafting, publishing of session laws and statutes, as well as accomplish this task, has been difficult. Budget restraints delayed completion of the rules recompilation and the departure, without replacement, of several staff who were highly trained in the recompiling process. Remaining staff members have worked many additional hours under pressure, not only during the session but also during the interim, to complete the recompiling of the administrative rules.

The complexity of the text for Minnesota Rules, involving the data entry of many long, difficult tables, has contributed to the burden of the work.

Function:

- preparation and printing of pamphlet containing extracts from Minnesota Statutes and Minnesota Laws.

Source of Mandate: Minnesota Statutes 1982, section 648.43.

Performance:

In the past, this duty had been largely neglected by the revisor's office. Consequently, the duty had been performed primarily by the commissioner of administration under a similar directive in Minnesota Statutes 1982, section 648.44. The results were not satisfactory. The pamphlets published often contained repealed laws, did not contain all the law, incorrectly or inadequately showed amendments, and were not consistently updated.

In order to improve the results, an agreement was worked out with the department of administration by which the revisor would reassume the duty. This past fiscal year was the first full year working under the new agreement. Specifically, the revisor took bids and entered into contract with a printer for the extract pamphlets. Upon request by an agency through the department of administration, the revisor prepares camera-ready copy of statutes or rules as requested by the agency. The copy comes from either the original copies used to print statutes and rules or new copy from the revisor's computer printers. The printed pamphlets are sent to the department of administration along with the printing bill. The department of administration then distributes the pamphlets properly and pays the printing bill.

The result is that agencies now have more accurate and up to date statutes and rules in their pamphlets. The pamphlets now contain the revisor's certificate as to correctness of the text. The cost to the agencies is believed to be lower than in the past since the revisor's office does not bill them for our time in preparing camera-ready copy.

Problems:

The agencies frequently have unreal expectations of the time required to prepare camera-ready text. Care is required in order to ensure the completeness and accuracy missing when the agencies did the work themselves. Care requires time.

The number of requests for extract pamphlets is higher than expected. When requests are received during the closing of the legislative session or busy editorial time, it is especially difficult to fulfill the requests promptly. Work in this area is being closely monitored since if the work continues to increase either an additional staff may be necessary or the work will have to be artificially limited.

It is expected that upon publication of Minnesota Rules and the junking of MCAR most agencies will need to reprint their rules pamphlets. The revisor and the department of administration will try to fulfill this demand by overprinting requested portions of the pamphlets. The cost to the agencies would be even less. However, it is not known whether the agencies will cooperate.

Many agencies are still printing statutory and rule pamphlets on their own. They do this sometimes because of a specific statutory authorization but often with just the desire to provide a "public service." These pamphlets are also often incomplete, inaccurate, and poorly updated. In addition, the revisor is aware of occasions where agencies changed the text of rules under the guise of "correction." Quite frankly, the legislature should review the plethora of statutory authorities to publish these pamphlets independently of the revisor's supervision.

Function:

- accumulating data on the operation and effect of laws in Minnesota and other states.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (2).

Performance:

This mandate was apparently intended to result in the revisor maintaining a library. For many years the revisor did maintain extensive files on the operation and effect of laws and actively acquired more information for the files. It was concluded, however, that this mandate duplicated the mandate of the legislative reference library. So, the files were turned over to that library and active work on expanding the files ceased by the revisor.

Now, this mandate is fulfilled by the revisor's active encouragement of his staff to request acquisition of specialized legal treatises in their assigned bill drafting subject areas. Several have acquired modest collections which they actively use in drafting work.

Problems:

None

Function:

- indexing bills and resolutions drafted for the legislature.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (3).

Performance:

The office maintains an index of all requests received for bills and resolutions. Each request is assigned a bill drafting number, a general subject matter title, and a brief sub-title identifying the particular thrust of the legislation.

The index consists of two parts. One part lists the requests under general subject matter titles. The other part lists all requests made by each legislator or agency under the name of the legislator or agency.

Problems:

None

Function:

- prepare and have available for use indexes of the permanent and general laws and all permanent local laws of this state.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (4).

Performance:

Indexes for Laws of Minnesota 1982 and Minnesota Statutes 1982 were completed in a timely fashion. Budget cuts forced the elimination of the planned reindexing of the entire Minnesota Statutes for the 1982 edition. Instead, the revisor's staff devised and implemented long and short range goals for the improvement of the existing Statutes index.

The local laws indexing project completed in cooperation with Hamline University School of Law significantly improved the local laws index, known as Table I, located in volume 10 of the 1982 Statutes. The table now indexes laws relating to particular local courts or local governmental units enacted from 1893 to 1982.

Indexing standards for use as a guide in the ongoing indexing of both Minnesota Statutes and Minnesota Rules were completed in 1982.

As of the date of this report, work is progressing on the indexes for the 1983 publications. The responsibility for the Laws index was shifted within the office to the assistant deputy revisor for indexing. The Laws 1983 index will generally follow the format of former indexes.

The 1983 Statutes Supplement index will appear as a pocket part in volume 10 of the 1982 Statutes. Unlike the past practice for supplement indexes, for amendatory law, entries will be added to the index only when the existing volume 10 entries are inadequate to cover the amended provisions. For new law the coverage will be complete.

Work is continuing on completing the local laws index, Table I, so that it will include all Minnesota law, from the first territorial session in 1849 to the present. The completed information is planned for inclusion in the 1984 Statutes.

Problems:

The indexing process is slow, exacting work. At the present time the process is done twice for laws passed each session; once for Laws and once for Statutes. A study should be made to determine whether the two procedures or some aspects of the two can be combined. A further study should be made to determine how the use of computer capabilities in the revisor's office can be better used in the indexing process.

The Minnesota Statutes index needs much revision. A piecemeal reindexing by the revisor's staff can improve the index over a period of years. In its present form the index will not be compatible with the new Minnesota Rules index that will appear early in 1984. The reindexing by a contractor of the Statutes index should be considered with its advantages weighed against having the work done within the revisor's office.

Function:

- maintaining files of all documents prepared by the Revisor's staff.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (5).

Performance:

This mandate appears to require only the maintaining of normal records necessary to the drafting process. This has been done.

Problems:

None

Function:

- preparing studies of laws and special bills to revise laws as directed by a committee appointed by the legislature or the governor.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (6).

Performance:

No special committees were appointed by the legislature or the governor involving bill drafting in which the revisor was asked to furnish assistance.

Problems:

None

Function:

- preparing and publishing a bill drafting manual.

Source of Mandate: Minnesota Statutes 1982, section 648.09, clause (7).

Performance:

Ordinarily, the bill drafting manual would have been revised and reprinted in the last half of 1982. However, because of funding limitations and the press of attorneys work on recompiling the administrative rules, it was deferred until the last half of 1984. A file was maintained of suggested changes and corrections to the manual. This will be updated throughout the year.

Problems:

The text of the revisor's manual is in the computer data base. However, it is not coded for composition. In order to prepare for revision next year, the coding must be accomplished first.

Function:

- preparing and publishing a rule drafting manual.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 1, clause (2).

Performance:

The permanent rule drafting manual begun last year is complete and ready for publication. The manual is presently being reviewed by several staff members and final editorial changes are being made.

Plans for the composition and publication of the manual are being completed so that this manual can be distributed contemporaneously with the distribution of Minnesota Rules. When published, the permanent manual will replace the temporary manual published in June 1981.

Problems:

None

Function:

- engrossing and enrolling bills for the senate and house.

Source of Mandate: Minnesota Statutes 1982, section 648.09, clause (8); Joint Rule 2.07.

Performance:

Engrossing work this year took an average of an hour and a half less time than last year. Journal corrections were down by about 90 percent due mainly to the preparation of house committee reports by the revisor's office. The number of engrossments increased by 20 percent over the 1981 session.

The work of enrolling bills went smoothly except for problems noted below. The number of enrollments was up slightly over the 1981 session.

Problems:

There were some problems with the procedure for enrollments. The governor's office was not consistent in picking up bills when ready and requested some other bills on very short notice. The difficulties in presenting bills to the governor will be brought to the attention of legislative leaders before next session. Instructions to resolve the problem can then be obtained. Authenticating signatures are difficult to get for rush enrollments because of the difficulty in locating some of the persons required to sign.

The assistant engrossing and enrolling supervisor quit at the end of March. This unexpected departure necessitated training a new assistant supervisor in the busiest part of the session.

Function:

- preparing a biennial report on supreme court opinions which criticized or found statutes to be unconstitutional.

Source of Mandate: Minnesota Statutes 1982, section 648.09, clause (10).

Performance:

Opinions of the Supreme Court for the period of October 1980 through September 1982 were examined for declarations of unconstitutionality or criticisms of statutory language. Some 11 cases were found and the holdings set forth in the report. A new feature added to the report was to suggest a practical remedy for each statutory defect noted by the court. The remedies took the form of suggested statutory changes.

The report has been prepared every two years since 1959. Despite the revisor's effort to prepare the report, the legislature has taken no action to correct the problems. This year, the revisor determined that either action would be taken or a repeal of the mandate would be sought. The revisor presented the report to the same subcommittee that considered the revisor's technical corrections bills. The result was that the suggestions for statutory changes contained in the report resulted in the introduction and passage of S.F. No. 1146 (Laws 1983, chapter 243) in which three of the statutory defects, plus an additional one which arose after the reporting period, were remedied by legislation. The eight other cases were referred to appropriate standing committees of the legislature for remedy.

Problems:

In recommending statutory changes, as distinguished from merely setting forth the problem, it often appears that either there exist more than a single method of amending the statute in order to cure the defect, or that any cure would be controversial. For this reason, the revisor's subcommittee felt that eight of the proposed changes were controversial beyond the point where inclusion in a "nonsubstantive" bill was proper. Care must be taken in proposing solutions to avoid inclusion of controversial solutions. The controversial statutes were referred to appropriate standing committees but it is yet to be seen whether they will act to cure the problems.

Function:

- keeping records on legislation passed by the legislature.

Source of Mandate: Minnesota Statutes 1982, section 648.37, subdivision 1.

Performance:

This somewhat ambiguous mandate has existed since the revisor's office was established in 1939. As a technical matter the secretary of the senate and chief clerk of the house maintain all official records of the legislature. Many of the documents are deposited with the legislative reference library which serves partially as the legislature's archivist.

The revisor does keep engrossing and enrolling records. However, after each session the oldest records are returned to the custody of the secretary and chief clerk.

The revisor does maintain, as office records, any errors found in an enrollment. These records serve as one of the bases for the corrections included in each year's revisor's bill.

Problems:

The revisor should seek to have this mandate amended and clarified or repealed.

Function:

- serve as one of the four state commissioners on the uniform laws commission.

Source of Mandate: Minnesota Statutes 1982, section 3.251.

Performance:

Harry Walsh continued to discharge the office's duties under section 3.251. He attended the 1982 Uniform Laws Conference, participated in its debates, served on committees, and reviewed drafts of proposed acts throughout the year. Eight acts relating to property, securities, frauds and various other matters have been prepared for consideration at the 1983 conference.

Problems:

None

Function:

- preparing and submitting bills to the legislature which clarify existing statutes.

Source of Mandate: Minnesota Statutes 1982, section 648.37, subdivision 2; Joint Rule 2.01, sixth unnumbered paragraph.

Performance:

The office prepared a bill of 116 sections and two articles correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating redundant, conflicting, and superceded provisions; correcting oversights, inconsistencies, unintended results, and errors of a noncontroversial nature. The bill was presented to a subcommittee composed of three members from the senate judiciary committee and three members from the house judiciary committee. In the house, the entire judiciary committee acted on the bill; in the senate, the rules and administration committee acted on it. The bill was passed by the house and sent to the senate where it was amended and passed, then sent back to the house for concurrence with the senate amendments.

The office also prepared one bill correcting the style and form of one area of the statutes. The bill related to the style and form of the statutes affecting the revisor's office itself. The bill was presented to and approved by the same subcommittee that considered the technical bill. It was introduced and referred to the rules committees in both houses. The senate committee was apparently ready to act immediately but house staff requested the house committee to delay action so the bill could be looked at over the interim. The revisor will actively seek action on the bill before the next session.

The office had intended to prepare more style and form drafts. Only one was done this year because of the pressure of the work on recompiling administrative rules. More than ten drafts are being prepared this interim.

Problems:

Procedures for the revisor's correction bill and the revisor's conformance bill should basically remain the same. However, the bills should be ready to go when the session opens. The delay this year was due to consideration of a possible change in to whom it would be presented.

The delay of the style and form bill prepared this year was unfortunate. However, this was not the first time when a concern surfaced that a style and form draft contained concealed policy changes. Earlier occasions resulted only in questions, not in the passage of the bill being blocked. Everyone seems to accept that the technical corrections bill is nonsubstantive. For some

reason, the same belief does not extend to style and form bills. Since style and form bills represent an important part of the statutorily mandated continuous revision of the statutes, work must be done to gain universal acceptance that style and form bills do not contain concealed policy changes.

Function:

- preparing bill comparison reports for the secretary of the senate and chief clerk of the house.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by secretary of the senate and chief clerk of the house).

Recommendations:

Comparison reports have to be prepared overnight. The difficulty of preparing reports depends on the length of the comparison bills and the amount of differences between them. Some reports are so complex that staff must stay the entire night to prepare them.

The report details the differences between companion bills. In an average year about 150 reports are prepared. 225 were prepared for the 1983 session, a number that is close to a record.

The office performed this tedious task in an efficient manner in 1983 with few complaints. The complaints are discussed below.

Problems:

Comparison reports can be very difficult to prepare. Despite this, apparently, neither house of the legislature makes practical use of them to any extent. Consequently, consideration is being given to the discontinuance of the reports. Elimination of the reports would free staff time, particularly supervisors' time, for more useful work.

A problem was experienced when the office prepared a comparison report which relied on materials containing errors submitted from another legislative office.

One other report was prepared that proved to have errors. Unfortunately, the errors led to an open discussion on the senate floor as to the cause of the errors. The errors occurred when the report was prepared by a new staff member because more experienced staff were already busy on other work. Since then, work on comparisons has been reserved for senior staff.

Function:

- preparing special comparisons of appropriations bills for use by appropriations conference committees to arrive at a compromise on major appropriations bills.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by staff of house appropriations committee and senate finance committee).

Performance:

These comparisons are designed as a crucial aid in preparing long conference committee reports so that end of session deadlines can be met. The comparisons are complicated and very time consuming to prepare.

The comparisons were prepared on the eight major appropriation bills and were used by the legislators and staff in the preparation of the bills.

Problems:

Preparing appropriations comparisons is made unnecessarily difficult by the lack of coordination between the senate and house staff. Often, senate and house bills contain identical provisions located in different places in the senate and house bills. Also, the senate and house often have provisions intending to achieve the same end but using different language to achieve it. Discovering these factors is time consumed during the busiest part of session when time is limited. The revisor's attorneys are now participating more fully in appropriations work--particularly on the house side. Further participation by the revisor's staff, as a joint agency, could serve to keep the senate and house bills more parallel.

The fiscal staff for both appropriations committees are in the process of computerizing much of their work. Analyses prepared this year alleviated the need for the money comparisons between the senate and house bills. Some staff believe better ways can be found to compare language differences. This will be actively explored and, if a better way to compare language differences is found, then the appropriations bill comparisons will be dropped.

Function:

- developing and maintaining a computer system for use by the revisor's office for the production of legislative documents.

Source of Mandate: None, but the use of the computer system is the most efficient means of accomplishing work otherwise mandated.

Performance:

This was the first session the legislature ran under the new IBM 4331 computer and system. The uptime of the system was drastically improved due to the excellent reliability of the IBM computer and Liebert power equipment. Program improvements allowed the system to be available 24 hours a day. All of the system functions were converted by session time with program improvements occurring throughout the session.

Plans have been made to expand accessibility to the system by adding more terminals and adding dial-up capabilities, and adding more disc space. Plans have been made to include an online search capability for the statutory and rules data bases.

These improvements have been accomplished with cost savings.

Problems:

The delay in acquiring new terminals and the use of Megadata terminals provided the bulk of user frustration.

The work of this session used more disc space than was expected from previous experience, which required constant attention at the end of session.

At peak loads the system was slower than desired but not to the point where there was a significant impact on production. Because of slowness during peak loads, the office is upgrading to a faster processor and faster disc storage devices to improve response time.

The office does not have an alternate site from which to operate our system in the case of some catastrophe which would destroy our computer room. While data is preserved by duplicate off-site tapes, in case of catastrophe (i.e. fire, storm, etc.) it would be several weeks before regular operations could resume. If this occurred during the final month of the session, the result would be chaotic.

Function:

- upon request, assist senate and house staff preparing new computer systems for their use.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by Senate staff).

Performance:

Meetings were held with house desk personnel to explore the computerization of the House Journal processes. The house has requested two terminals and a small printer for next session as a beginning. This is the first step in providing the house with computer facilities with similar capabilities to the senate.

Informal meetings have been held with senate staff to explore the use of both the revisor's computer and personal computers for senate projects.

Problems:

This has been the only time the house has requested the revisor's assistance to develop a computer system for its use. In all other cases, the house has developed its own systems. The senate, however, uniformly requests the revisor's help.

Function:

- obtaining and maintaining computer terminals, printers, and other equipment for use by the revisor's office and other legislative agencies for the production of legislative documents.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by senate and house staff).

Performance:

A Xerox 5700 laser printer was installed and interfaced to the bill drafting system and placed on the sixth floor of the State Office Building. It provided more capabilities including bold, italic, Greek and special character fonts along with super and subscript capabilities for use with administrative rule documents. It will provide the hardware for the movement from typewriter type output to composed output for the office.

Five additional Megadata terminals and a control unit were obtained from the state of Indiana and were placed in service.

The Megadata maintenance contract was placed on a time and materials basis resulting in a cost savings.

An IBM 6670 was installed at senate counsel for their use.

Problems:

The Xerox 5700 printer was not without problems and Xerox has taken their time to fix them.

The acquisition of replacement terminals for the Megadatas was delayed for a year because the vendor had to redesign his product to meet government specifications. As a result, we ran another year on our aging Megadatas. They were the source of unending grief, most of which was borne by supervisors. This time involvement was an additional burden to the many time-consuming tasks already performed by supervisors.

Function:

- drafting conference committee reports.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature.

Performance:

The office prepared 92 conference committee reports in 1983, 51 for senate files and 41 for house files. This was a substantial increase over the 1981 and 1982 totals of 72 and 62. Many of these documents were very large but all were completed promptly. They were, as always, prepared under urgent conditions.

Attorneys were assigned to assist conference committees on the basis of special expertise before the actual requests for reports came into the office. The legal staff were instructed to inform conferees that the office was ready to assist as soon as and, in some cases, even before they were formally appointed. These practices resulted in the advance acquisition of information on when most conference committee reports would have to be prepared. As a result, advance planning to provide sufficient staff to complete the work expeditiously was possible.

Problems:

Greater uniformity in the introductory language of reports may be appropriate.

The bulk of conference committee report work comes when office staff is working long hours under high stress and pressure conditions to meet numerous conflicting deadlines at the end of the session.

Function:

- publishing Actions, the yearly summary of legislative bills enacted into law.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by house research and senate counsel which formerly published Actions).

Performance:

Despite improvements in Actions over the last few years, it became apparent that the work required to write Actions was out of proportion to the benefit to the legislature and the public. Also, although Actions was the most complete summary available, various other publications duplicated its function of summarizing legislation. As a result, the revisor recommended that its publication be terminated. Upon concurrence in the recommendation by the revisor's subcommittee of the legislative coordinating commission, the publication of Actions was discontinued. Actions will not be published in 1983 or later. As a result of that action, this will be the last year the yearly performance report will comment on this function.

Problems:

None

Function:

- upon request of a standing committee of the house,
preparing a revisor's analysis of a bill.

Source of Mandate: Minnesota Statutes 1982, section 482.09,
clause (9); House Rule 6.4.

Performance:

No work has been done on this function for at least ten years since other staff offices provide bill analyses. Because of the hollowness of this function, the revisor recommended that the house delete the mandate from its rules. The newly adopted permanent rules of the house deleted the mandate. This will be the last yearly performance report to comment upon this function.

Problems:

None

Function:

- providing legal assistance to the legislative committee to review administrative rules.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9); custom and usage of the legislature (requested by the LCRAR).

Performance:

The assistant deputy revisor for rules was assigned as counsel for the LCRAR. This position was in addition to this person's other drafting duties. At the request of counsel, other attorneys in the office provided advice on specific issues related to their specialties.

Counsel's duties include attending all commission hearings; reviewing preliminary assessments, staff reports, and other documents issued by the commission; and providing legal advice to staff and commission members as requested.

The LCRAR staff consists of an executive director and a secretary. The legal assistance provided by this office was essential to the functioning of this commission.

Problems:

None