
REVISOR OF STATUTES PERFORMANCE REPORT

July 1, 2000 – June 30, 2002

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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, 2000, and ending June 30, 2002, 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.

This biennium shows both increases and decreases in the various kinds of documents produced by the office. While there was a decrease in the number of bills drafted there was an increase in the number of amendments and engrossments. Reflecting this decrease, *Laws of Minnesota 2002* showed a decrease of over 700 pages from the comparable period in 2000. Unlike previous biennia which showed a continuing increase, *Minnesota Statutes 2002* is about the same number of pages as *Minnesota Statutes 2000*.

The office continues to draft and review administrative rules as well as performing its legislative work.

One of the biggest demands on the office continues to be in the area of computer services. Internet use increased dramatically over the biennium showing a continuing trend. In the fall of 2001, the Legislative Security and Infrastructure Group (LSIG) installed a security firewall and the revisor's office has provided a staff person as the Security Firewall System Administrator. From March to September 2002, the office conducted a pilot project to determine the feasibility of developing an XML-based bill drafting system. In September, an outside consultant recommended that an XML-based system be developed. The revisor's office is currently preparing for this development in 2003 and 2004.

The office has been very active in producing guides for drafters of legislation and administrative rules. The new 2002 *Rulemaking Guide* and the 2002 *Revisor's Manual* (also called the bill drafting manual) will be available in November 2002. In mid-November, the 2002 *Court Opinions Report* will also be completed.

The revisor's office will prepare its next performance report in the fall of 2004. The report will review the work of the office during the 2003-2004 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 required 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.

The revisor's office has a statutory mandate to draft bills for the Governor, departments or agencies of the state, and special legislative commissions as well as for the members of the legislature. In 2001-2002, the office drafted 689 of these bills.

Much of the bill drafting for departments and agencies is done prior to the start of each session of the legislature. We cooperate with Minnesota Planning and 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.

2002 was an exception to the rule that the total number of bills prepared for introduction increases each year. Although the 2001 total increased from the first year of the previous biennium, the 2002 total decreased by 1,033. This decreased the total number of bills processed in the 2001-2002 biennium, including congratulatory resolutions, by 845.

In the first half of the biennium, 4,583 drafting files were opened and in the second half, 2,202 were opened. Of these totals, 653 and 443, respectively, were resolutions.

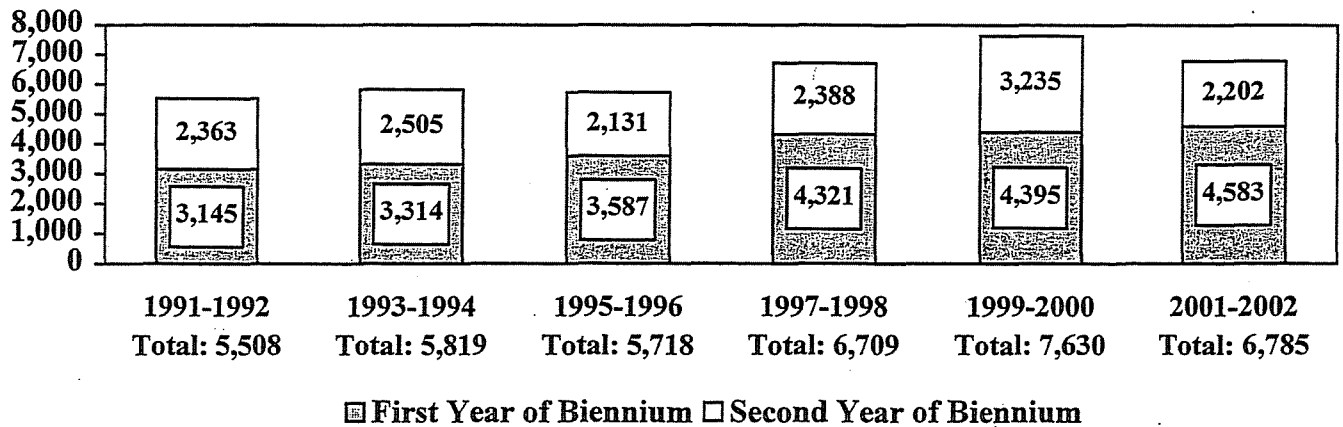
Resolution Drafting

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 936 congratulatory resolutions in the first half of the biennium and 518 in the second half.

Bill and Resolution Drafts

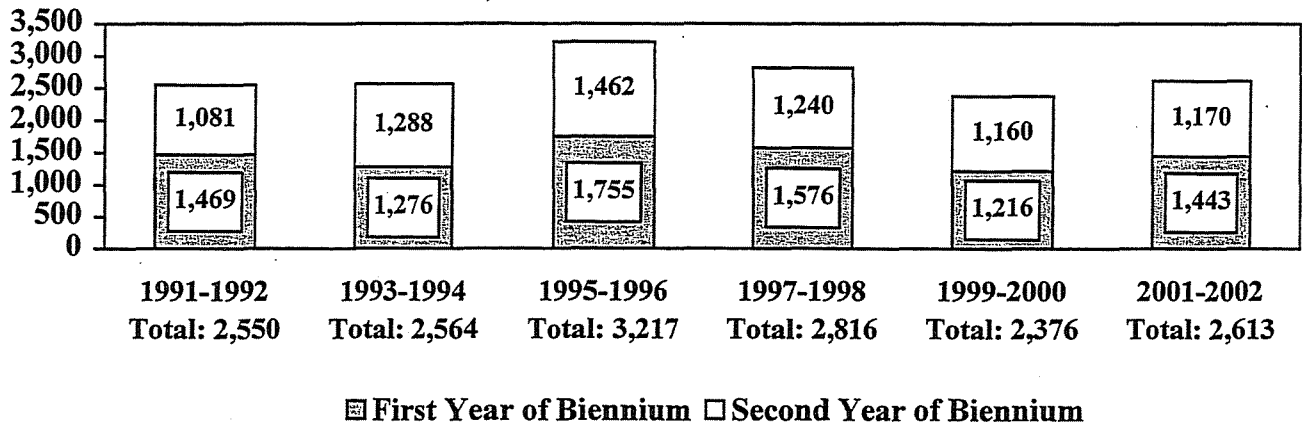


Amendment Drafting

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 1,443 amendments in the first half of the biennium and 1,170 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 2001*, chapter 7, and *Laws 2002*, chapter 379. Session correction bills to correct session errors were passed in *Laws 2001, First Special Session* chapter 13, and *Laws 2002*, chapter 400.

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 is used for these end of session correction bills. The office works with legislative leadership to develop effective procedures for them.

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

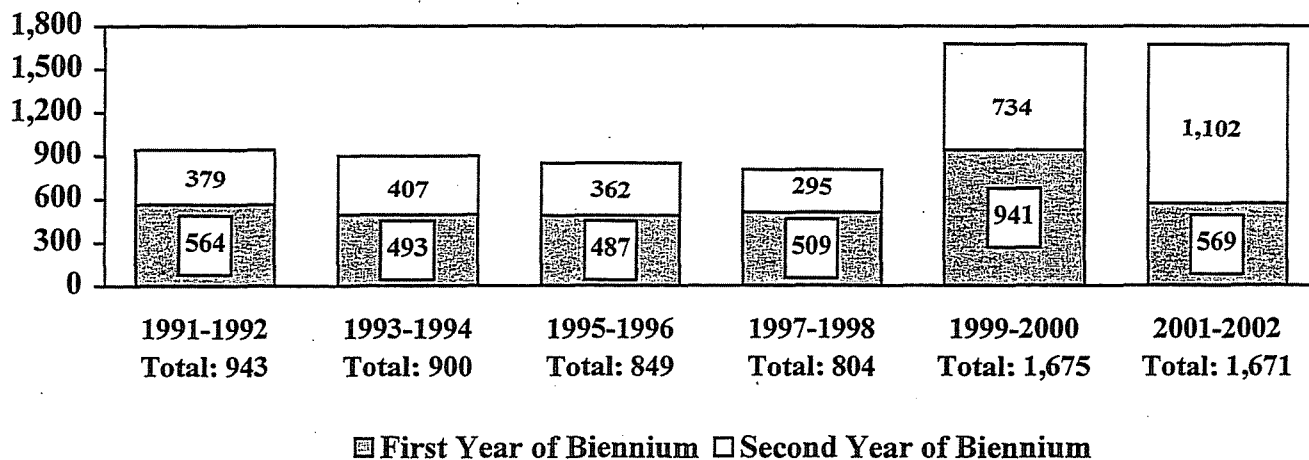
Source of mandate: Minnesota Statutes, section 3C.04, subdivision 6 (requested by the Speaker and Chief Clerk of the House)

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 2001 session, 569 committee reports were prepared for the House. During the 2002 session, 1,102 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



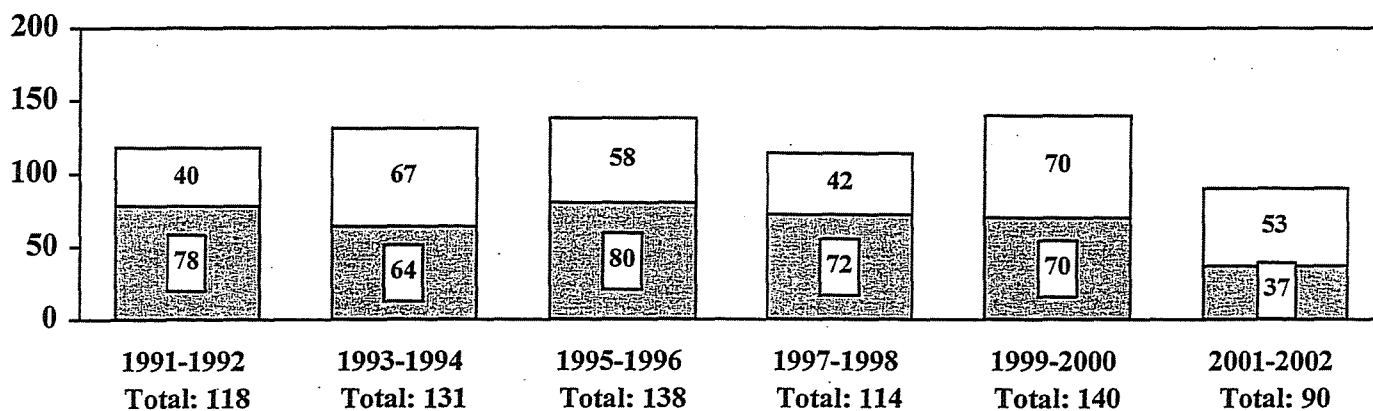
Conference Committee Reports

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 2001 session, we prepared 37 conference committee reports that were returned to the desks. There were 17 conference committee reports on House bills and 20 on Senate bills. When alternative and unofficial versions of reports are added, the total is 49. For 2002, the figures are as follows: 53 total reports returned to the desk, 22 for the House and 31 for the Senate. The addition of alternative and unofficial versions brings the total to 82.

Conference Committee Reports Returned to the Desks



■ First Year of Biennium □ Second Year of Biennium

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. Until 1992, the office prepared comparison reports for conference committees that were either cut-and-paste or "end-over-end" documents. In 1992, the office created a program to print side-by-side comparisons, and the production of these documents has increased significantly.

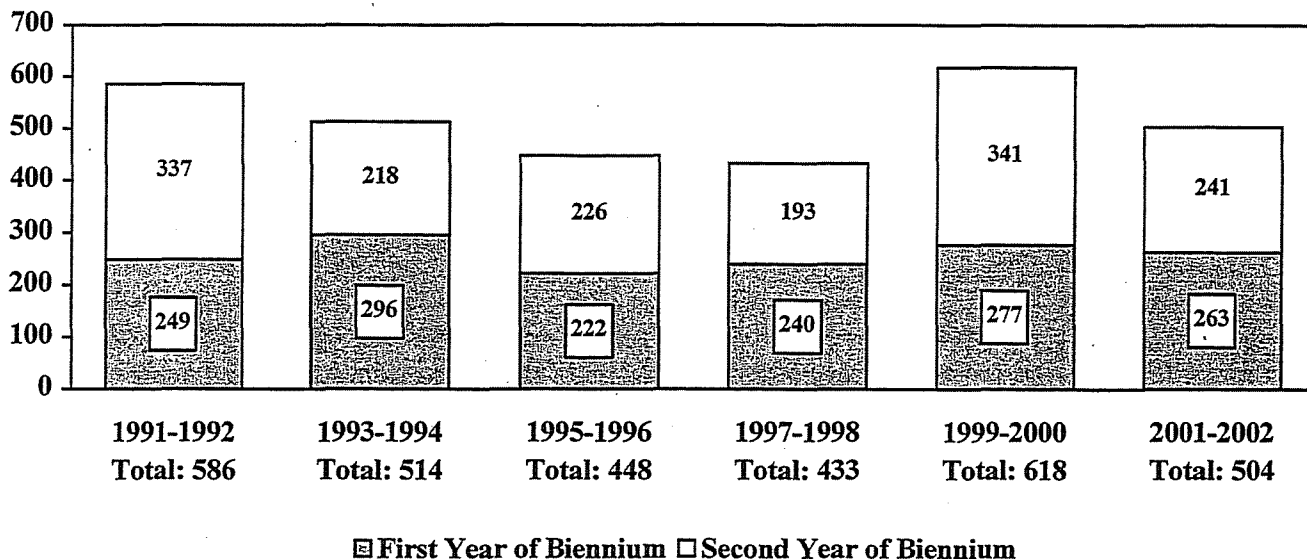
In 2001, 62 side-by-side comparison reports were prepared and in 2002, 64 side-by-side comparison reports were prepared for a total of 126 reports.

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 2001, the office completed 68 reports for the Senate and 133 for the House. In 2002, the office completed 51 reports for the Senate and 126 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

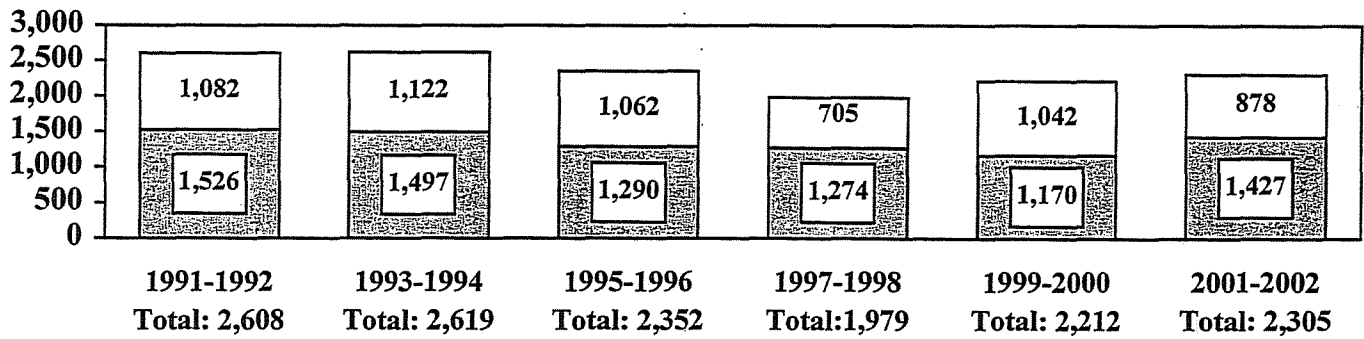
When bills are amended in committee or on the floor, the revisor's office merges the amendments into the bill text to produce engrossments, which help readers understand the effect of the amendments. The office also prepares "unofficial" engrossments of amendments adopted by one house to a bill that 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 2001 session, 1,427 engrossments were completed and in the 2002 session, 878 were completed. These figures include unofficial engrossments requested by the desks. Of that number, the office prepared 713 engrossments on House bills in 2001 and 458 in 2002. The office prepared 714 engrossments on Senate bills in 2001 and 420 in 2002.

Engrossments



■ First Year of Biennium □ Second Year of Biennium

Enrollments

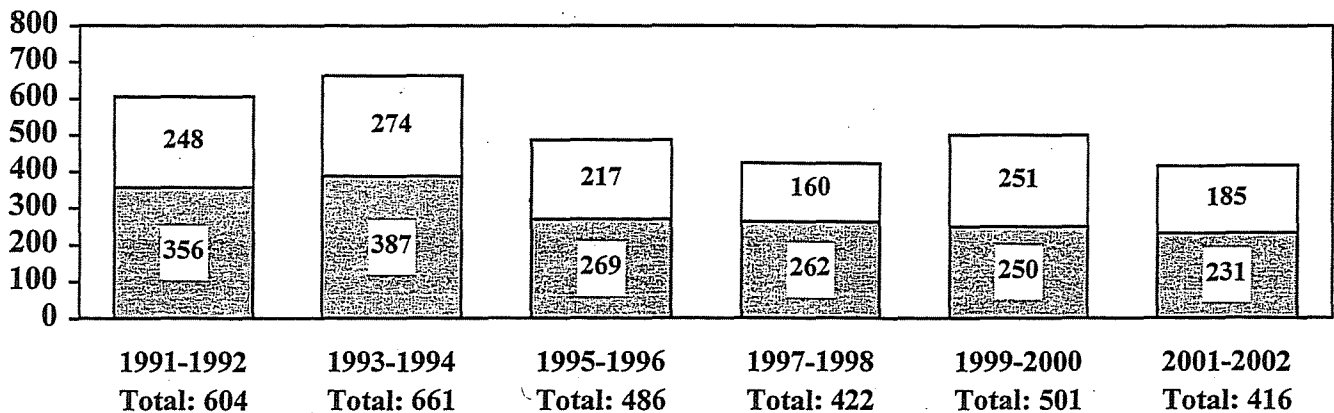
Source of mandate: Minnesota Statutes, section 3C.04, subdivision 5, and Joint Rule 2.07

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 2001, 231 enrollments were prepared and in 2002, 185 were prepared.

Enrollments



■ First Year of Biennium □ Second Year of Biennium

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 helps agencies to draft administrative rules, providing assistance to agencies to propose and adopt 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*.

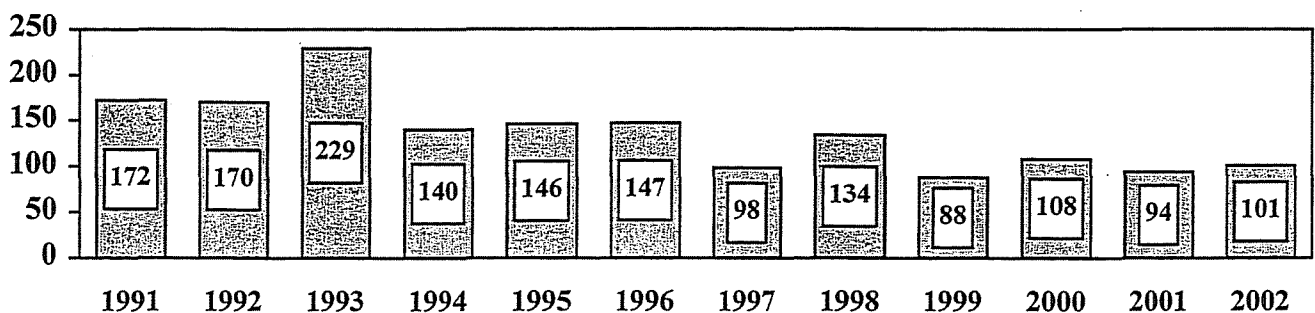
As part of this approval, the office certifies that documents incorporated by reference in rules are conveniently available to the public. Form approval is provided at the same time as a more substantive review as a part of the drafting assistance our office provides.

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.

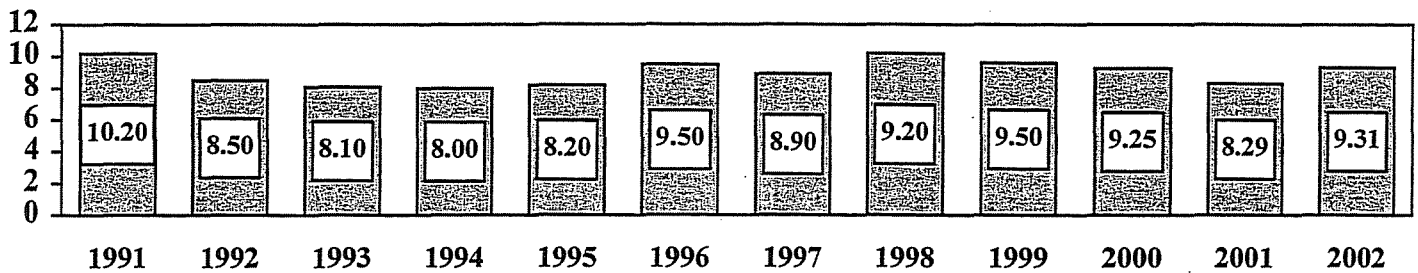
The computerized rule tracking system that provides public information about the progress of rules through the rulemaking process is being updated to run on the Internet on the BASIS system. The system includes all rule proceedings since December 1980, the year the revisor's office took over rule drafting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

The office opened 94 rule drafting files in 2001 and 101 in 2002.

**New Rule Drafting Files
by Fiscal Year**



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

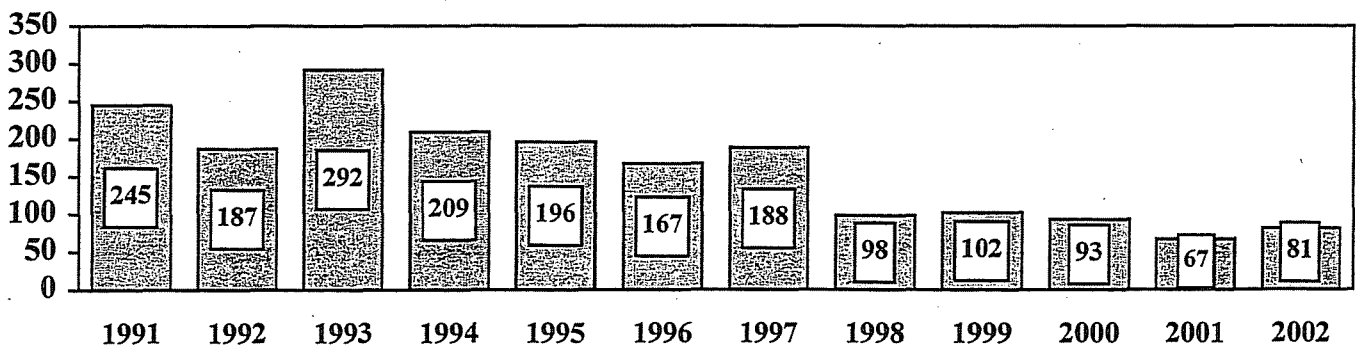


Proposed Rules

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**

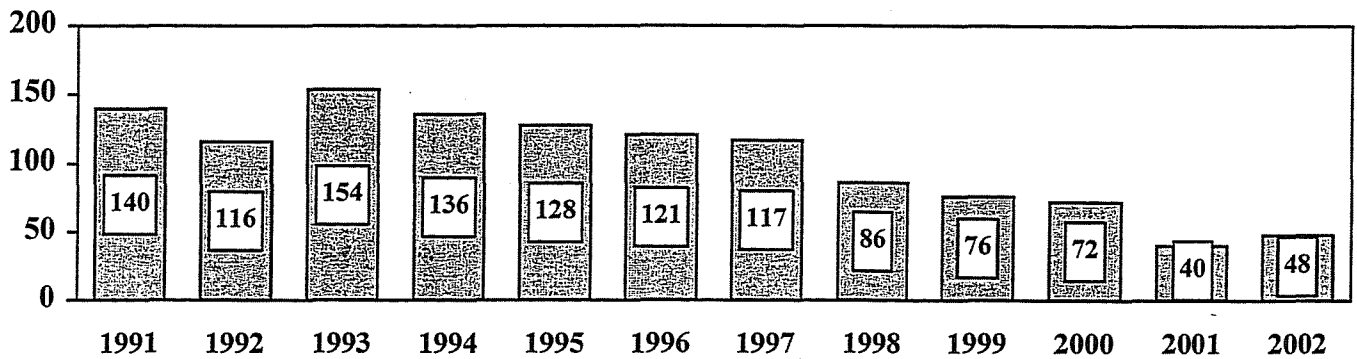


Modifications

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**

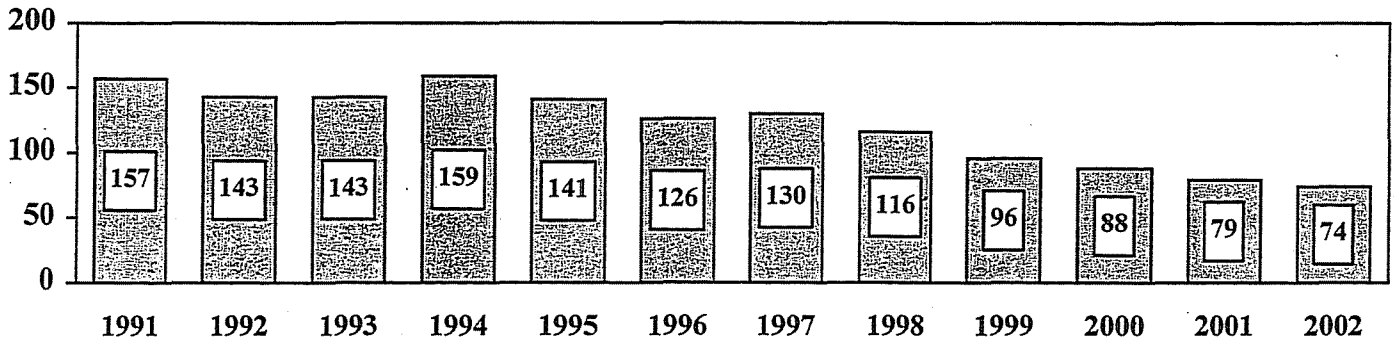


Notices of Adoption

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**

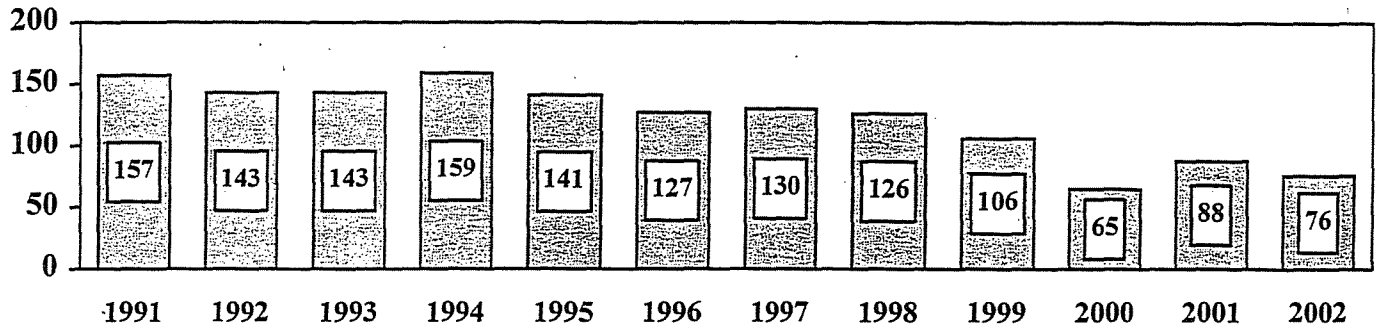


Adopted Rules

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 statutory language in *Laws of Minnesota*.

Laws of Minnesota 2001 contains 218 chapters from the regular session and 13 chapters from the special session affecting 4,007 sections of *Minnesota Statutes*. The number of statutory sections affected in 2001, when compared with the comparable odd-numbered year session in 1999, represents a slight decrease in acts passed and sections affected. However, the number of pages in the printed set increased by 140 pages.

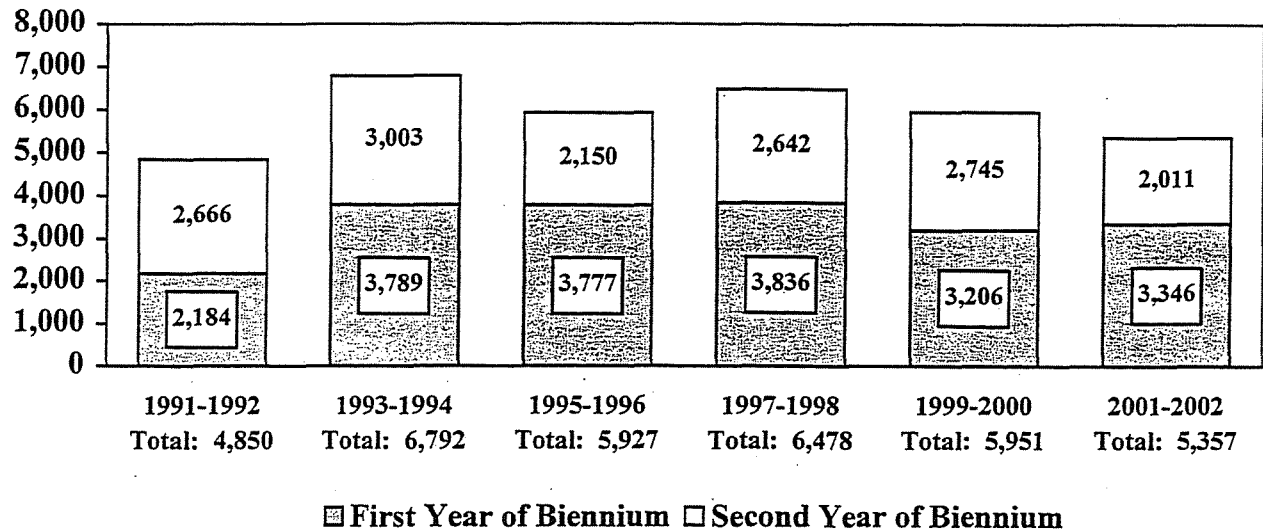
Laws of Minnesota 2002 contains 185 chapters affecting 2,370 sections of *Minnesota Statutes*. This is a decrease of about 70 individual chapters over the comparable even-numbered year session in 2000. The actual bulk of the set, when comparing number of pages, decreased by about 700 pages.

In the last two biennia, the press run for *Laws of Minnesota* was reduced by 500 sets in 2001 and 600 sets in 2002, to 2,500 sets. 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 2001 and *Laws of Minnesota 2002* are available to the public on the Internet.

Session Law Pages



Minnesota Statutes and Supplement

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

Minnesota Statutes 2001 Supplement supplemented the 2000 edition of *Minnesota Statutes*. As in the most recent editions, the 2001 supplement was printed in pocket part format. A small number of 2001 supplements were bound as books for use by legislative staff. Sections affected by instructions to the revisor were included in the 2001 supplement.

The full edition of *Minnesota Statutes 2002* became available in November 2002. 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 reduced sales of the last edition, the press run for *Minnesota Statutes 2002* was reduced by 500 sets to a total of 4,000.

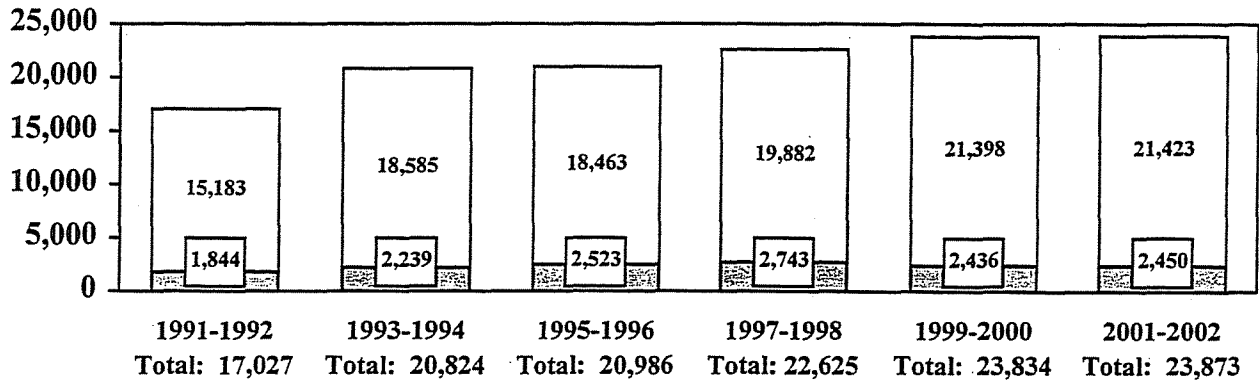
The 2001-2002 biennium, like previous ones, had a number of instructions to the revisor and recodification of various chapters as part of the work. The higher education Edvest program in chapter 136A was moved to a new chapter 136G. In addition, several individual sections were recodified. An effort is also underway to break up some of the lengthy sections and subdivisions of the statutes into smaller units.

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 2002 is available on the Internet.

Statutes and Supplement Pages



■ Supplement □ Full Publication

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 2001*, Tables 4 to 6, and *Laws of Minnesota 2002*, 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 2002 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 to convert House or Senate file numbers into 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 rulemaking.

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
1991	356	2,184	8.94	1,844	2,607	1,155	474	0	4,236	3,100	4,300
1992	244	2,666	10.93	15,183	1,995	1,073	380	22	3,470	3,100	4,300
Total	600	4,850	8.08	17,027	4,602	2,228	854	22	7,706		
1993	381	3,789	9.95	2,239	2,954	1,202	419	8	4,583	3,100	4,300
1994	274	3,003	10.96	18,585	2,444	998	423	2	3,867	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
1996	206	2,150	10.44	18,463	1,876	648	750	22	3,296	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
1998	167	2,642	15.41	19,882	2,607	587	560	20	3,774	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
2000	251	2,745	10.93	21,398	1,720	818	347	80	2,965	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
2002	251	2,011	8.01	21,423	1,455	458	399	58	2,370	2,500	4,000
Total	469	5,357	11.42	23,873	3,923	1,262	1,105	87	6,377	5,100	

Minnesota Rules and Supplement

Source of mandate: Minnesota Statutes, section 14.47

Two supplements to *Minnesota Rules 1999* were published, one in 2000 and one in early 2001. The first contained changes to *Minnesota Rules 1999* adopted through August 21, 2000. The second contained changes to *Minnesota Rules 1999* adopted through January 16, 2001.

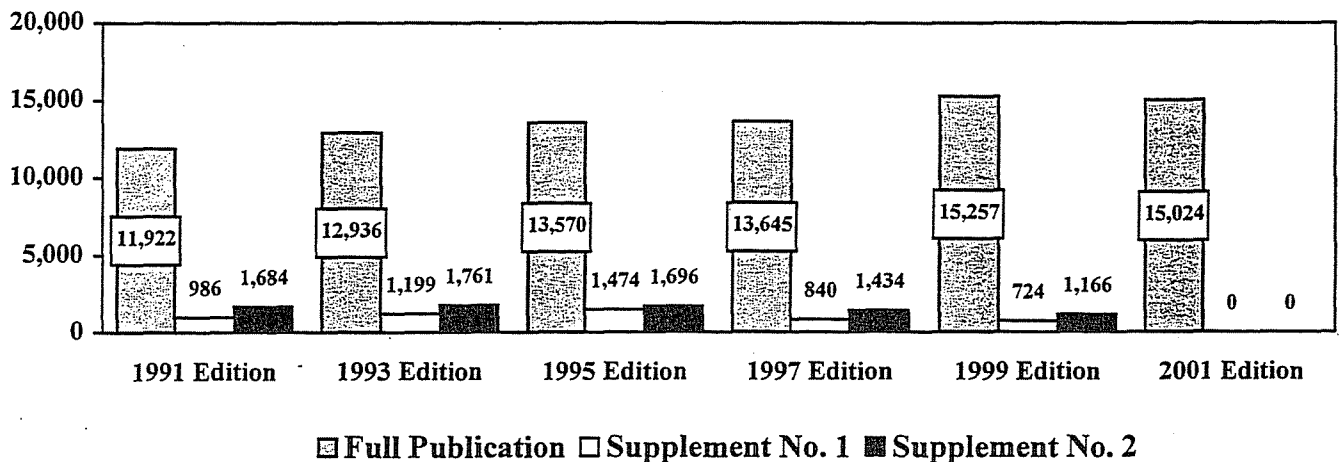
A full edition of *Minnesota Rules* was published late in 2001. The official, hardbound publication includes a table of *State Register* citations, a table of amendments, and a table of statutory authority.

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 2001 published edition will be supplemented in 2002 and 2003 with pocket parts.

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 2001 and 2002:

- index to *Laws of Minnesota 2001*
- index to *Laws of Minnesota 2002*
- index to *Minnesota Statutes 2001 Supplement* (pocket part)
- index to *Minnesota Statutes 2002* (full set published)

- index to *Minnesota Rules 2000, Supplement 2* (pocket part)
- index to *Minnesota Rules 2001* (full set published)
- indexes to the Court Rules volume of the statutes set, supplemented in 2001 and published in full in 2002
- indexes for internal publications as needed

The office continues to update the statutes index as completely revised in 1994. The indexing manual and thesaurus developed for the revision allow us to maintain the index with greater consistency. Complete reindexing of an area of the law is done in the case of an extensive revision, renumbering, or recompilation, such as the revisions of the retirement law in 2002. Most indexing work is done by professional indexers under contract to the office; their work is coordinated by a member of the revisor's staff. The complete statutes index is available on line and updated annually.

With the exception of the court rules indexes, all indexing in the revisor's office is now done with CINDEXTM, an off-the-shelf, stand-alone application specifically designed for producing indexes. CINDEXTM enables us to cumulate the indexing regularly as session laws are passed, to provide copies to the Legislative Reference Library, and, with some additional programming, to mount the index on the session laws Web page. With the online *Laws*, which are now available earlier than in the past, the online *Laws* index provides users with increased access to new law long before the printed books are available.

We continue to work toward the goal of providing an on-line index to *Minnesota Rules*.

Court Rules

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

Work on the 2001 supplement to the *Court Rules* volume was completed on schedule. The volume includes extensive amendments to General Rules of Practice and Appellate Procedure, as well as amendments to Criminal Procedure, Sentencing Guidelines, Civil Procedure, and Professional Rules. The *Court Rules* volume will be published in the fall of 2002 as part of the set of *Minnesota Statutes*. This volume will include extensive amendments to Juvenile Court and Professional Rules, as well as amendments to Sentencing Guidelines and General Rules of Practice.

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 will be published in November 2002. An electronic 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 was published in 1997. It was substantially reorganized and revised. Many new forms and aids to the user were 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 23 and 24.

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.

Sixteen claims were paid and two claims settlements were authorized in the 2001 claims bill. (*Laws of Minnesota 2001*, chapter 169). The 2002 claims bill was not enacted.

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 2000 contained ten cases. Three 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 2001 and 2002 meetings of the National Conference on Uniform State Laws. In addition, Ms. Timmons was appointed to a drafting committee for a proposed Uniform Environmental Covenants Act.

During the 2001 and 2002 annual meetings, the National Conference of Commissioners on Uniform State Laws continued to enhance the Uniform Commercial Code, adopting amendments to Articles 1, 2, 2A, 3, and 4. The conference also adopted eight new uniform acts on topics including Mediation, Limited Partnerships, Nonjudicial Foreclosure, and the Trust Code.

The office drafts uniform laws at the request of Minnesota commissioners for introduction and consideration by the Minnesota Legislature. In the 2001-2002 biennium, the office drafted 15 uniform acts. During the 2002 session, the Minnesota legislature adopted the Uniform Athlete

Agents Act. Four uniform acts were introduced in 2002, including Arbitration, Interstate Enforcement of Domestic Violence Protection Orders, Parentage, and the Trust Code.

Information for Other State Offices and the General Public

Source of mandate: Minnesota Statutes, section 43A.04, subdivision 11, and custom and usage

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 office was asked to expand on its writing instruction for the rulemaking seminar offered by the Interagency Rules Committee in 2002. This has led to an increased number of requests by agencies for writing instructions for individual agencies which we also provide. 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.

The revisor's office is working with the Legislative Reference Library and the staff of House and Senate index offices to develop a standard vocabulary of topics for bill indexing. A controlled vocabulary will make it possible to develop a subscription service that will alert subscribers by e-mail to actions on bills in their areas of interest.

In 1999 the office began a series of educational seminars for attorneys and other staff. A total of 17.5 hours of continuing legal education credit has been obtained for these seminars, which have been attended by hundreds of legislative and executive branch staff, as well as members of the public. Both attorneys and non-attorneys are invited to attend.

The office has also made a number of other efforts to expand its educational function in the legislature. In the fall of 1999 an office task force was formed to look at the issue of writing standards that needed to be updated. While the revisor's manual was last revised in 1997, this is the first time in some years that the office has made an organized attempt to identify outdated, inconsistent, and misunderstood writing standards that the office and the rest of the legislature applies to bill drafting. The new revisor's manual will be available in November 2002.

During the biennium, office staff have also participated in meetings of 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 and Senate new member orientations in November and December 2000.

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.

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. In the fall of 2001, after consultation with these offices, the revisor's office prepared a report about the use of "shall" and "must" as words of mandate in *Minnesota Statutes*. The report recommended that both words continue in usage, and that the debate about word usage continue to evolve gradually and naturally. The conclusions from this report as well as the writing standards task force have been incorporated into the 2002 *Revisor's Manual*.

As a part of the new computer system development project described below, the revisor's office has begun to map out legislative processes and to identify 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.

The revisor's office has also participated in a number of Legislative Coordinating Commission projects. For example, Legislative Coordinating Commission job study was concluded in spring 2002. In 2001, the revisor's office participated in the development of an Legislative Coordinating Commission-wide technology use policy.

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 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.

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.

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. The consultant has further recommended that XTE be modified to read XML documents, so that Senate desk document production can continue unimpeded and be phased into an XML-based system. The consultant has estimated that system development costs will be approximately \$3.3 million, which is substantially less than the amounts spent by other states developing large, well-integrated, XML-based systems.

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 will continue 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.

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 was able to make a preliminary version of session laws available online shortly after the conclusion of the 2002 legislative session. This was about a month earlier than session laws had been available online in previous years, and 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 2002 is now available on line.

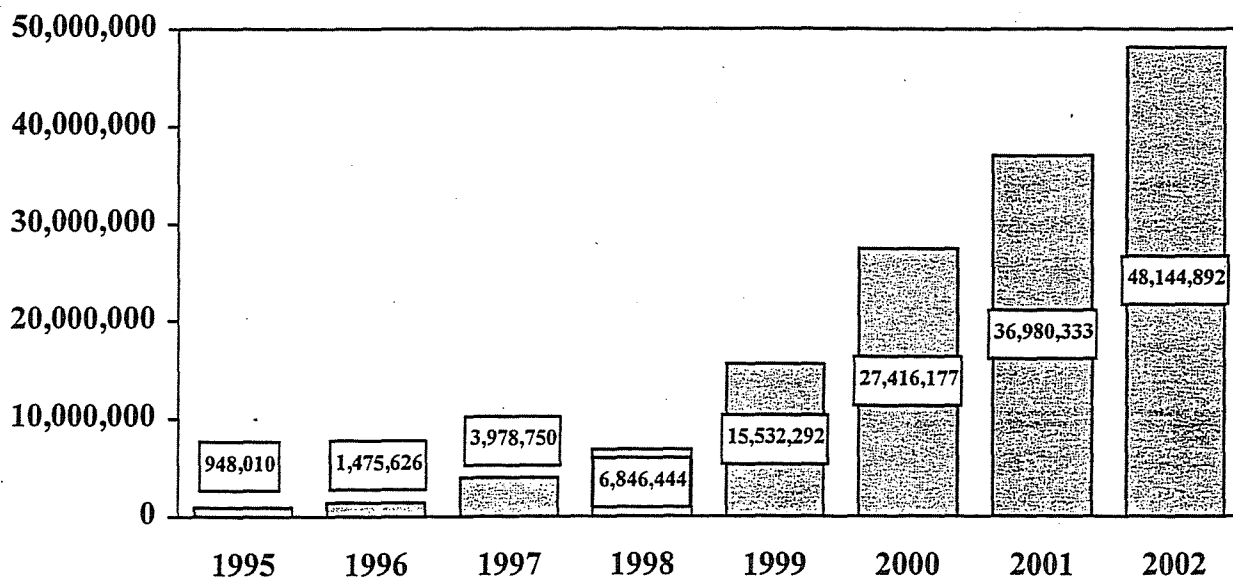
House and Senate bill status are also available via revisor servers. House and Senate bills have been available since 1995 and conference committee reports, unofficial engrossments have been made available more recently. This information is maintained on the Web, so that users can search bill status 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. Two other servers were added to the Gopher server, one in 1996, and one in 1999. Users of the legislature Web site are now able to quickly and easily access a wealth of legislative information, making Minnesota's legislative Web site one of the most highly regarded in the nation.

Access to Revisor Servers by Fiscal Year



ACKNOWLEDGEMENTS

Thanks to the following staff members for their contributions to this report:

Jacqueline Ahrens, engross/enrolling, committee report statistics
Maryann Corbett, indexing operations
Jan Vaidich, court rules operations
Kathleen Jents, graphics design, data entry, and layout and styling
Marcia Breisler, editorial operations
Diane Knowlton, statutory editing, extracts statistics
Clayton Larson, computer operations
Craig Lindeke, claims bill
Paul Marinac, bill drafting and rules operations, editing of report
Kathryne Maxson, rules editing
Ron Ray, Supreme Court report
Martha Rhode, bill drafting statistics and coordination, editing of report
Carla Riehle, revisor's bills, editing of report
Corrine Staeheli, rules operations

