

## MEMORANDUM

To: Kelly Lyn Mitchell, Commission Chair  
From: Hon. David Knutson, Chair, Administrative Rules Subcommittee  
Date: July 17, 2024

**Subject: Administrative Rules Subcommittee Report – Minnesota Administrative Rules Chapter 3000**

On October 6, 2023, you appointed the Administrative Rules Subcommittee—consisting of Commission members Cathryn Middlebrook, Tim Morin, and myself—to review Minnesota Administrative Rules Chapter 3000. The subcommittee met seven times in 2024, on January 23, March 26, April 30, May 20, June 4, June 13, and July 16. This is the subcommittee’s final report on its recommended changes to Chapter 3000 governing the Minnesota Sentencing Guidelines Commission.

Unchanged since its 1985 creation, Chapter 3000 fulfills two purposes stated by the Commission’s charter statute, Minn. Stat. § 244.09: To “establish procedures for the promulgation of the Sentencing Guidelines, including procedures for the promulgation of severity levels and criminal history scores” (subd. 5), and to establish “procedural rules” defining when certain Guidelines “modifications shall take effect” (subd. 11). The subcommittee recommends modernizing, streamlining, and clarifying this chapter.

Specifically, the subcommittee recommends that the Commission authorize staff to begin the administrative-rulemaking process with a view toward amending Chapter 3000 consistent with the changes shown on the following pages. These changes are shown in two forms:

- With the recommended changes **marked up** on the existing version (beginning on **p. 2**);
- As an unmarked, “clean” version with the subcommittee’s **explanatory notes** (beginning on **p. 7**).

Those notes contain the subcommittee’s detailed rationale for the changes, which generally was to—

- Modernize and streamline the notification process by using email and Internet instead of U.S. mail and the State Register;
- Give the Commission greater flexibility to respond quickly to special-session legislation;
- Allow the public hearing and the Commission’s final action to happen on the same day; and
- Simplify language and make terms clear and consistent throughout.

In addition to this recommendation, the subcommittee believes that the Commission may benefit from creating bylaws. To explore this possibility, the subcommittee asks permission to continue its work to consolidate the governing documents and to make recommendations regarding the operations of the Minnesota Sentencing Guidelines Commission.

**MINNESOTA ADMINISTRATIVE RULES**  
**CHAPTER 3000 – DRAFT – SUBCOMMITTEE REPORT**  
**SENTENCING GUIDELINES COMMISSION**  
**SENTENCING GUIDELINES**

**3000.0100 PURPOSE AND SCOPE.**

Subpart 1. **Purpose.** This chapter establishes the procedural rules the Minnesota Sentencing Guidelines Commission must follow when it changes the Sentencing Guidelines.

Subp. 2. **Scope.** This chapter applies to every change to the Minnesota Sentencing Guidelines. The procedures contained in parts 3000.0100 to 3000.0600 govern the promulgation of the sentencing guidelines, including any modifications of changes to severity levels and criminal history scores. The commission is not required to follow these rules when changing only the commentary or appendices to the Sentencing Guidelines, nor when making typographical corrections.

**Statutory Authority:** *MS s 244.09*

**3000.0150 DEFINITIONS.**

Subpart 1. **Applicability.** The definitions in this part apply to this chapter.

Subp. 2. **Chair.** “Chair” means the legally designated chair of the commission, or, in the absence of the legally designated chair, the vice-chair or other commission member acting as chair.

Subp. 3. **Commission.** “Commission” means the Minnesota Sentencing Guidelines Commission.

Subp. 4. **Majority.** “Majority” means more than half of the commission members voting. The vote must take place at a commission meeting that complies with the Minnesota Open Meeting Law, and a quorum must be present.

Subp. 5. **Preceding session.** A Sentencing Guidelines change relates to a crime created or amended by the legislature in the “preceding session” if the commission’s final adoption of the change occurs no later than January 15 of the year following the year of the crime’s creation or amendment.

Subp. 6. **Proposed and proposes.** “Proposed” and “proposes” refer to specific changes to the Sentencing Guidelines that have preliminarily received majority support, but before final action. This chapter uses “proposed” in a different sense than Minnesota Statutes, section 244.09, subdivision 11, where “proposed modifications” refers to Sentencing Guidelines changes that the commission has finally adopted and is submitting to the legislature.

**Statutory Authority:** *MS s 244.09*

**3000.0200 NOTICE OF ~~HEARING~~PROPOSED CHANGES.**

Subpart 1 **Public hearing required.** When the commission, by majority vote, proposes one or more specific changes to the Sentencing Guidelines, the commission must hold a public hearing before taking final action to adopt the changes.

Subp. 2. **Email list.** The ~~Sentencing Guidelines Commission shall~~commission must maintain a list

~~of all persons who have registered with the commission for the purpose of receiving notice on the email addresses of anyone who asks to be notified about proposed amendments—changes to the sentencing guidelines~~Sentencing Guidelines. ~~The commission may inquire as to whether those persons on the list wish to maintain their names on the list and may remove names for which there is a negative reply or no reply within 60 days.~~commission’s website must explain how to join, remain on, and be removed from the list.

Subp. 3. **Public notice required.** After proposing to make one or more changes to the Sentencing Guidelines, and ~~The commission shall,~~ at least ~~30~~thirteen days before the ~~date set for the~~public hearing, ~~give the commission must post on its website, send to the legislature, and send to those on the email list described in subpart 2, a public notice of its intention to amend the sentencing guidelines by United States mail to all persons on its list, and by publication in the State Register. The commission must maintain the public notice on its website during the entire written comment period. The mailed-public notice and the notice in the State Register must:~~

A. ~~contain include a copy of the proposed amendments or~~ a brief description of the nature and effect of the proposed Sentencing Guidelines changes;

B. contain a copy of, or an internet link to, the proposed changes;

C. announce the time and place of the public hearing;

D. explain how to register as a public hearing participant;

E. explain how to submit written comments; and

F. state that the commission will consider the spoken remarks made at the public hearing, as well as any written comments received by the close of the public hearing, before taking final action on the proposal.

**Statutory Authority:** *MS s 244.09*

### **3000.0300 ~~CONDUCT OF HEARINGS~~PUBLIC HEARING.**

Subpart 1. ~~Proposed amendment proceedings.~~**Hearing on proposed Sentencing Guidelines changes.** ~~A hearing~~This part explains how to conduct public hearings on proposed ~~amendments changes~~ to the ~~sentencing guidelines~~Sentencing Guidelines. ~~The commission, including any modifications of severity levels and criminal history scores, must proceed substantially in the manner specified in this part~~comply with this process when it conducts a public hearing.

Subp. 2. **Registration of participants.** ~~The chair must require anyone wishing to speak at the hearing first to~~ ~~A person intending to testify regarding proposed amendments to the sentencing guidelines shall~~ register with the commission. Registration must include the person’s ~~before testifying by writing his or her name, address, telephone number, and~~ the names of any individuals or associations that the person represents in connection with the hearing ~~on a register to be provided by the commission.~~ Persons may indicate to the commission in writing their desire to be informed of the date on which the proposed amendments will be considered for adoption at a public hearing under part 3000.0600., and contact information in at least one of the following forms: address, email, or phone number.

Subp. 3. **Notice of procedures at hearing.** ~~The chair of the Sentencing Guidelines Commission shall~~must convene the hearing at ~~the proper~~a time and ~~place~~consistent with the public notice. ~~The chair must shall~~ explain to ~~all persons those~~ present the ~~hearing’s~~purpose of the hearing and the ~~procedure procedures~~to be followed at the hearing. ~~The chair of the commission shall notify all persons present~~

~~that the record will remain open for five calendar days following the hearing for receipt of written comments concerning the proposed amendments. The commission shall give due consideration to all comments received within the five-day comment period.~~

Subp. 4. ~~Proposed amendments~~**Copy of proposed changes.** The commission ~~shall~~**must** make ~~copies at least one printed copy~~ of the proposed ~~amendments~~**changes** available ~~at for public inspection during~~ the hearing.

Subp. 5. ~~Opportunity for to speak or ask questions. Interested persons must be given~~The chair ~~must give all registered participants~~ an opportunity to ~~address~~**speak to or ask** questions ~~to of the commission, or its staff, or witnesses.~~ The commission or its staff may ~~question interested persons making oral statements. The questioning may extend to an explanation of the purpose of intended operation of a proposed amendment to the sentencing guidelines, or may be conducted for other purposes if material to evaluation or formulation of the proposed amendments.~~**ask questions of those who speak.** ~~The chair may regulate the length of speech and conduct of speakers, and may require participants to confine their comments or questions to the scope of the hearing.~~

Subp. 6. ~~Opportunity for presenting statements to present written comments.~~Interested persons ~~must be given an opportunity to present oral and~~**The commission must receive all** written statements regarding the proposed amendments to the sentencing guidelines ~~comments presented to it during the hearing.~~

Subp. 7. ~~Record of hearing~~**Recording.** The commission ~~shall~~**must** make an audio ~~or audiovisual~~ recording of the hearing.

~~Subp. 8. Close of hearing. After giving all registered participants an opportunity to speak, the chair must close the hearing.~~

**Statutory Authority:** *MS s 244.09*

### **3000.0400 ~~RECEIPT OF WRITTEN MATERIALS~~ COMMENT PERIOD.**

~~The Sentencing Guidelines Commission shall allow written materials to be submitted and recorded in the hearing record for a period of five calendar days after the public hearing under part 3000.0500 ends, or for a longer period if the commission so orders.~~**Subpart 1. Beginning of written comment period.** ~~The written comment period begins when the commission gives the public notice required by part 3000.0200.~~

~~Subp. 2. End of written comment period. The written comment period ends when the chair closes the public hearing unless the commission by majority vote extends the written comment period.~~

**Statutory Authority:** *MS s 244.09*

### **3000.0500 ~~PUBLIC HEARING~~ RECORD.**

~~Subpart 1. Close of record. The public hearing record must be is closed upon the last date for receipt of written materials under part 3000.0400 when the written comment period ends.~~

~~Subp. 2. Record contents. -The record includes~~ **must include the following:**

A. the ~~public notice of hearing as mailed, as it was posted on the commission's website and emailed;~~

B. a copy of the ~~State Register containing the notice of hearing proposed changes to the~~

Sentencing Guidelines;

~~C. the list of the names of persons who testify with respect to the proposed amendments to the sentencing guidelines those who spoke at the public hearing;~~

~~D. copies of all publications in the State Register pertaining to the proposed amendments to the sentencing guidelines;~~

~~E.D. all written statements, comments, and materials received by related to the proposed changes that the commission relating to the proposed amendments to the sentencing guidelines received during the written comment period; and~~

~~F.E. an internet link to the audio or audiovisual recording of the public hearing hearing under part 3000.0300; and~~

~~G. a copy of the proposed amendments to the sentencing guidelines as heard at the hearing under part 3000.0300.~~

Subp. 3. **Compilation of record.** The commission must compile the public hearing record within five days after the record closes.

**Statutory Authority:** *MS s 244.09*

**3000.0600 ~~AMENDMENT ADOPTION.FINAL ACTION ON PROPOSED CHANGES.~~**

Subpart 1. **Consideration of public hearing record.**

A. ~~The commission must give due consideration to the public hearing record before taking final action.~~

B. ~~If a quorum was present at the public hearing, the commission may proceed to final action after considering the written materials described in part 3000.0500, subpart 2, items A, B, and D, and the spoken remarks made at the public hearing; the commission need not delay final action until the entire public hearing record has been formally compiled.~~

~~Subpart 1. **Adoption.** Subp. 2. **Final action.** After holding the public hearing required under part 3000.0300 and expiration of the written comment period under part 3000.0400, the Sentencing Guidelines Commission is closed, the commission may, by a one or more majority vote of a quorum of the commission present, adopt proposed amendments to the sentencing guidelines. A quorum means a majority of the members of the commission votes, take final action on the proposed changes. Final action consists of any combination of the following:~~

~~A. ~~rejecting one or more proposed changes;~~~~

~~B. ~~adopting one or more proposed changes; and~~~~

~~C. ~~adopting modified versions of one or more proposed changes, provided the modified versions are not substantially different and are supported by the public hearing record. A modification does not make a proposed change “substantially different” if:~~~~

~~(1) ~~the differences are within the scope of the matter announced in the notice under part 3000.0200 and are in character with the issues raised in the notice; and~~~~

~~(2) ~~the differences are a logical outgrowth of the contents of that notice and the comments submitted in response to that notice.~~~~

~~Subp. 2.3. **Notice of final action.** After taking final action on a proposed Sentencing Guidelines change, the The commission shall provide all persons listed with the commission under part 3000.0200 and all persons requesting notification under must notify those on the email list described in part 3000.0300, subpart 2, with notice of the adoption hearing by United States mail, of the action.~~

~~**Statutory Authority:** *MS s 244.09*~~

### **3000.0700 EFFECTIVE DATES OF CHANGES; REPORT.**

~~Subpart 1. **Scope.** This part applies to Sentencing Guidelines changes that the commission has finally adopted under part 3000.0600. It implements the statutory authority and requirements of Minnesota Statutes, section 244.09, subdivision 11.~~

~~Subp. 2. **Authority to establish effective dates.** The commission has the authority to establish the effective date of the following:~~

~~A. any change that relates to a crime created or amended by the legislature in the preceding session;~~

~~B. any change mandated or authorized by the legislature; and~~

~~C. any other change that does not amend a Sentencing Guidelines grid, a severity level, or a criminal history score, and would not result in the reduction of any sentence or in the early release of any inmate.~~

~~Subp. 3. **Effective Establishing effective dates.** All proposed amendments to the sentencing guidelines that do not have to be submitted to the legislature are A change described in subpart 2 is effective on the date ordered by the commission. If the commission does not specify an effective date, the change takes effect as follows:~~

~~A. If the change relates to a crime created or amended by the legislature, the change takes effect when the crime's creation or amendment takes effect; or, if that date has passed by the time the commission finally adopts the change, the change takes effect immediately.~~

~~B. Otherwise, the change takes effect the August 1 following the commission's final adoption of the change.~~

~~Subp. 4. **Effective dates of other changes.** If a change is not described in subpart 2, the commission must submit the change in its annual report to the legislature no later than January 15 of the year in which it intends the change to take effect. Unless the legislature by law provides otherwise, the change is effective the following August 1.~~

~~Subp. 5. **Reporting effective changes.** After any change takes effect, it must be reported in the commission's annual report to the legislature no later than the following January 15.~~

~~**Statutory Authority:** *MS s 244.09*~~

**MINNESOTA ADMINISTRATIVE RULES**  
**CHAPTER 3000 – DRAFT – SUBCOMMITTEE REPORT**  
**SENTENCING GUIDELINES COMMISSION**  
**SENTENCING GUIDELINES**

**3000.0100 PURPOSE AND SCOPE.**

Subpart 1. **Purpose.** This chapter establishes the procedural rules the Minnesota Sentencing Guidelines Commission must follow when it changes the Sentencing Guidelines.

Subp. 2. **Scope.** This chapter applies to every change to the Minnesota Sentencing Guidelines, including changes to severity levels and criminal history scores. The commission is not required to follow these rules when changing only the commentary or appendices to the Sentencing Guidelines, nor when making typographical corrections.

**Statutory Authority:** *MS s 244.09*

**3000.0150 DEFINITIONS.**

Subpart 1. **Applicability.** The definitions in this part apply to this chapter.

Subp. 2. **Chair.** “Chair” means the legally designated chair of the commission, or, in the absence of the legally designated chair, the vice-chair or other commission member acting as chair.

Subp. 3. **Commission.** “Commission” means the Minnesota Sentencing Guidelines Commission.

Subp. 4. **Majority.** “Majority” means more than half of the commission members voting. The vote must take place at a commission meeting that complies with the Minnesota Open Meeting Law, and a quorum must be present.

Subp. 5. **Preceding session.** A Sentencing Guidelines change relates to a crime created or amended by the legislature in the “preceding session” if the commission’s final adoption of the change occurs no later than January 15 of the year following the year of the crime’s creation or amendment.

Subp. 6. **Proposed and proposes.** “Proposed” and “proposes” refer to specific changes to the Sentencing Guidelines that have preliminarily received majority support, but before final action. This chapter uses “proposed” in a different sense than Minnesota Statutes, section 244.09, subdivision 11, where “proposed modifications” refers to Sentencing Guidelines changes that the commission has finally adopted and is submitting to the legislature.

**Statutory Authority:** *MS s 244.09*

**3000.0200 NOTICE OF PROPOSED CHANGES.**

Subpart 1 **Public hearing required.** When the commission, by majority vote, proposes one or more specific changes to the Sentencing Guidelines, the commission must hold a public hearing before taking final action to adopt the changes.

Subp. 2. **Email list.** The commission must maintain a list of the email addresses of anyone who asks to be notified about proposed changes to the Sentencing Guidelines. The commission’s website

**Commented [RN(1):** Minn. Stat. § 244.09, subd. 5, uses the term “promulgation” rather than “change.” The latter term was selected as being clearer and less confusing, as “promulgation” may cause the reader erroneously to conclude that the rules only govern the Guidelines’ original publication.

**Commented [RN(2):** Following the charter statute’s convention, “Sentencing Guidelines” is capitalized but “commission” and “legislature” are not.

**Commented [RN(3):** “Chair” is used throughout parts 300 and 400. This definition clarifies that others may substitute for the statutory chair in her absence.

**Commented [RN(4):** The term “quorum” is not defined, either in these rules or in the charter statute. The subcommittee supports defining the term, but would prefer to do so in future MSGC bylaws.

**Commented [RN(5):** “Preceding session” is used in part 700, subp. 2.A. Clarity is useful because the statutory term is not defined, opening the possibility for confusion if, e.g., a special session intervenes between the legislation and the Commission’s related action.

**Commented [RN(6):** “Proposed change” is plain language used throughout, but clarity is needed because the charter statute uses the same term in a different way.

**Commented [RN(7):** While implied throughout, the original rules never explicitly state that a public hearing is prerequisite to a Guidelines change.

**Commented [RN(8):** Following current practice, email replaces U.S. mail. Email is cheaper, faster, more inclusive of people who lack a stable physical address, and easier for staff to use and keep current. Also, rather than requiring two lists (one for notice of proposed changes and one for notice of adoption), these rules require only one list.

must explain how to join, remain on, and be removed from the list.

Subp. 3. **Public notice required.** After proposing to make one or more changes to the Sentencing Guidelines, and at least thirteen days before the public hearing, the commission must post on its website, send to the legislature, and send to those on the email list described in subpart 2, a public notice. The commission must maintain the public notice on its website during the entire written comment period. The public notice must:

A. contain a brief description of the nature and effect of the proposed Sentencing Guidelines changes;

B. contain a copy of, or an internet link to, the proposed changes;

C. announce the time and place of the public hearing;

D. explain how to register as a public hearing participant;

E. explain how to submit written comments; and

F. state that the commission will consider the spoken remarks made at the public hearing, as well as any written comments received by the close of the public hearing, before taking final action on the proposal.

**Statutory Authority:** *MS s 244.09*

### 3000.0300 PUBLIC HEARING.

Subpart 1. **Hearing on proposed Sentencing Guidelines changes.** This part explains how to conduct public hearings on proposed changes to the Sentencing Guidelines. The commission must substantially comply with this process when it conducts a public hearing.

Subp. 2. **Registration of participants.** The chair must require anyone wishing to speak at the hearing first to register with the commission. Registration must include the person's name, the names of any individuals or associations the person represents in connection with the hearing, and contact information in at least one of the following forms: address, email, or phone number.

Subp. 3. **Notice of procedures at hearing.** The chair must convene the hearing at a time and place consistent with the public notice. The chair must explain to those present the hearing's purpose and the procedures to be followed.

Subp. 4. **Copy of proposed changes.** The commission must make at least one printed copy of the proposed changes available for public inspection during the hearing.

Subp. 5. **Opportunity to speak or ask questions.** The chair must give all registered participants an opportunity to speak to or ask questions of the commission or its staff. The commission or its staff may ask questions of those who speak. The chair may regulate the length of speech and conduct of speakers, and may require participants to confine their comments or questions to the scope of the hearing.

Subp. 6. **Opportunity to present written comments.** The commission must receive all written comments presented to it during the hearing.

Subp. 7. **Recording.** The commission must make an audio or audiovisual recording of the hearing.

Subp. 8. **Close of hearing.** After giving all registered participants an opportunity to speak, the chair must close the hearing.

**Commented [RN(9):** The minimum notice period is reduced to thirteen days to allow maximum flexibility in the event of June 30 legislation taking effect August 1 (as in 2021). In practice, about one month notice is anticipated.

**Commented [RN(10):** The benefit of State Register publication, in terms of transparency and actual public notice, is very small, and is outweighed by the cost of time and money. Also, notice to the Legislature is added, as legislators have historically been occasionally interested in weighing in on proposed Guidelines changes.

**Commented [RN(11):** Most of these public-notice elements are not now required, but are consistent with good practice.

**Commented [RN(12):** The current requirement--address AND telephone number--is excessive. Staff just needs to be able to contact the testifier if questions arise.

**Commented [RN(13):** This is consistent with the Open Meeting Law's requirement.

**Commented [RN(14):** This is consistent with current practice.



**Statutory Authority:** *MS s 244.09*

**3000.0400 WRITTEN COMMENT PERIOD.**

Subpart 1. **Beginning of written comment period.** The written comment period begins when the commission gives the public notice required by part 3000.0200.

Subp. 2. **End of written comment period.** The written comment period ends when the chair closes the public hearing unless the commission by majority vote extends the written comment period.

**Statutory Authority:** *MS s 244.09*

**3000.0500 PUBLIC HEARING RECORD.**

Subpart 1. **Close of record.** The public hearing record is closed when the written comment period ends.

Subp. 2. **Record contents.** The record must include the following:

- A. the public notice, as it was posted on the commission’s website and emailed;
- B. a copy of the proposed changes to the Sentencing Guidelines;
- C. the list of the names of those who spoke at the public hearing;
- D. all written comments related to the proposed changes that the commission received during the written comment period; and
- E. an internet link to the audio or audiovisual recording of the public hearing.

Subp. 3. **Compilation of record.** The commission must compile the public hearing record within five days after the record closes.

**Statutory Authority:** *MS s 244.09*

**3000.0600 FINAL ACTION ON PROPOSED CHANGES.**

Subpart 1. **Consideration of public hearing record.**

A. The commission must give due consideration to the public hearing record before taking final action.

B. If a quorum was present at the public hearing, the commission may proceed to final action after considering the written materials described in part 3000.0500, subpart 2, items A, B, and D, and the spoken remarks made at the public hearing; the commission need not delay final action until the entire public hearing record has been formally compiled.

Subp. 2. **Final action.** After the public hearing is closed, the commission may, by one or more majority votes, take final action on the proposed changes. Final action consists of any combination of the following:

- A. rejecting one or more proposed changes;
- B. adopting one or more proposed changes; and
- C. adopting modified versions of one or more proposed changes, provided the modified versions are not substantially different and are supported by the public hearing record. A modification

**Commented [RN(15):** The current rules extend the written comment period five days after the public hearing. These rules default to ending the written comment period at the close of the hearing. This, in conjunction with part 600, subp. 1.B, gives the Commission the flexibility to take action immediately after the public hearing closes.

**Commented [RN(16):** Currently, this requirement is oddly placed in part 300.

**Commented [RN(17):** This provision allows the Commission to take action immediately after the public hearing closes, without waiting for the formal record of the public hearing to be compiled. The rationale is that, if a quorum was present at the public hearing, then the Commission already knows who spoke at the public hearing and what they said; delay to compile those things would serve no purpose.

**Commented [RN(18R17):** Together with the removal of the State Register publication requirement, this rule would allow the Commission, if it chose, to adopt a more regular monthly meeting calendar, holding all public hearings immediately before monthly meetings.

does not make a proposed change “substantially different” if:

(1) the differences are within the scope of the matter announced in the notice under part 3000.0200 and are in character with the issues raised in the notice; and

(2) the differences are a logical outgrowth of the contents of that notice and the comments submitted in response to that notice.

Subp. 3. **Notice of final action.** After taking final action on a proposed Sentencing Guidelines change, the commission must notify those on the email list described in part 3000.0300 of the action.

**Statutory Authority:** *MS s 244.09*

### 3000.0700 EFFECTIVE DATES OF CHANGES; REPORT.

Subpart 1. **Scope.** This part applies to Sentencing Guidelines changes that the commission has finally adopted under part 3000.0600. It implements the statutory authority and requirements of Minnesota Statutes, section 244.09, subdivision 11.

Subp. 2. **Authority to establish effective dates.** The commission has the authority to establish the effective date of the following:

A. any change that relates to a crime created or amended by the legislature in the preceding session;

B. any change mandated or authorized by the legislature; and

C. any other change that does not amend a Sentencing Guidelines grid, a severity level, or a criminal history score, and would not result in the reduction of any sentence or in the early release of any inmate.

Subp. 3. **Establishing effective dates.** A change described in subpart 2 is effective on the date ordered by the commission. If the commission does not specify an effective date, the change takes effect as follows:

A. If the change relates to a crime created or amended by the legislature, the change takes effect when the crime’s creation or amendment takes effect; or, if that date has passed by the time the commission finally adopts the change, the change takes effect immediately.

B. Otherwise, the change takes effect the August 1 following the commission’s final adoption of the change.

Subp. 4. **Effective dates of other changes.** If a change is not described in subpart 2, the commission must submit the change in its annual report to the legislature no later than January 15 of the year in which it intends the change to take effect. Unless the legislature by law provides otherwise, the change is effective the following August 1.

Subp. 5. **Reporting effective changes.** After any change takes effect, it must be reported in the commission’s annual report to the legislature no later than the following January 15.

**Statutory Authority:** *MS s 244.09*

**Commented [RN(19):** A recurring issue is the degree to which the commission can make changes to a proposal after the public hearing. This “substantially different” language is lifted directly from the Administrative Procedure Act (Minn. Stat. § 14.05, subd. 2).

**Commented [RN(20):** The current rules do not explain what is meant by “proposed amendments ... that do not have to be submitted to the legislature.” Subpart 2 makes this clear. This explanation is used in both of the following Subparts.

**Commented [RN(21):** Subpart 3 implements the statutory provision, “All other modifications shall take effect according to the procedural rules of the commission.” Unlike the current rules, this subpart establishes a default effective date in case the Commission fails to specify an effective date.

**Commented [RN(22):** Subpart 4 places in context the other effective dates established by subdivision 11 of the charter statute (referenced in subp. 1, above).

**Commented [RN(23):** Subpart 5 places in context the reporting requirements of subdivision 11 of the charter statute (referenced in subp. 1, above).