

Subject Office of Administrative Hearings

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Overview

This bill provides a number of miscellaneous policy and technical changes related to administrative law and the work of the Office of Administrative Hearings.

Summary

Article 1: Data Practices

Section Description – Article 1: Data Practices

1 Administrative courts.

Provides data practices classifications for the Office of Administrative Hearings, the Tax Court, and the Workers' Compensation Court of Appeals.

The classifications include those related to notes and memoranda or drafts prepared by a judge or employee and used in providing court services and health-related documents and data included in a court file. Both types of data carry a classification as other than public. Not public data may be disclosed orally during a court proceeding, or in written documents when the discussion is necessary and relevant to a legal matter or issue.

Article 2: Court Operations

Section Description – Article 2: Court Operations

1 Chief administrative law judge.

Amends the law governing the role of the chief administrative law judge, to provide clarity regarding continuity in the role. Among the amendments, the chief judge is required to appoint a deputy chief judge. This section also establishes procedures for

Section Description – Article 2: Court Operations

- appointing an acting or temporary chief administrative law judge, in the event of a vacancy in the position.
- 2 **Interpreters.**
Permits the chief administrative law judge to retain and utilize interpreters identified by the Supreme Court’s Court Interpreter Program. Contracts for interpreters are not subject to state procurement and purchasing requirements.
- 3 **Administrative law judge decision final; exception.**
Provides that an existing 90-day deadline that applies to agency action in response to an order or report of an administrative law judge is tolled (temporarily suspended) while the chief administrative law judge considers an agency request for a reasonable extension to that deadline.
- 4 **Administrative law judge; salaries.**
Provides terminology updates to the law governing the salary structure for certain administrative law judges, including that the deputy chief judge’s salary is equal to the salary of a district court judge.

Article 3: Rulemaking

Section Description – Article 3: Rulemaking

- 1 **Electronic documents permitted.**
Requires an agency to file rule-related documents with the Office of Administrative Hearings in an electronic format. Under current law, electronic filing is a permissive option for an agency.
- 2 **Approval of rule and rule form; costs.**
Provides technical changes to certain filing requirements related to adopted rules, including elimination of a requirement that the chief administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.
- 3 **Filing.**
Eliminates a requirement that the chief administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.

Section Description – Article 3: Rulemaking

- 4 **Filing.**
Eliminates a requirement that the administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.
- 5 **Procedure for adopting exempt rules; duration.**
Eliminates a requirement that an agency file with the secretary of state four paper copies of a rule adopted using the exempt rulemaking process. An electronic copy still must be filed.
- 6 **Notice.**
Modifies terminology related to a deadline for interested parties to submit comments to the Office of Administrative Hearings related to a proposed rule, to refer to “working days” instead of “business days” in calculating the five-day submission period.
- 7 **Notice plan; prior approval.**
Amends requirements related to an agency’s adoption of a plan for notifying certain persons or classes of persons who may be significantly affected by a rule repeal. Under current law, the plan must be approved by the chief administrative law judge; this section would permit any administrative law judge to approve the plan.
- 8 **Legal review.**
Permits the applicable administrative law judge, rather than requiring the chief administrative law judge, to approve an agency’s proposal to repeal an obsolete rule.

Article 4: Fair Campaign Practices

Section Description – Article 4: Fair Campaign Practices

- 1 **Recommendation.**
Provides a conforming change related to the repeal of section 211B.06 of the Fair Campaign Practices Act, prohibiting false political and campaign material.
- 2 **Time for review.**
Amends timing requirements related to an assigned administrative law judge’s conducting of a hearing on a fair campaign practices or local campaign finance law complaint, after the judge determines that the complaint sets forth a prima facie violation of the applicable law.

Section Description – Article 4: Fair Campaign Practices

- 3 Disposition.**
Requires the administrative law judge to act within three business days after the close of the hearing record, following a probable cause hearing.
- 4 Deadline for hearing.**
Amends standards that require the chief administrative law judge to assign a complaint to a panel of three administrative law judges, including when the complaint is determined to have set forth a prima facie violation and it was not filed within 60 days before a primary or special election, or 90 days before a general election.
- 5 Time for disposition.**
Requires an administrative law judge panel to act on a complaint within three business days after a hearing record closes if an expedited probable cause hearing was required. Under current law, the panel must act within three calendar days.
- 6 Repealer.**
Repeals Minnesota Statutes, section 211B.06, related to false political and campaign material. In 2014, this section was determined to be unconstitutional by the 8th Circuit Court of Appeals, in the context of advocacy related to ballot questions.



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