

CHAPTER 355—S.F.No. 2989

An act relating to state government; the office of administrative hearings; authorizing the chief administrative law judge to establish a system of training in additional areas for judges; providing ethical standards for the chief administrative law judge, administrative law judges, and compensation judges; amending Minnesota Statutes 1998, sections 14.48; and 14.50.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 14.48, is amended to read:

14.48 CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.

Subdivision 1. CREATION. A state office of administrative hearings is created.

Subd. 2. CHIEF ADMINISTRATIVE LAW JUDGE. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in chapters 14 and 176. The chief administrative law judge may delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. The chief administrative law judge is subject to the provisions of the Minnesota Constitution, article VI, section 6, the jurisdiction of the board on judicial standards, and the provisions of the code of judicial conduct.

Subd. 3. ADMINISTRATIVE LAW JUDGES AND COMPENSATION JUDGES. (a) All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause.

(b) All administrative law judges and workers' compensation judges must be learned in the law and must be free of any political or economic association that would impair their ability to function in a fair and impartial manner. Administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

(c) The appointment of individuals as workers' compensation judges or as administrative law judges does not preclude the chief administrative law judge from establishing a system of training to enable them to acquire demonstrable knowledge

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and to become qualified to conduct hearings in the area other than the area of their original appointment. Conducting hearings in the other area does not affect an administrative law judge's or workers' compensation judge's job class established pursuant to section 43A.07 or seniority within that job class. The chief administrative law judge shall annually notify the department of finance of the amount of credit payable to the workers' compensation special fund for time spent by workers' compensation judges on noncompensation proceedings.

(d) Administrative law judges and compensation judges are subject to the provisions of the code of judicial conduct. Administrative law and compensation judges may, however, serve as a member of a governmental board when so directed by the legislature. The chief administrative law judge shall provide training to administrative law and compensation judges about the requirements of the code and shall apply the provisions of the code to their actions. Only administrative law judges serving as temporary judges under a written contract are considered to be part-time judges for purposes of the code. Reports required to be filed by the code must be filed with the chief administrative law judge. The chief administrative law judge shall apply the provisions of the code of judicial conduct, to the extent applicable, to the other administrative law and compensation judges in a manner consistent with interpretations made by the board on judicial standards. The chief administrative law judge shall follow the procedural requirements of the commissioner's plan for state employees if any adverse personnel action is taken based in whole or in part as a violation of the code of judicial conduct.

(e) In addition to other duties provided by law, workers' compensation and administrative law judges may mediate, arbitrate, or take other appropriate action on matters referred to the office of administrative hearings by any member of the federal or state judicial branch or by the workers' compensation court of appeals.

Sec. 2. Minnesota Statutes 1998, section 14.50, is amended to read:

14.50 HEARINGS BEFORE ADMINISTRATIVE LAW JUDGE.

All hearings of state agencies required to be conducted under this chapter shall be conducted by an administrative law judge assigned by the chief administrative law judge or by a workers' compensation judge assigned by the chief administrative law judge as provided in section 14.48. All hearings required to be conducted under chapter 176 shall be conducted by a compensation judge assigned by the chief administrative law judge or by an administrative law judge assigned by the chief administrative law judge as provided in section 14.48. In assigning administrative law judges or compensation judges to conduct such hearings, the chief administrative law judge shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only administrative law judges learned in the law shall be assigned to contested case hearings. Only compensation judges shall be assigned to workers' compensation matters. It shall be the duty of the administrative law judge to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a

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fair and impartial manner. Except in the case of workers' compensation hearings involving claims for compensation it shall also be the duty of the administrative law judge to make a report on each proposed agency action in which the administrative law judge functioned in an official capacity, stating findings of fact and conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) in rulemaking proceedings, demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective December 31, 2000.

Presented to the governor April 6, 2000

Signed by the governor April 10, 2000, 2:55 p.m.

CHAPTER 356—S.F.No. 3478

An act relating to the city of Rochester; modifying probationary period rules for city of Rochester firefighters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CITY OF ROCHESTER; PROBATIONARY PERIOD FOR NEW FIREFIGHTERS UNDER CIVIL SERVICE COMMISSION.

Notwithstanding Minnesota Statutes, section 420.08, to the contrary, in the city of Rochester no newly appointed firefighter, after satisfactory completion of basic Rochester fire department training academy and assignment to a fire company, and after a period of no longer than six months continuous employment thereafter, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in defense of charges as provided in Minnesota Statutes, chapter 420.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day after the governing body of the city of Rochester complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 6, 2000

Signed by the governor April 10, 2000, 2:56 p.m.

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