

## WCCA Proposed Legislation to Chapter 176 for Section 14.125 Exception

The Workers' Compensation Court of Appeals (WCCA) has general rulemaking authority under Minn. Stat. § 175A.07, subd. 4, to “prescribe rules of practice before it in appellate matters.” Using this authority, the WCCA has adopted Minn. R. Chap. 9800, setting out the standards for filing documents, engaging in motion practice, obtaining extensions of time, and conducting oral argument. The WCCA’s rules were last modified in 1994. In addition to this general authority, the legislature has granted specific authority for the following rulemaking:

Attorney fees (Minn. Stat. § 176.081, subd. 6) (enacted 1981).

Digitized signatures (Minn. Stat. §§ 176.281 (d) and 176.285, subd. 2a) (enacted 1995).

Intervention (Minn. Stat. § 176.361, subd. 1) (extant by 1983).

Electronic filing in CAMPUS (Minn. Stat. § 176.2611, subd. 7) (enacted 2018).

While the expedited process for rulemaking (Minn. Stat. § 14.389) was authorized by the legislature for the CAMPUS WCCA rules for electronic filing, uncertainties over the availability of CAMPUS functionality precluded meaningful work on a proposed electronic filing rule until recently. The WCCA has now published a Request for Comments (attached) seeking input into new modifications of the agency’s existing rules that will include authorization of electronic filing and use of CAMPUS functionality to accomplish electronic service. The WCCA anticipates publishing the Notice of Intent to Adopt Rules and the proposed rules in February or March 2024.

In 1995, the legislature enacted Minn. Stat. § 14.125. This statute sets an 18-month time limit on an agency’s authority to adopt rules pursuant to a specific grant of authority. This statute applies to some of the specific rulemaking authority granted to the WCCA and precludes the WCCA from adopting rules on digitized signatures and electronic filing in CAMPUS. To address this situation, the WCCA requests the Workers' Compensation Advisory Council to approve and submit to the legislature a recommendation to amend two statutory provisions. These provisions are:

Minn. Stat. § 176.2611, subd. 7. Workers' Compensation Court of Appeals. The Workers' Compensation Court of Appeals has authority to amend its rules of procedure to reflect electronic filing with the office under this section for purposes of section 176.421, subdivision 5, and to allow electronic filing with the court under section 176.285. ~~The court may amend its rules using the procedure in section 14.389. Section 14.125 does not apply to the agency's rulemaking authority under this section and sections 176.281 (d) and 176.285, subd. 2a.~~

and

Minn. Stat. § 176.285, subd. 2a. Electronic signatures. (a) Where a statute or rule authorizes or requires a person's signature on a document to be filed with or served on an agency, the signature may be an electronic signature, as defined by section 325L.02, or transmitted electronically, if authorized by the agency and if the signature is transmitted in the manner and format specified by the agency. The commissioner may require that a document authorized or required to be filed with the commissioner, department, or division be filed electronically in the manner and format specified by the commissioner, except that an employee must not be required to file a document electronically unless the document is filed by an attorney on behalf of an employee. The department or court may adopt rules for the certification of signatures. Section 14.125 does not apply to the rulemaking authority under this section.

[stricken language is a deletion of existing language, underlined language is an addition to the existing language].