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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3873

03/15/2018 Authored by Albright and Mahoney The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to workers' compensation; adopting recommendations of the Workers'
1.3 Compensation Advisory Council; modifying quorum requirements for the Workers'
1.4 Compensation Court of Appeals; amending Minnesota Statutes 2016, section
1.5 175A.05.

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

1.7 Section 1. Minnesota Statutes 2016, section 175A.05, is amended to read:

1.8 175A.05 QUORUM.

1.9 Subdivision 1. Judges' quorum. A majority of the judges of the Workers' Compensation
1.10 Court of Appeals shall constitute a quorum for the exercise of the powers conferred and the
1.11 duties imposed on the Workers' Compensation Court of Appeals except that all appeals
1.12 shall be heard by no more than a panel of three of the five judges unless the case appealed
1.13 is determined to be of exceptional importance by the chief judge prior to assignment of the
1.14 case to a panel, or by a three-fifths vote of the judges prior to assignment of the case to a
1.15 panel or after the case has been considered by the panel but prior to the service and filing
1.16 of the decision.

1.17 Subd. 2. Vacancy. A vacancy shall not impair the ability of the remaining judges of the
1.18 Workers' Compensation Court of Appeals to exercise all the powers and perform all of the
1.19 duties of the Workers' Compensation Court of Appeals.

1.20 Subd. 3. Retired judges. Where the number of Workers' Compensation Court of Appeals
1.21 judges available to hear a case is insufficient to constitute a quorum, the chief judge of the
1.22 Workers' Compensation Court of Appeals may, with the retired judge's consent, assign a
1.23 judge who is retired from the Workers' Compensation Court of Appeals or the Office of

- 2.1 Administrative Hearings to hear any case properly assigned to a judge of the Workers'
2.2 Compensation Court of Appeals. The retired judge assigned to the case may act on it with
2.3 the full powers of the judge of the Workers' Compensation Court of Appeals. A retired
2.4 judge performing this service shall receive pay and expenses in the amount and manner
2.5 provided by law for judges serving on the court, less the amount of retirement pay the judge
2.6 is receiving under chapter 352 or 490.
- 2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.