

November 25, 2019

The Honorable Tim Walz, Governor  
State of Minnesota  
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75 Rev Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

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Senator Eric Pratt, Chair  
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Senator Warren Limmer, Chair  
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Senator Mary Kiffmeyer, Chair  
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**Re: Report on Obsolete, Unnecessary or Duplicative Rules**

Dear Governor, Legislators, Revisor, and Director:

Minnesota Statutes section 14.05, subdivision 5 (2018), directs the agency to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

November 25, 2019

Page 2

In 2019, the Office of Administrative Hearings (OAH) identified no additional Minnesota rules as being obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

In 2018, OAH identified 14 provisions as being obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

After further deliberation, OAH has determined that not all 14 are obsolete, unnecessary, or duplicative. For example, those identified as obsolete given the agency's adoption of electronic filing are not obsolete because electronic filing is not mandatory in all circumstances. Others identified as obsolete as a result of the legislature's amendment to Minn. Stat. § 176.285 are not obsolete as those legislative changes are not yet effective.

The following included in OAH's 2018 report remain obsolete, unnecessary, or duplicative:

- References to outdated technology such as audiomagnetic recordings are obsolete. Minnesota Rules 1400.7400, 1400.8000, 1400.8611, and 1420.8609.
- Requirement to read a subpart of Minnesota Rules to persons causing interference in the courtroom prior to ordering the disruptive person to leave is unnecessary and could impede public safety. Minnesota Rules 1400.8000, subpart 2, and 1400.8611, subpart 3.

OAH will repeal or update these previously-identified provisions either through rulemaking or future legislation after January 2020.

Minnesota Statutes section 3.197 requires that a report to the legislature contain the cost of preparing the report. The cost of preparing this report was approximately \$79.00.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Jenny Starr', with a long horizontal line extending to the right.

Jenny Starr  
Chief Administrative Law Judge