

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2236

(SENATE AUTHORS: GUSTAFSON)

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Introduction and first reading
Referred to State and Local Government

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to state government; renaming the Office of Administrative Hearings to
- 1.3 the Court of Administrative Hearings; providing opportunity for remand; amending
- 1.4 Minnesota Statutes 2024, sections 14.48, subdivisions 1, 2; 14.62, subdivisions 1,
- 1.5 2a, by adding a subdivision; repealing Minnesota Statutes 2024, sections 211B.06;
- 1.6 211B.08.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2024, section 14.48, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Creation.** A state ~~Office~~ Court of Administrative Hearings is created.
- 1.10 Sec. 2. Minnesota Statutes 2024, section 14.48, subdivision 2, is amended to read:
- 1.11 Subd. 2. **Chief administrative law judge.** (a) The ~~office court~~ shall be under the direction
- 1.12 of a chief administrative law judge who shall be learned in the law and appointed by the
- 1.13 governor, with the advice and consent of the senate, for a term ending on June 30 of the
- 1.14 sixth calendar year after appointment. Senate confirmation of the chief administrative law
- 1.15 judge shall be as provided by section 15.066.
- 1.16 (b) The chief administrative law judge may hear cases and, in accordance with chapter
- 1.17 43A, shall appoint a deputy chief judge and additional administrative law judges and
- 1.18 compensation judges to serve in the ~~office court~~ as necessary to fulfill the duties of the
- 1.19 ~~Office Court~~ of Administrative Hearings.
- 1.20 (c) The chief administrative law judge may delegate to a subordinate employee the
- 1.21 exercise of a specified statutory power or duty as deemed advisable, subject to the control
- 1.22 of the chief administrative law judge. Every delegation must be by written order filed with
- 1.23 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.

(d) If a vacancy in the position of chief administrative law judge occurs, an acting or temporary chief administrative law judge must be named as follows:

(1) at the end of the term of a chief administrative law judge, the incumbent chief administrative law judge may, at the discretion of the appointing authority, serve as acting chief administrative law judge until a successor is appointed; and

(2) if at the end of a term of a chief administrative law judge the incumbent chief administrative law judge is not designated as acting chief administrative law judge, or if a vacancy occurs in the position of chief administrative law judge, the deputy chief judge shall immediately become temporary chief administrative law judge without further official action.

(e) The appointing authority of the chief administrative law judge may appoint a person other than the deputy chief judge to serve as temporary chief administrative law judge and may replace any other acting or temporary chief administrative law judge designated pursuant to paragraph (d), clause (1) or (2).

Sec. 3. Minnesota Statutes 2024, section 14.62, subdivision 1, is amended to read:

Subdivision 1. **Writing required.** Every decision and order rendered by an agency in a contested case shall be in writing, shall be based on the record and shall include the agency's findings of fact and conclusions on all material issues. A decision or order that rejects or modifies a finding of fact, conclusion, or recommendation contained in the report of the administrative law judge required under sections 14.48 to 14.56, or requests remand under subdivision 2b, must include the reasons for each rejection ~~or~~ modification, or request for remand. A copy of the decision and order shall be served upon each party or the party's representative and the administrative law judge by first class mail.

Sec. 4. Minnesota Statutes 2024, section 14.62, subdivision 2a, is amended to read:

Subd. 2a. **Administrative law judge decision final; exception.** Unless otherwise provided by law, the report or order of the administrative law judge constitutes the final decision in the case unless the agency modifies ~~or rejects it under,~~ rejects, or requests remand pursuant to subdivision 1 within 90 days after the record of the proceeding closes under section 14.61. When the agency fails to act within 90 days on a licensing case, the agency must return the record of the proceeding to the administrative law judge for consideration

of disciplinary action. In all contested cases where the report or order of the administrative law judge constitutes the final decision in the case, the administrative law judge shall issue findings of fact, conclusions, and an order within 90 days after the hearing record closes under section 14.61. Upon a showing of good cause by a party or the agency, the chief administrative law judge may order a reasonable extension of either of the two 90-day deadlines specified in this subdivision. The 90-day deadline will be tolled while the chief administrative law judge considers a request for reasonable extension so long as the request was filed and served within the applicable 90-day period.

Sec. 5. Minnesota Statutes 2024, section 14.62, is amended by adding a subdivision to read:

Subd. 2b. **Agency request for remand.** (a) An agency may request remand of a finding of fact, conclusion of law, or recommendation within 45 days following the close of the hearing record under section 14.61. Upon a showing of good cause by the agency, the chief administrative law judge may consider a request for remand received after the deadline specified in this provision.

(b) The requesting agency must state with specificity the reasons the agency is requesting remand. If the agency requests remand for additional fact finding, the agency must state with specificity that it is requesting remand for further fact finding, identify the issues for which further fact finding is needed, and explain why further fact finding is necessary to facilitate a fair and just final decision.

(c) The chief judge, or their designee, must accept a request for remand within ten business days if:

(1) the agency rejects a recommendation to grant summary disposition;

(2) a party who had procedurally defaulted during the administrative proceedings seeks to participate;

(3) following remand from the Minnesota Court of Appeals or Minnesota Supreme Court, or identification of a mathematical or clerical error, the agency identifies a need for additional proceedings before the Court of Administrative Hearings.

(d) The chief judge, or their designee, may accept a request for remand within ten business days for other reasons as justice requires and consistent with section 14.001.

(e) When a request for remand is accepted by the chief judge or their designee, the chief judge or their designee must assign an administrative law judge to conduct further proceedings under this chapter on the issues accepted for remand.

4.1 Sec. 6. **REVISOR INSTRUCTION.**

4.2 The revisor of statutes shall change the term "Office of Administrative Hearings" to
4.3 "Court of Administrative Hearings" wherever the term appears in Minnesota Statutes. The
4.4 revisor of statutes shall also change the term "office" to "court" wherever the term "office"
4.5 appears and refers to the Office of Administrative Hearings in Minnesota Statutes.

4.6 Sec. 7. **REPEALER.**

4.7 Minnesota Statutes 2024, sections 211B.06; and 211B.08, are repealed.

211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL.

Subdivision 1. **Gross misdemeanor.** (a) A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

(b) A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

Subd. 2. **Exception.** Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.

211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED.

A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:

(1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;

(2) ordinary business advertisements;

(3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or

(4) ordinary contributions at church services.