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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **866**

02/08/2021 Authored by Wazlawik  
The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy

1.1 A bill for an act  
1.2 relating to human services; modifying administrative law procedures for certain  
1.3 child care providers; amending Minnesota Statutes 2020, section 245A.08,  
1.4 subdivisions 4, 5.

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

1.6 Section 1. Minnesota Statutes 2020, section 245A.08, subdivision 4, is amended to read:

1.7 Subd. 4. **Recommendation or decision of administrative law judge.** (a) Except as  
1.8 provided in paragraph (b), the administrative law judge shall recommend whether or not  
1.9 the commissioner's order should be affirmed. The recommendations must be consistent with  
1.10 this chapter and the rules of the commissioner. The recommendations must be in writing  
1.11 and accompanied by findings of fact and conclusions and must be mailed to the parties by  
1.12 certified mail to their last known addresses as shown on the license or application.

1.13 (b) Following a hearing relating to the license of a family child care provider or group  
1.14 family child care provider, the administrative law judge shall decide whether the  
1.15 commissioner's order should be affirmed. The decision of the administrative law judge is  
1.16 binding on both parties to the proceeding and is the final decision of the commissioner. The  
1.17 decision of the administrative law judge must be:

1.18 (1) consistent with this chapter and the applicable licensing rules;

1.19 (2) in writing and accompanied by findings of fact and conclusions of law; and

1.20 (3) mailed to the parties by certified mail to the parties' last known addresses as shown  
1.21 on the parties' license or application.

2.1 Any person aggrieved by a final decision under this paragraph is entitled to seek judicial  
2.2 review of the decision under the provisions of sections 14.63 to 14.68.

2.3 Sec. 2. Minnesota Statutes 2020, section 245A.08, subdivision 5, is amended to read:

2.4 Subd. 5. **Notice of commissioner's final order.** After considering the findings of fact,  
2.5 conclusions, and recommendations of the administrative law judge, the commissioner shall  
2.6 issue a final order. The commissioner shall consider, but shall not be bound by, the  
2.7 recommendations of the administrative law judge. The appellant must be notified of the  
2.8 commissioner's final order as required by chapter 14 and Minnesota Rules, parts 1400.8505  
2.9 to 1400.8612. The notice must also contain information about the appellant's rights under  
2.10 chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The institution of  
2.11 proceedings for judicial review of the commissioner's final order shall not stay the  
2.12 enforcement of the final order except as provided in section 14.65. This subdivision does  
2.13 not apply to hearings relating to the license of a family child care provider or group family  
2.14 child care provider.