

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3578

02/23/2026

Authored by Myers

The bill was read for the first time and referred to the Committee on State Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; providing for legislative removal of inferior executive
1.3 branch officers; proposing coding for new law in Minnesota Statutes, chapter 3.

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

1.5 Section 1. 3.99 **DEFINITIONS.**

1.6 Subdivision 1. Definitions. For purposes of sections 3.99 to 3.993, the following terms
1.7 have the meanings given.

1.8 Subd. 2. Agency. "Agency" means any executive branch board, commission, council,
1.9 committee, authority, office, or comparable public entity established by law.

1.10 Subd. 3. Department. "Department" means each of the departments of state identified
1.11 in section 15.01.

1.12 Subd. 4. Inferior officer. "Inferior officer" means the head, deputy head, and assistant
1.13 heads of any agency or department and the employee who serves as director or other head
1.14 of any division, bureau, office, or other organizational unit within an agency or department.

1.15 Subd. 5. Malfeasance. "Malfeasance" means the willful commission of an unlawful or
1.16 wrongful act in the performance of an inferior officer's duties that is outside the scope of
1.17 the authority of the inferior officer and that infringes on the rights of any person or entity.

1.18 Subd. 6. Nonfeasance. "Nonfeasance" means the willful failure to perform a specific
1.19 act that is a required part of the duties of the inferior officer.

2.1 Sec. 2. **[3.991] LEGISLATIVE REMOVAL OF INFERIOR EXECUTIVE BRANCH**
2.2 **OFFICERS.**

2.3 Notwithstanding any law to the contrary or any plan established by the commissioner
2.4 of management and budget under chapter 43A, the legislature may require the immediate
2.5 removal of an inferior officer for malfeasance or nonfeasance as provided in sections 3.992
2.6 and 3.993.

2.7 Sec. 3. **[3.992] COMPLAINT; PUBLIC PROCEEDINGS.**

2.8 Subdivision 1. **Complaint.** (a) Any legislative member of the senate may request the
2.9 removal of an inferior officer by submitting a complaint to the senate majority leader and
2.10 any legislative member of the house of representatives may request the removal of an inferior
2.11 officer by submitting a complaint to the speaker of the house. The complaint must include
2.12 the facts that allege with specificity an inferior officer committed malfeasance or nonfeasance
2.13 in the performance of the inferior officer's duties.

2.14 (b) Within ten days of receiving a complaint under paragraph (a), the senate majority
2.15 leader or speaker of the house must:

2.16 (1) forward the complaint to the appropriate legislative committee as determined by the
2.17 associated rules of the house of representatives or senate; and

2.18 (2) cause a copy of the complaint and any supporting materials to be delivered on behalf
2.19 of the house of representatives or senate to the governor and any inferior officer named in
2.20 the complaint.

2.21 Subd. 2. **Public proceedings; waiver.** (a) Within 30 days of receiving a complaint under
2.22 subdivision 1, the legislative committee must commence public proceedings according to
2.23 this section and the rules of the complainant's house of the legislature. The complaint may
2.24 be amended by right of the complainant at any time prior to 20 days before the public
2.25 proceedings begin. The chair of the legislative committee may permit later amendment of
2.26 the complaint only for good cause.

2.27 (b) The complainant and the inferior officer may be represented by legal counsel at their
2.28 own expense. The inferior officer has the right to respond to all charges; to call and
2.29 cross-examine witnesses; to introduce exhibits; to be furnished with exhibits, documents,
2.30 and evidence in possession of the legislative committee; and to rebut evidence offered by
2.31 the complainant. The complainant must be notified of all public hearings on the complaint
2.32 and must be given notice of the opportunity to offer evidence of matters alleged in the
2.33 complaint.

3.1 (c) During the public proceedings, the legislative committee must take testimony and
3.2 evidence sufficient to determine:

3.3 (1) whether the complainant has shown by clear and convincing evidence that the factual
3.4 allegations of malfeasance or nonfeasance by the inferior officer are true; and

3.5 (2) if so, whether the facts found to be true constitute malfeasance or nonfeasance.

3.6 (d) The existence and substance of a complaint, including any supporting materials, and
3.7 all proceedings and records are public.

3.8 (e) An inferior officer who is the subject of a complaint may waive in writing the right
3.9 to public proceedings under this section.

3.10 **Subd. 3. Disposition of complaint.** (a) The legislative committee must dismiss the
3.11 complaint at any time if a majority of legislative committee members determine that the
3.12 standard under subdivision 2, paragraph (c), has not been met.

3.13 (b) If a majority of legislative committee members determine that the facts found to be
3.14 true constitute malfeasance or nonfeasance, the legislative committee must report the
3.15 complaint and the legislative committee's recommendations to the full house of the legislature
3.16 for final disposition.

3.17 **Sec. 4. [3.993] FINAL DISPOSITION; REMOVAL.**

3.18 When in receipt of a complaint and recommendations reported under section 3.992, the
3.19 house of the legislature may vote on the question of whether to remove the inferior officer.
3.20 If a majority of the members elected to each house of the legislature votes in favor, the
3.21 inferior officer must be discharged by the governor or the governor's designee effective the
3.22 day after the second house of the legislature notifies the governor that both houses of the
3.23 legislature have voted in favor of removal. The complaint and recommendations submitted
3.24 to each house of the legislature by their respective legislative committees under section
3.25 3.992 need not be identical, so long as each complaint contains allegations of malfeasance
3.26 or nonfeasance against the same inferior officer.