

other motor vehicles designed for the transportation of persons or property to which machinery has been attached.

Presented to the governor March 20, 2002

Signed by the governor March 21, 2002, 3:12 p.m.

CHAPTER 251—H.F.No. 2742

An act relating to state government; regulating contested case procedures; amending Minnesota Statutes 2000, sections 14.57; 14.59; 14.61; 14.62, subdivision 1, by adding a subdivision; 14.63; repealing Minnesota Statutes 2000, section 14.62, subdivision 2.

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

Section 1. Minnesota Statutes 2000, section 14.57, is amended to read:

14.57 INITIATION; DECISION; AGREEMENT TO ARBITRATE.

(a) An agency shall initiate a contested case proceeding when one is required by law. Unless otherwise provided by law, an agency shall decide a contested case only in accordance with the contested case procedures of the Administrative Procedure Act. Upon initiation of a contested case proceeding, an agency may, by order, provide that the report or order of the administrative law judge constitutes the final decision in the case.

(b) As an alternative to initiating or continuing with a contested case proceeding, the parties, subsequent to agency approval, may enter into a written agreement to submit the issues raised to arbitration by an administrative law judge according to sections 572.08 to 572.30.

Sec. 2. Minnesota Statutes 2000, section 14.59, is amended to read:

14.59 INFORMAL DISPOSITION.

Informal disposition may also be made of any contested case by arbitration, stipulation, agreed settlement, consent order or default.

Sec. 3. Minnesota Statutes 2000, section 14.61, is amended to read:

14.61 AGENCY FINAL DECISION IN CONTESTED CASE.

Subdivision 1. FILING OF EXCEPTIONS. In all contested cases the decision of the officials of the agency who are to render the final decision shall not be made until the report of the administrative law judge as required by sections 14.48 to 14.56, has been made available to parties to the proceeding for at least ten days and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of the officials who are to render the decision. This section does not apply to a contested case under which the report or order of the administrative law judge constitutes the final decision in the case.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. CLOSURE OF RECORD. In all contested cases where officials of the agency render the final decision, the contested case record must close upon the filing of any exceptions to the report and presentation of argument under subdivision 1 or upon expiration of the deadline for doing so. The agency shall notify the parties and the presiding administrative law judge of the date when the hearing record closed. In all contested cases where the report or order of the administrative law judge constitutes the final decision in the case, the hearing record must close as ordered in writing by the presiding administrative law judge.

Sec. 4. Minnesota Statutes 2000, 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, must include the reasons for each rejection or modification. 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. 5. Minnesota Statutes 2000, section 14.62, is amended by adding a subdivision 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 subdivision 1 within 90 days after the record of the proceeding closes under section 14.61. 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.

Sec. 6. Minnesota Statutes 2000, section 14.63, is amended to read:

14.63 APPLICATION.

Any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under the provisions of sections 14.63 to 14.68, but nothing in sections 14.63 to 14.68 shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law. A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the court of appeals and served on the agency not more than 30 days after the party receives the final decision and order of the agency. Sections 572.08 to 572.30 govern judicial review of arbitration awards entered under section 14.57.

Sec. 7. **REPEALER.**

Minnesota Statutes 2000, section 14.62, subdivision 2, is repealed.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 8. EFFECTIVE DATE; APPLICATION.

Sections 1 to 7 are effective August 1, 2002, and apply to contested case proceedings initiated on or after that date.

Presented to the governor March 20, 2002

Signed by the governor March 21, 2002, 3:10 p.m.

CHAPTER 252—H.F.No. 2531

An act relating to health; regulating hospice care providers; providing criminal penalties; amending Minnesota Statutes 2000, sections 13.381, subdivision 10; 144A.43, subdivisions 1, 3, 4; 144A.45, subdivisions 1, 2; 144A.46, subdivisions 3a, 3b, 4; 144A.4605, subdivisions 2, 3; 145C.01, subdivision 7; 157.17, subdivision 2; 609.7495, subdivision 1; 626.5572, subdivision 6; Minnesota Statutes 2001 Supplement, section 144A.4605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2000, section 144A.48.

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

Section 1. Minnesota Statutes 2000, section 13.381, subdivision 10, is amended to read:

Subd. 10. **HOME CARE AND HOSPICE PROGRAM PROVIDER.** Data regarding a home care hospice program provider under sections 144A.43 to 144A.48 144A.47 are governed by section 144A.45. Data regarding a hospice provider under sections 144A.75 to 144A.755 are governed by sections 144A.752 and 144A.754.

Sec. 2. Minnesota Statutes 2000, section 144A.43, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** The definitions in this section apply to sections 144.699, subdivision 2, and 144A.43 to 144A.48 144A.47.

Sec. 3. Minnesota Statutes 2000, section 144A.43, subdivision 3, is amended to read:

Subd. 3. **HOME CARE SERVICE.** "Home care service" means any of the following services when delivered in a place of residence to a person whose illness, disability, or physical condition creates a need for the service:

- (1) nursing services, including the services of a home health aide;
- (2) personal care services not included under sections 148.171 to 148.285;
- (3) physical therapy;
- (4) speech therapy;
- (5) respiratory therapy;

New language is indicated by underline, deletions by ~~strikeout~~.