

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1638

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
03/11/2015	684	Introduction and first reading Referred to Rules and Administration
03/19/2015	1006 1046	Comm report: To pass Second reading

1.1 A bill for an act
 1.2 relating to campaign practices; modifying provisions relating to campaign
 1.3 practices hearings; clarifying noncommercial signs exemption; amending
 1.4 Minnesota Statutes 2014, sections 211B.045; 211B.34, subdivisions 1, 2;
 1.5 211B.35, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 211B.045, is amended to read:

1.8 **211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

1.9 All noncommercial signs of any size may be posted in any number beginning 46
 1.10 days before the state primary in a state general election year until ten days following the
 1.11 state general election. No person may post a noncommercial sign of any size on a parcel
 1.12 of real property or any of the property's structures or improvements without the consent of
 1.13 the owner or occupant of the property. Municipal ordinances may regulate the size and
 1.14 number of noncommercial signs at other times.

1.15 Sec. 2. Minnesota Statutes 2014, section 211B.34, subdivision 1, is amended to read:

1.16 Subdivision 1. **Time for review.** If an expedited hearing is required by section
 1.17 211B.33, the assigned administrative law judge must hold a probable cause hearing on the
 1.18 complaint no later than three business days after ~~receiving the assignment if an expedited~~
 1.19 ~~hearing is required by section 211B.33,~~ determining the complaint sets forth a prima facie
 1.20 violation of chapter 211A or 211B, except that for good cause the administrative law judge
 1.21 may hold the hearing no later than seven days after ~~receiving the assignment~~ determining
 1.22 the complaint sets forth a prima facie violation of chapter 211A or 211B. If an expedited

2.1 hearing is not required by section 211B.33, the administrative law judge must hold the
2.2 hearing not later than 30 days after receiving the assignment.

2.3 Sec. 3. Minnesota Statutes 2014, section 211B.34, subdivision 2, is amended to read:

2.4 Subd. 2. **Disposition.** ~~At~~ After the probable cause hearing, the administrative
2.5 law judge must make one of the following determinations within three business days
2.6 after the hearing record closes:

2.7 (a) (1) The complaint is frivolous, or there is no probable cause to believe that the
2.8 violation of law alleged in the complaint has occurred. If the administrative law judge
2.9 makes either determination, the administrative law judge must dismiss the complaint.

2.10 (b) (2) There is probable cause to believe that the violation of law alleged in
2.11 the complaint has occurred. If the administrative law judge so determines, the chief
2.12 administrative law judge must schedule the complaint for an evidentiary hearing under
2.13 section 211B.35.

2.14 Sec. 4. Minnesota Statutes 2014, section 211B.35, subdivision 1, is amended to read:

2.15 Subdivision 1. **Deadline for hearing.** When required by section 211B.33,
2.16 subdivision 2, paragraph (d), or 211B.34, subdivision 2 or 3, the chief administrative law
2.17 judge must assign the complaint to a panel of three administrative law judges for an
2.18 evidentiary hearing. The hearing must be held within the following times:

2.19 (1) ten days after the complaint was assigned to the panel of three administrative law
2.20 judges, if an expedited probable cause hearing was requested or required under section
2.21 211B.33;

2.22 (2) 30 days after the complaint was filed, if it was filed within 60 days before the
2.23 primary or special election or within 90 days before the general election to which the
2.24 complaint relates; or

2.25 (3) 90 days after the complaint was filed, if it was filed at any other time.

2.26 For good cause shown, the panel may extend the deadline set forth in clause (2)
2.27 or (3) by 60 days.