

## THIRTIETH DAY

St. Paul, Minnesota, Thursday, March 24, 2011

The Senate met at 11:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Koch imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Pastor Larry Griffin.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Bakk	Gazelka	Kruse	Nienow	Senjem
Benson	Gerlach	Kubly	Olson	Sheran
Berglin	Gimse	Langseth	Ortman	Sieben
Bonoff	Goodwin	Latz	Pappas	Skoe
Brown	Hall	Lillie	Parry	Sparks
Carlson	Hann	Limmer	Pederson	Stumpf
Chamberlain	Harrington	Lourey	Pogemiller	Tomassoni
Cohen	Higgins	Magnus	Reinert	Torres Ray
Dahms	Hoffman	Metzen	Rest	Vandever
Daley	Howe	Michel	Robling	Wiger
DeKruif	Ingebrigtsen	Miller	Rosen	Wolf
Dibble	Kelash	Nelson	Saxhaug	
Fischbach	Koch	Newman	Scheid	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

March 22, 2011

The Honorable Kurt Zellers  
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2011	Date Filed 2011
	141	9	2:31 p.m. March 22	March 22

Sincerely,  
Mark Ritchie  
Secretary of State

March 23, 2011

The Honorable Michelle L. Fischbach  
President of the Senate

Dear President Fischbach:

Pursuant to Rule 10.5 of the Rules of the Senate, we hereby make the following changes in committee structure:

Committee on Finance - delete Anderson and add Higgins.

Thank you for your attention to this matter.

Sincerely,  
Amy T. Koch, Chair  
Committee on Rules and Administration  
Senate District 19

Thomas Bakk  
DFL Caucus Leader  
Senate District 6

### REPORTS OF COMMITTEES

Senator Koch moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred**

**S.F. No. 732:** A bill for an act relating to environment; initiating a process to amend standards for sulfates; creating an advisory group; allowing expedited rulemaking; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

**Senator Gerlach from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 771:** A bill for an act relating to commerce; appropriating money to the Department of Commerce; extending the Petroleum Tank Release Cleanup Board; amending Minnesota Statutes 2010, section 115C.13.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **DEPARTMENT OF COMMERCE APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2012</u></b>	<b><u>2013</u></b>
Sec. 2. <b><u>DEPARTMENT OF COMMERCE</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>18,577,000 \$</u></b>
		<b><u>18,585,000</u></b>
	<b><u>Appropriations by Fund</u></b>	
	<b><u>2012</u></b>	<b><u>2013</u></b>
<b><u>General</u></b>	<b><u>16,774,000</u></b>	<b><u>16,782,000</u></b>
<b><u>Petroleum Cleanup</u></b>	<b><u>1,052,000</u></b>	<b><u>1,052,000</u></b>
<b><u>Workers' Compensation</u></b>	<b><u>751,000</u></b>	<b><u>751,000</u></b>

The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. <b>Financial Institutions</b></u>	<u>7,124,000</u>	<u>7,128,000</u>
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\$350,000 each year is for additional financial examination services. The commissioner may issue contracts for these services.

<u>Subd. 3. <b>Petroleum Tank Release Cleanup Board</b></u>	<u>1,052,000</u>	<u>1,052,000</u>
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This appropriation is from the petroleum tank release cleanup fund.

<u>Subd. 4. <b>Administrative Services</b></u>	<u>3,486,000</u>	<u>3,486,000</u>
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The commissioner may redirect up to \$761,000 in fiscal year 2012 and \$761,000 in fiscal year 2013 of the general fund reduction in this subdivision to other subdivisions of this section. The commissioner shall report by February 1, 2012, to the chairs of the legislative committees having primary jurisdiction over the Department of Commerce's operating budget regarding any redirection authorized in this subdivision.

\$375,000 each year is for additional compliance efforts with unclaimed property. The commissioner may issue contracts for these services.

<u>Subd. 5. <b>Market Assurance</b></u>	<u>6,915,000</u>	<u>6,919,000</u>
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Appropriations by Fund

<u>General</u>	<u>6,164,000</u>	<u>6,168,000</u>
<u>Workers' Compensation</u>	<u>751,000</u>	<u>751,000</u>

Sec. 3. **TRANSFERS IN**

(a) For the purposes of this section, "commissioner" means the commissioner of management and budget.

(b) By June 30, 2013, the commissioner shall transfer \$3,550,000 from the special revenue fund to the general fund. The transfers must be from the following accounts within the special revenue fund:

(1) \$650,000 from the Department of

Commerce license technology surcharge account established in Minnesota Statutes, section 45.24;

(2) \$950,000 from the insurance fraud prevention account established in Minnesota Statutes, section 45.0135;

(3) \$1,500,000 from the automobile theft prevention account established in Minnesota Statutes, section 168A.40; and

(4) \$450,000 from the real estate education, research, and recovery fund established in Minnesota Statutes, section 82.86.

**Sec. 4. TRANSFER; ASSIGNED RISK PLAN**

(a) By June 30, 2012, the commissioner of management and budget shall transfer \$11,300,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

(b) By June 30, 2013, the commissioner of management and budget shall transfer \$11,300,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

Sec. 5. Minnesota Statutes 2010, section 115C.09, subdivision 3c, is amended to read:

**Subd. 3c. Release at refineries and tank facilities not eligible for reimbursement.** (a) Reimbursement may not be made under this chapter for costs associated with a release:

(1) from a tank located at a petroleum refinery; or

(2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.

(b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated with a release from a tank facility:

(1) owned or operated by a person engaged in the business of mining iron ore or taconite;

(2) owned by a political subdivision, a housing and redevelopment authority, an economic development authority, or a port authority that acquired the tank facility prior to May 23, 1989; ~~or~~

(3) owned by a person:

- (i) who acquired the tank facility prior to May 23, 1989;
  - (ii) who did not use the tank facility for the bulk storage of petroleum; and
  - (iii) who is not affiliated with the party who used the tank facility for the bulk storage of petroleum; or
- (4) that is not a petroleum refinery or pipeline terminal and is owned by a person engaged in the business of storing used oil primarily for sales to end users.

Sec. 6. Minnesota Statutes 2010, section 115C.13, is amended to read:

**115C.13 REPEALER.**

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, ~~2012~~ 2017."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Michel from the Committee on Jobs and Economic Growth, to which was referred**

**S.F. No. 887:** A bill for an act relating to jobs, economic development, and housing; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**APPROPRIATIONS**

Section 1. **JOBS AND ECONOMIC DEVELOPMENT APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ 78,435,000	\$ 78,135,000	\$ 156,570,000
<u>Remediation</u>	700,000	700,000	1,400,000
<u>Workers' Compensation</u>	22,574,000	22,574,000	45,168,000
<b><u>Total</u></b>	<b>\$ 101,709,000</b>	<b>\$ 101,409,000</b>	<b>\$ 203,118,000</b>

Sec. 2. **JOBS AND ECONOMIC DEVELOPMENT.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012"

and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
**2012**                      **2013**

**Sec. 3. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT**

<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>36,175,000</u></b>	<b><u>\$</u></b>	<b><u>36,175,000</u></b>
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**Appropriations by Fund**

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>35,475,000</u>	<u>35,475,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

<b><u>Subd. 2. Business and Community Development</u></b>		<b><u>6,491,000</u></b>		<b><u>6,491,000</u></b>
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**Appropriations by Fund**

<u>General</u>	<u>5,791,000</u>	<u>5,791,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>

(a) \$3,762,000 the first year and \$3,762,000 the second year is for business and community development activities of the department.

(b) \$700,000 the first year and \$700,000 the second year are from the remediation fund for contaminated site cleanup and development grants under Minnesota Statutes, section 116J.554. This appropriation is available until expended.

(c) \$1,272,000 the first year and \$1,272,000 the second year are from the general fund for the contamination cleanup and development grants under Minnesota Statutes, section

116J.554.

(d) \$757,000 each year is from the general fund for a business development competitive grant pilot program. The commissioner shall develop and implement a competitive grant program for business development programs. Acceptable uses for the competitive grants include, but are not limited to, bioscience business development, minority business development, women's business development, rural business development, and business development for inventors. Of this amount, up to five percent is for administering and monitoring this program. The commissioner shall report by October 1, 2011, to the standing committees of the senate and house of representatives having jurisdiction over economic development issues on program parameters and criteria developed for the competitive grants under this paragraph. The commissioner shall also report whether there are existing grant programs for the business development sectors listed that are suited for certain programs.

**Subd. 3. Workforce Development**

28,665,000

28,665,000

Appropriations by Fund

General

28,665,000

28,665,000

(a) \$4,196,000 the first year and \$4,196,000 the second year is from the general fund for the Minnesota job skills partnership program under Minnesota Statutes, sections 116L.01 to 116L.17. If the appropriation for either year is insufficient, the appropriation for the other year is available. This appropriation is available until spent.

(b) \$670,000 each year is from the general fund and an estimated \$41,000,000 each year is statutorily appropriated in the workforce development fund for the Minnesota Job Skills Partnership under Minnesota Statutes, sections 116L.01 to 116L.17 and the competitive grant program under Minnesota



Statutes, section 116L.04. The commissioner shall report by January 15 each year to the standing committees of the senate and house of representatives having jurisdiction over economic development issues on the number of grants and dollar amount per grant awarded, the geographical distribution of grants awarded, the number of individuals who received training and successfully completed training programs, job placement statistics, and data on minorities, youth, underemployed individuals, and public assistance recipients who received training. If the appropriation for either year is insufficient, the appropriation for the other year is available. This appropriation is available until spent.

(c) \$8,800,000 each year is from the general fund for the state's vocational rehabilitation program under Minnesota Statutes, chapter 268A.

(d) \$5,778,000 each year is from the general fund for the state services for the blind activities.

(e) \$2,261,000 each year is from the general fund for grants to centers for independent living under Minnesota Statutes, section 268A.11.

(f) \$5,405,000 each year is from the general fund for extended employment services for persons with severe disabilities or related conditions under Minnesota Statutes, section 268A.15. Of this appropriation, \$125,000 each year is to supplement funds paid for wage incentives for the community support fund established in Minnesota Rules, part 3300.2045.

(g) \$1,555,000 each year is from the general fund for grants to programs that provide employment support services to persons with mental illness under Minnesota Statutes, sections 268A.13 and 268A.14. Grants may be used for special projects for young people with mental illness transitioning from

school to work and people with serious mental illness receiving services through a mental health court or civil commitment court. Special projects must demonstrate interagency collaboration.

(h) The first \$3,300,000 deposited in each year of the biennium into the contingent account created under Minnesota Statutes, section 268.199, shall be transferred before the closing of each fiscal year to the workforce development fund created under Minnesota Statutes, section 116L.20. Deposits in excess of \$3,300,000 shall be transferred before the closing of each fiscal year to the general fund.

**Subd. 4. State-Funded Administration**

1,019,000

1,019,000

**Subd. 5. Transfers In**

(a) The commissioner of management and budget shall transfer \$45,000,000 in fiscal year 2012 from the Douglas J. Johnson economic protection trust fund in Minnesota Statutes, section 298.292, to the general fund. The commissioner shall transfer \$15,000,000 on July 1 in each of the years 2015, 2016, and 2017 from the general fund to the Douglas J. Johnson economic protection trust fund. For each transfer to the Douglas J. Johnson economic protection trust fund, the commissioner shall determine the total amount of interest and other earnings that would have accrued to the fund if the transfers to the general fund under this paragraph had not been made and add this amount to the transfer. The amounts necessary for these transfers are appropriated from the general fund in the fiscal years specified for the transfers.

(b) \$4,608,000 the first year and \$4,608,000 the second year are transferred from the workforce development fund to the general fund.

**Sec. 4. SCIENCE AND TECHNOLOGY AUTHORITY**

\$

107,000 \$

107,000

Sec. 5. **HOUSING FINANCE AGENCY**

<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>37,595,000</u></b>	<b><u>\$</u></b>	<b><u>37,595,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

This appropriation is for transfer to the housing development fund for the programs specified. Except as otherwise indicated, this transfer is part of the agency's permanent budget base.

<b><u>Subd. 2. Challenge Program</u></b>		<b><u>7,159,000</u></b>		<b><u>7,159,000</u></b>
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For the economic development and housing challenge program under Minnesota Statutes, section 462A.33. Of this amount, \$1,395,000 each year shall be made available during the first eight months of the fiscal year exclusively for housing projects for American Indians. Any funds not committed to housing projects for American Indians in the first eight months of the fiscal year shall be available for any eligible activity under Minnesota Statutes, section 462A.33.

<b><u>Subd. 3. Housing Trust Fund</u></b>		<b><u>8,555,000</u></b>		<b><u>8,555,000</u></b>
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For deposit in the housing trust fund account created under Minnesota Statutes, section 462A.201, and used for the purposes provided in that section.

<b><u>Subd. 4. Rental Assistance for Mentally Ill</u></b>		<b><u>2,638,000</u></b>		<b><u>2,638,000</u></b>
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For a rental housing assistance program for persons with a mental illness or families with an adult member with a mental illness under Minnesota Statutes, section 462A.2097.

<b><u>Subd. 5. Family Homeless Prevention</u></b>		<b><u>7,465,000</u></b>		<b><u>7,465,000</u></b>
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For the family homeless prevention and assistance programs under Minnesota Statutes, section 462A.204.

**Subd. 6. Home Ownership Assistance Fund**858,000858,000

For the home ownership assistance program under Minnesota Statutes, section 462A.21, subdivision 8.

**Subd. 7. Affordable Rental Investment Fund**7,319,0007,319,000

(a) For the affordable rental investment fund program under Minnesota Statutes, section 462A.21, subdivision 8b. The appropriation is to finance the acquisition, rehabilitation, and debt restructuring of federally assisted rental property and for making equity take-out loans under Minnesota Statutes, section 462A.05, subdivision 39.

(b) The owner of federally assisted rental property must agree to participate in the applicable federally assisted housing program and to extend any existing low-income affordability restrictions on the housing for the maximum term permitted. The owner must also enter into an agreement that gives local units of government, housing and redevelopment authorities, and nonprofit housing organizations the right of first refusal if the rental property is offered for sale to unrelated third parties. Priority must be given among comparable federally assisted rental properties to properties with the longest remaining term under an agreement for federal assistance. Priority must also be given among comparable rental housing developments to developments that are or will be owned by local government units, a housing and redevelopment authority, or a nonprofit housing organization.

(c) The appropriation also may be used to finance the acquisition, rehabilitation, and debt restructuring of existing supportive housing properties. For purposes of this subdivision, "supportive housing" means affordable rental housing with links to services necessary for individuals, youth, and families with children to maintain housing stability.

**Subd. 8. Housing Rehabilitation** 2,633,000 2,633,000

For the housing rehabilitation program under Minnesota Statutes, section 462A.05, subdivision 14, for rental housing developments.

**Subd. 9. Homeownership Education, Counseling, and Training** 751,000 751,000

For the homeownership education, counseling, and training program under Minnesota Statutes, section 462A.209. Notwithstanding Minnesota Statutes, section 462A.209, subdivision 7, paragraph (b), more than one-half of the funds awarded for foreclosure prevention and assistance activities may be used for mortgage or financial counseling services.

**Subd. 10. Capacity-Building Grants** 217,000 217,000

For nonprofit capacity-building grants under Minnesota Statutes, section 462A.21, subdivision 3b.

**Sec. 6. DEPARTMENT OF LABOR AND INDUSTRY**

**Subdivision 1. Total Appropriation** \$ 21,688,000 \$ 21,688,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>817,000</u>	<u>817,000</u>
<u>Workers' Compensation</u>	<u>20,871,000</u>	<u>20,871,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

**Subd. 2. Workers' Compensation** 14,832,000 14,832,000

This appropriation is from the workers' compensation fund.

\$200,000 each year is for grants to the Vinland Center for rehabilitation services.

Grants shall be distributed as the department refers injured workers to the Vinland Center for rehabilitation services.

<b>Subd. 3. <u>Labor Standards and Apprenticeship</u></b>	<u>817,000</u>	<u>817,000</u>
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This appropriation is from the general fund for the labor standards and apprenticeship program.

<b>Subd. 4. <u>General Support</u></b>	<u>6,039,000</u>	<u>6,039,000</u>
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This appropriation is from the workers' compensation fund.

**Sec. 7. BUREAU OF MEDIATION SERVICES**

<b>Subdivision 1. <u>Total Appropriation</u></b>	<b>\$ <u>1,584,000</u> \$</b>	<b><u>1,584,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

<b>Subd. 2. <u>Mediation Services</u></b>	<u>1,516,000</u>	<u>1,516,000</u>
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<b>Subd. 3. <u>Labor Management Cooperation Grants</u></b>	<u>68,000</u>	<u>68,000</u>
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\$68,000 each year is for grants to area labor management committees. Grants may be awarded for a 12-month period beginning July 1 each year. Any unencumbered balance remaining at the end of the first year does not cancel but is available for the second year.

<b>Sec. 8. <u>WORKERS' COMPENSATION COURT OF APPEALS</u></b>	<b>\$ <u>1,703,000</u> \$</b>	<b><u>1,703,000</u></b>
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This appropriation is from the workers' compensation fund.

<b>Sec. 9. <u>BOARD OF ACCOUNTANCY</u></b>	<b>\$ <u>630,000</u> \$</b>	<b><u>480,000</u></b>
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\$150,000 the first year is to fund the costs associated with the e-licensing adaptor integration development. This is a onetime appropriation.

Sec. 10. <u>BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN</u>	\$	<u>924,000</u>	\$	<u>774,000</u>
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\$150,000 the first year is to fund the costs associated with the e-licensing adaptor integration development. This is a onetime appropriation.

Sec. 11. <u>BOARD OF COSMETOLOGIST EXAMINERS</u>	\$	<u>1,046,000</u>	\$	<u>1,046,000</u>
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Sec. 12. <u>BOARD OF BARBER EXAMINERS</u>	\$	<u>257,000</u>	\$	<u>257,000</u>
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## ARTICLE 2

### MISCELLANEOUS ECONOMIC DEVELOPMENT PROVISIONS

Section 1. Minnesota Statutes 2010, section 116J.035, is amended by adding a subdivision to read:

Subd. 7. **Monitoring pass-through grant recipients.** The commissioner shall monitor the activities and outcomes of programs and services funded by legislative appropriations and administered by the department on a pass-through basis. Unless amounts are otherwise appropriated for administrative costs, the commissioner may retain up to five percent of the amount appropriated to the department for grants to pass-through entities. Amounts retained are deposited to a special revenue account and are appropriated to the commissioner for costs incurred in administering and monitoring the pass-through grants.

Sec. 2. Minnesota Statutes 2010, section 116J.8737, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Qualified small business" means a business that has been certified by the commissioner under subdivision 2.

(c) "Qualified investor" means an investor who has been certified by the commissioner under subdivision 3.

(d) "Qualified fund" means a pooled angel investment network fund that has been certified by the commissioner under subdivision 4.

(e) "Qualified investment" means a cash investment in a qualified small business of a minimum of:

- (1) \$10,000 in a calendar year by a qualified investor; or
- (2) \$30,000 in a calendar year by a qualified fund.

A qualified investment must be made in exchange for common stock, a partnership or

membership interest, preferred stock, debt with mandatory conversion to equity, or an equivalent ownership interest as determined by the commissioner.

(f) "Family" means a family member within the meaning of the Internal Revenue Code, section 267(c)(4).

(g) "Pass-through entity" means a corporation that for the applicable taxable year is treated as an S corporation or a general partnership, limited partnership, limited liability partnership, trust, or limited liability company and which for the applicable taxable year is not taxed as a corporation under chapter 290.

(h) "Intern" means a student of an accredited institution of higher education, or a former student who has graduated in the past six months from an accredited institution of higher education, who is employed by a qualified small business in a nonpermanent position for a duration of nine months or less that provides training and experience in the primary business activity of the business.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2011.

Sec. 3. Minnesota Statutes 2010, section 116J.8737, subdivision 2, is amended to read:

Subd. 2. **Certification of qualified small businesses.** (a) Businesses may apply to the commissioner for certification as a qualified small business for a calendar year. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$150. Application fees are deposited in the small business investment tax credit administration account in the special revenue fund. The application for certification for 2010 must be made available on the department's Web site by August 1, 2010. Applications for subsequent years' certification must be made available on the department's Web site by November 1 of the preceding year.

(b) Within 30 days of receiving an application for certification under this subdivision, the commissioner must either certify the business as satisfying the conditions required of a qualified small business, request additional information from the business, or reject the application for certification. If the commissioner requests additional information from the business, the commissioner must either certify the business or reject the application within 30 days of receiving the additional information. If the commissioner neither certifies the business nor rejects the application within 30 days of receiving the original application or within 30 days of receiving the additional information requested, whichever is later, then the application is deemed rejected, and the commissioner must refund the \$150 application fee. A business that applies for certification and is rejected may reapply.

(c) To receive certification, a business must satisfy all of the following conditions:

(1) the business has its headquarters in Minnesota;

(2) at least 51 percent of the business's employees are employed in Minnesota, and 51 percent of the business's total payroll is paid or incurred in the state;

(3) the business is engaged in, or is committed to engage in, innovation in Minnesota in one of the following as its primary business activity:

(i) using proprietary technology to add value to a product, process, or service in a qualified



high-technology field;

(ii) researching or developing a proprietary product, process, or service in a qualified high-technology field; or

(iii) researching, developing, or producing a new proprietary technology for use in the fields of agriculture, tourism, forestry, mining, manufacturing, or transportation;

(4) other than the activities specifically listed in clause (3), the business is not engaged in real estate development, insurance, banking, lending, lobbying, political consulting, information technology consulting, wholesale or retail trade, leisure, hospitality, transportation, construction, ethanol production from corn, or professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants;

(5) the business has fewer than 25 employees;

(6) the business must pay its employees annual wages of at least 175 percent of the federal poverty guideline for the year for a family of four and must pay its interns annual wages of at least 175 percent of the federal minimum wage used for federally covered employers, except that this requirement must be reduced proportionately for employees and interns who work less than full-time, and does not apply to an executive, officer, or member of the board of the business, or to any employee who owns, controls, or holds power to vote more than 20 percent of the outstanding securities of the business;

(7) the business has not been in operation for more than ten years;

(8) the business has not previously received private equity investments of more than \$2,000,000 \$4,000,000; and

(9) the business is not an entity disqualified under section 80A.50, paragraph (b), clause (3).

(d) In applying the limit under paragraph (c), clause (5), the employees in all members of the unitary business, as defined in section 290.17, subdivision 4, must be included.

(e) In order for a qualified investment in a business to be eligible for tax credits, the business must have applied for and received certification for the calendar year in which the investment was made prior to the date on which the qualified investment was made.

(f) The commissioner must maintain a list of businesses certified under this subdivision for the calendar year and make the list accessible to the public on the department's Web site.

(g) For purposes of this subdivision, the following terms have the meanings given:

(1) "qualified high-technology field" includes aerospace, agricultural processing, renewable energy, energy efficiency and conservation, environmental engineering, food technology, cellulosic ethanol, information technology, materials science technology, nanotechnology, telecommunications, biotechnology, medical device products, pharmaceuticals, diagnostics, biologicals, chemistry, veterinary science, and similar fields; and

(2) "proprietary technology" means the technical innovations that are unique and legally owned or licensed by a business and includes, without limitation, those innovations that are patented, patent pending, a subject of trade secrets, or copyrighted.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 116J.8737, subdivision 4, is amended to read:

Subd. 4. **Certification of qualified funds.** (a) A pass-through entity may apply to the commissioner for certification as a qualified fund for a calendar year. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$1,000. Application fees are deposited in the small business investment tax credit administration account in the special revenue fund. The application for certification for 2010 of qualified funds must be made available on the department's Web site by August 1, 2010. Applications for subsequent years' certification must be made available by November 1 of the preceding year.

(b) Within 30 days of receiving an application for certification under this subdivision, the commissioner must either certify the fund as satisfying the conditions required of a qualified fund, request additional information from the fund, or reject the application for certification. If the commissioner requests additional information from the fund, the commissioner must either certify the fund or reject the application within 30 days of receiving the additional information. If the commissioner neither certifies the fund nor rejects the application within 30 days of receiving the original application or within 30 days of receiving the additional information requested, whichever is later, then the application is deemed rejected, and the commissioner must refund the \$1,000 application fee. A fund that applies for certification and is rejected may reapply.

(c) To receive certification, a fund must:

- (1) invest or intend to invest in qualified small businesses;
- (2) be organized as a pass-through entity; and

(3) have at least three separate investors, ~~all~~ of whom at least three whose investment is made in the certified business and who seek a tax credit allocation satisfy the conditions in subdivision 3, paragraph (c).

(d) Investments in the fund may consist of equity investments or notes that pay interest or other fixed amounts, or any combination of both.

(e) In order for a qualified investment in a qualified small business to be eligible for tax credits, a qualified fund that makes the investment must have applied for and received certification for the calendar year prior to making the qualified investment.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 116L.04, subdivision 1, is amended to read:

Subdivision 1. **Partnership program.** (a) The partnership program ~~may~~ shall provide ~~grants-in-aid competitive grants~~ to educational institutions or other nonprofit educational institutions training organizations, including, but not limited to, programs administered by a political subdivision, using the following guidelines:

(1) the educational institution or other nonprofit educational institution training organization is a provider of training within the state in either the public or private sector;

(2) the program involves skills training that is an area of employment need; ~~and~~

(3) preference will be given to educational institutions or other nonprofit training ~~institutions~~ ~~which~~ organizations that serve economically disadvantaged people, minorities, or those who are victims of economic dislocation and to businesses located in rural areas; and

(4) consideration shall be given to programs with a demonstrated track record of participants' successful completion of training and job placement and retention levels.

(b) A single grant to any one institution or organization shall not exceed ~~\$400,000~~ \$1,000,000, in any year. A portion of a grant may be used for preemployment training.

(c) Each institution or organization must provide for the dissemination of summary results of a grant-funded project, including, but not limited to, information about curriculum and all supporting materials developed in conjunction with the grant. Results of projects developed by any Minnesota State Colleges and Universities system institution must be disseminated throughout the system.

**EFFECTIVE DATE.** This section is effective for grants made on or after July 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 341.321, is amended to read:

**341.321 FEE SCHEDULE.**

(a) The fee schedule for professional licenses issued by the commission is as follows:

- (1) referees, ~~\$25~~ \$45 for each initial license and each renewal;
- (2) promoters, \$400 for each initial license and each renewal;
- (3) judges and knockdown judges, ~~\$25~~ \$45 for each initial license and each renewal;
- (4) trainers, ~~\$25~~ \$45 for each initial license and each renewal;
- (5) ring announcers, ~~\$25~~ \$45 for each initial license and each renewal;
- (6) seconds, ~~\$25~~ \$45 for each initial license and each renewal;
- (7) timekeepers, ~~\$25~~ \$45 for each initial license and each renewal;
- (8) combatants, ~~\$25~~ \$45 for each initial license and each renewal;
- (9) managers, ~~\$25~~ \$45 for each initial license and each renewal; and
- (10) ringside physicians, ~~\$25~~ \$45 for each initial license and each renewal.

In addition to the license fee and the late filing penalty fee in section 341.32, subdivision 2, if applicable, an individual who applies for a ~~combatant~~ professional license on the same day the combative sporting event is held shall pay a late fee of \$100 plus the original license fee of \$45 at the time the application is submitted.

(b) The fee schedule for amateur licenses issued by the commission is as follows:

- (1) referees, ~~\$10~~ \$45 for each initial license and each renewal;
- (2) promoters, ~~\$100~~ \$400 for each initial license and each renewal;

- (3) judges and knockdown judges, \$10 \$45 for each initial license and each renewal;
- (4) trainers, \$10 \$45 for each initial license and each renewal;
- (5) ring announcers, \$10 \$45 for each initial license and each renewal;
- (6) seconds, \$10 \$45 for each initial license and each renewal;
- (7) timekeepers, \$10 \$45 for each initial license and each renewal;
- (8) combatant, \$10 \$25 for each initial license and each renewal;
- (9) managers, \$10 \$45 for each initial license and each renewal; and
- (10) ringside physicians, \$10 \$45 for each initial license and each renewal.

(c) The commission shall establish a contest fee for each combative sport contest. The professional combative sport contest fee is \$1,500 per event or not more than four percent of the gross ticket sales, whichever is greater, as determined by the commission when the combative sport contest is scheduled, except that the amateur combative sport contest fee shall be \$150 \$500 or not more than four percent of the gross ticket sales, whichever is greater. The commission shall consider the size and type of venue when establishing a contest fee. The commission may establish the maximum number of complimentary tickets allowed for each event by rule. ~~As~~ A professional or amateur combative sport contest fee is nonrefundable.

(d) All fees and penalties collected by the commission must be deposited in the commission account in the special revenue fund.

Sec. 7. Laws 2009, chapter 78, article 1, section 18, is amended to read:

Sec. 18. <b>COMBATIVE SPORTS COMMISSION</b>	<b>\$</b>	<b>80,000</b>	<b>\$</b>	<b>80,000</b>
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~~This is a onetime appropriation. The Combative Sports Commission expires on July 1, 2011, unless the commissioner of finance determines that the commission's projected expenditures for the fiscal biennium ending June 30, 2013, will not exceed the commission's projected revenues for the fiscal biennium ending June 30, 2013, from fees and penalties authorized in Minnesota Statutes 2008, chapter 341.~~

### ARTICLE 3

#### LABOR AND INDUSTRY

Section 1. Minnesota Statutes 2010, section 181.723, subdivision 5, is amended to read:

Subd. 5. **Application.** To obtain an independent contractor exemption certificate, the individual must submit, in the manner prescribed by the commissioner, a complete application and the certificate fee required under subdivision 14.

- (a) A complete application must include all of the following information:
- (1) the individual's full name;
  - (2) the individual's residence address and telephone number;
  - (3) the individual's business name, address, and telephone number;
  - (4) the services for which the individual is seeking an independent contractor exemption certificate;
  - (5) the individual's Social Security number;
  - (6) the individual's or the individual's business federal employer identification number, if a number has been issued to the individual or the individual's business;
  - (7) any information or documentation that the commissioner requires by rule that will assist the department in determining whether to grant or deny the individual's application; and
  - (8) the individual's sworn statement that the individual meets all of the following conditions:
    - (i) maintains a separate business with the individual's own office, equipment, materials, and other facilities;
    - (ii) holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service if the person has performed services in the previous year for which the individual is seeking the independent contractor exemption certificate;
    - (iii) operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means of performing the services;
    - (iv) incurs the main expenses related to the service that the individual performs under contract;
    - (v) is responsible for the satisfactory completion of services that the individual contracts to perform and is liable for a failure to complete the service;
    - (vi) receives compensation for service performed under a contract on a commission or per-job or competitive bid basis and not on any other basis;
    - (vii) may realize a profit or suffer a loss under contracts to perform service;
    - (viii) has continuing or recurring business liabilities or obligations; and
    - (ix) the success or failure of the individual's business depends on the relationship of business receipts to expenditures.
- (b) Individuals who are applying for or renewing a residential building contractor or residential remodeler license under sections 326B.197, 326B.802, 326B.805, 326B.81, 326B.815, 326B.821 to 326B.86, 326B.87 to 326B.885, and 327B.041, and any rules promulgated pursuant thereto, may simultaneously apply for or renew an independent contractor exemption certificate. The commissioner shall create an application form that allows for the simultaneous application for both a residential building contractor or residential remodeler license and an independent contractor exemption certificate. If individuals simultaneously apply for or renew a residential building

contractor or residential remodeler license and an independent contractor exemption certificate using the form created by the commissioner, individuals shall only be required to provide, in addition to the information required by section 326B.83 and rules promulgated pursuant thereto, the sworn statement required by paragraph (a), clause (8), and any additional information required by this subdivision that is not also required by section 326B.83 and any rules promulgated thereto. ~~When individuals submit a simultaneous application on the form created by the commissioner for both a residential building contractor or residential remodeler license and an independent contractor exemption certificate, the application fee shall be \$150.~~ An independent contractor exemption certificate that is in effect before March 1, 2009, shall remain in effect until March 1, 2013, unless revoked by the commissioner or canceled by the individual.

(c) Within 30 days of receiving a complete application and the certificate fee, the commissioner must either grant or deny the application. The commissioner may deny an application for an independent contractor exemption certificate if the individual has not submitted a complete application and certificate fee or if the individual does not meet all of the conditions for holding the independent contractor exemption certificate. The commissioner may revoke an independent contractor exemption certificate if the commissioner determines that the individual no longer meets all of the conditions for holding the independent contractor exemption certificate, commits any of the actions set out in subdivision 7, or fails to cooperate with a department investigation into the continued validity of the individual's certificate. Once issued, an independent contractor exemption certificate remains in effect for four years unless:

- (1) revoked by the commissioner; or
- (2) canceled by the individual.

(d) If the department denies an individual's original or renewal application for an independent contractor exemption certificate or revokes an independent contractor exemption certificate, the commissioner shall issue to the individual an order denying or revoking the certificate. The commissioner may issue an administrative penalty order to an individual or person who commits any of the actions set out in subdivision 7. The commissioner may file and enforce the unpaid portion of a penalty as a judgment in district court without further notice or additional proceedings.

(e) An individual or person to whom the commissioner issues an order under paragraph (d) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or facsimile number specified in the order by the 30th day after service of the order. If the individual does not request a hearing or if the individual's request for a hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the individual serves or faxes a timely request for hearing, the hearing shall be a contested case hearing and shall be held in accordance with chapter 14.

Sec. 2. Minnesota Statutes 2010, section 182.6553, subdivision 6, is amended to read:

Subd. 6. **Enforcement.** This section shall be enforced by the commissioner under ~~section~~ sections 182.66 and 182.661. A violation of this section is subject to the penalties provided under section 182.666.

Sec. 3. Minnesota Statutes 2010, section 326B.04, subdivision 2, is amended to read:

Subd. 2. **Deposits.** Unless otherwise specifically designated by law: (1) all money collected under sections 144.122, paragraph (f); 181.723; 326B.092 to 326B.096; 326B.101 to 326B.194; 326B.197; 326B.32 to 326B.399; 326B.43 to 326B.49; 326B.52 to 326B.59; 326B.802 to 326B.885; 326B.90 to 326B.998; 327.31 to 327.36; and 327B.01 to 327B.12, except penalties, is credited to the construction code fund; (2) all fees collected under ~~section 45.23~~ sections 326B.098 to 326B.099 in connection with continuing education for ~~residential contractors, residential remodelers, and residential roofers~~ any license, registration, or certificate issued pursuant to this chapter are credited to the construction code fund; and (3) all penalties assessed under the sections set forth in clauses (1) and (2) and all penalties assessed under sections 144.99 to 144.993 in connection with any violation of sections 326B.43 to 326B.49 or 326B.52 to 326B.59 or the rules adopted under those sections are credited to the assigned risk safety account established by section 79.253.

Sec. 4. Minnesota Statutes 2010, section 326B.091, is amended to read:

### **326B.091 DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 326B.091 to ~~326B.098~~ 326B.099, the terms defined in this section have the meanings given them.

Subd. 2. **Applicant.** "Applicant" means a person who has submitted to the department an application for a an initial or renewal license.

Subd. 3. **License.** "License" means any registration, certification, or other form of approval authorized by this chapter 326B and chapter 327B to be issued by the commissioner or department as a condition of doing business or conducting a trade, profession, or occupation in Minnesota. License includes specifically but not exclusively an authorization issued by the commissioner or department: to perform electrical work, plumbing or water conditioning work, high pressure piping work, or residential building work of a residential contractor, residential remodeler, or residential roofer; to install manufactured housing; to serve as a building official; or to operate a boiler or boat.

Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person authorized to do business or conduct the trade, profession, or occupation in Minnesota.

Subd. 5. **Notification date.** "Notification date" means the date of the written notification from the department to an applicant that the applicant is qualified to take the examination required for licensure.

Subd. 5b. **Qualifying individual.** "Qualifying individual" means the individual responsible for obtaining continuing education on behalf of a residential building contractor, residential remodeler, or residential roofer licensed pursuant to sections 326B.801 to 326B.885.

Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a license, means 30 days before the date that the license expires.

Sec. 5. Minnesota Statutes 2010, section 326B.098, is amended to read:

### **326B.098 CONTINUING EDUCATION.**

Subdivision 1. **Applicability Department seminars.** This section applies to seminars offered

by the department for the purpose of ~~allowing~~ enabling licensees to meet continuing education requirements for license renewal.

Subd. 2. **Rescheduling.** An individual who is registered with the department to attend a seminar may reschedule one time only, to attend the same seminar on a date within one year after the date of the seminar the individual was registered to attend.

Subd. 3. **Fees nonrefundable.** All seminar fees paid to the department are nonrefundable except for any overpayment of fees or if the department cancels the seminar.

Sec. 6. [326B.0981] CONTINUING EDUCATION; NONDEPARTMENT SEMINARS.

This section applies to seminars that are offered by an entity other than the department for the purpose of enabling licensees to meet continuing education requirements for license renewal.

Sec. 7. Minnesota Statutes 2010, section 326B.13, subdivision 8, is amended to read:

Subd. 8. **Effective date of rules.** A rule to adopt or amend the State Building Code is effective 180 days after ~~the filing of the rule with the secretary of state under section 14.16 or 14.26~~ publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner or board proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule.

Sec. 8. Minnesota Statutes 2010, section 326B.148, subdivision 1, is amended to read:

Subdivision 1. **Computation.** To defray the costs of administering sections 326B.101 to 326B.194, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge receipts to award grants for code research and development and education.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, except that effective July 1, 2010, until June 30, ~~2011~~ 2013, the permit surcharge is equivalent to one-half mill (.0005) of the fee or \$5, whichever amount is greater. For all other permits, the surcharge is as follows:

(1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration;

(2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000;

(3) if the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000;

(4) if the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000;

(5) if the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and



(6) if the valuation exceeds \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000.

Sec. 9. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision to read:

Subd. 1b. **Backflow prevention rebuilder.** A "backflow prevention rebuilder" is an individual who is qualified by training prescribed by the Plumbing Board and possesses a master or journeyman plumber's license to engage in the testing, maintenance, and rebuilding of reduced pressure zone type backflow prevention assemblies as regulated by the plumbing code.

Sec. 10. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision to read:

Subd. 1c. **Backflow prevention tester.** A "backflow prevention tester" is an individual who is qualified by training prescribed by the Plumbing Board to engage in the testing of reduced pressure zone type backflow prevention assemblies as regulated by the plumbing code.

Sec. 11. Minnesota Statutes 2010, section 326B.42, subdivision 8, is amended to read:

Subd. 8. **Plumbing contractor.** "Plumbing contractor" means a licensed contractor whose responsible ~~licensed plumber individual~~ is a licensed master plumber.

Sec. 12. Minnesota Statutes 2010, section 326B.42, subdivision 9, is amended to read:

Subd. 9. **Responsible ~~licensed plumber individual.~~** A contractor's "responsible ~~licensed plumber individual~~" means the licensed master plumber or licensed restricted master plumber designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082.

Sec. 13. Minnesota Statutes 2010, section 326B.42, subdivision 10, is amended to read:

Subd. 10. **Restricted plumbing contractor.** "Restricted plumbing contractor" means a licensed contractor whose responsible ~~licensed plumber individual~~ is a licensed restricted master plumber.

Sec. 14. Minnesota Statutes 2010, section 326B.435, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the plumbing code that must be followed in this state and any plumbing code amendments thereto. The plumbing code shall include the minimum standards described in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeymen, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(6) adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyman plumbers, restricted master plumbers, restricted journeyman plumbers, water conditioning contractors, and water conditioning installers, and for individuals certified under sections 326B.437 and 326B.438. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed plumbing services;

(8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(9) approve license reciprocity agreements;

(10) select from its members individuals to serve on any other state advisory council, board, or committee; and

(11) recommend the fees for licenses, registrations, and certifications.

Except for the powers granted to the Plumbing Board, the Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

**Sec. 15. [326B.437] REDUCED PRESSURE BACKFLOW PREVENTION REBUILDERS AND TESTERS.**

(a) No person shall perform or offer to perform the installation, maintenance, repair, replacement, or rebuilding of reduced pressure zone backflow prevention assemblies unless the person obtains a plumbing contractor license. An individual shall not engage in the testing, maintenance, repair, or rebuilding of reduced pressure zone backflow prevention assemblies, as regulated by the plumbing

code, unless the individual is certified by the commissioner as a backflow prevention rebuilder.

(b) An individual shall not engage in testing of a reduced pressure zone backflow prevention assembly, as regulated by the Plumbing Code, unless the individual possesses a backflow prevention rebuilder certificate or is certified by the commissioner as a backflow prevention tester.

(c) Certificates are issued for an initial period of two years and must be renewed every two years thereafter for as long as the certificate holder installs, maintains, repairs, rebuilds, or tests reduced pressure zone backflow prevention assemblies. For purposes of calculating fees under section 326B.092, an initial or renewed backflow prevention rebuilder or tester certificate shall be considered an entry level license.

(d) The Plumbing Board shall adopt expedited rules under section 14.389 that are related to the certification of backflow prevention rebuilders and backflow prevention testers. Section 326B.13, subdivision 8, does not apply to these rules. Notwithstanding the 18-month limitation under section 14.125, this authority expires on December 31, 2014.

(e) The department shall recognize certification programs that are a minimum of 16 contact hours and include the passage of an examination. The examination must consist of a practical and a written component. This paragraph expires when the Plumbing Board adopts rules under paragraph (d).

Sec. 16. Minnesota Statutes 2010, section 326B.438, is amended to read:

**326B.438 MEDICAL GAS SYSTEMS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Medical gas" means medical gas as defined under the National Fire Protection Association NFPA 99C Standard on Gas and Vacuum Systems.

(c) "Medical gas system" means a level 1, 2, or 3 piped medical gas and vacuum system as defined under the National Fire Protection Association NFPA 99C Standard on Gas and Vacuum Systems.

Subd. 2. **License and certification required.** A No person shall perform or offer to perform the installation, maintenance, or repair of medical gas systems unless the person obtains a contractor license. An individual shall not engage in the installation, maintenance, or repair of a medical gas system unless the person individual possesses a current Minnesota master or journeyman plumber's license and is certified by the commissioner under rules adopted by the Minnesota Plumbing Board. The certification must be renewed annually biennially for as long as the certificate holder engages in the installation, maintenance, or repair of medical gas and vacuum systems. If a medical gas and vacuum system certificate is not renewed within 12 months after its expiration the medical gas and vacuum certificate is permanently forfeited.

Subd. 3. **Exemptions.** (a) A person An individual who on August 1, 2010, holds possesses a valid certificate authorized by meeting the requirements of the American Society of Sanitary Engineering (ASSE) Standard 6010 and is a qualified brazer in accordance with standards recommended by the provisions required in the National Fire Protection Association under NFPA (NFPA) 99C is exempt from the licensing requirements of subdivision 2 and may install, maintain, and repair a medical

gas system. This exemption applies only if the ~~person~~ individual maintains a valid certification authorized by the ASSE in accordance with ASSE Standard 6010 and the brazer qualifications in NFPA 99C, and is certified by the commissioner under rules adopted by the Minnesota Plumbing Board.

~~(b) A person who on August 1, 2010, possesses a current Minnesota master or journeyman plumber's license and a valid certificate authorized by the ASSE in accordance with standards recommended by the National Fire Protection Association under NFPA 99C is exempt from the requirements of subdivision 2 and may install, maintain, and repair a medical gas system. This exemption applies only if a person maintains a valid Minnesota master or journeyman plumber's license and valid certification authorized by the ASSE.~~

Subd. 4. **Fees.** ~~The fee for a medical gas certificate~~ For the purpose of calculating fees under section 326B.092, an initial or renewed medical gas certificate issued by the commissioner according to subdivision 2 ~~is \$30 per year~~ shall be considered a journeyman level license.

**EFFECTIVE DATE.** The requirement under subdivision 2 and subdivision 3 that a master journeyman plumber or exempt individual must be certified by the commissioner and the fee in subdivision 4 are not effective until 180 days after the Minnesota Plumbing Board adopts rules.

Sec. 17. Minnesota Statutes 2010, section 326B.46, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible ~~person~~. ~~The certificate must be signed by the responsible individual.~~ The responsible individual must be a master plumber or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, a restricted master plumber. ~~The certificate must be signed by the responsible individual and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees ~~comply~~ complies with sections 326B.41 to 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible ~~person~~ individual with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible ~~person~~ individual, the employer must resubmit a certificate of responsible ~~person~~ individual, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible ~~person~~ individual does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as a plumber's apprentice.~~

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

(d) A person may perform and offer to perform building sewer or water service installation without a contractor's license if the person is in compliance with the bond and insurance

requirements of subdivision 2.

Sec. 18. Minnesota Statutes 2010, section 326B.46, subdivision 1b, is amended to read:

Subd. 1b. **Employment of master plumber or restricted master plumber.** (a) Each contractor must designate a responsible licensed plumber, who shall be responsible for the performance of all plumbing work in accordance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. A plumbing contractor's responsible ~~licensed plumber~~ individual must be a master plumber. A restricted plumbing contractor's responsible ~~licensed plumber~~ individual must be a master plumber or a restricted master plumber. A plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state. A restricted plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census.

(b) If the contractor is an individual or sole proprietorship, the responsible licensed ~~plumber~~ individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed ~~plumber~~ individual must be a general partner or managing employee. If the contractor is a limited liability company, the responsible licensed ~~plumber~~ individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed ~~plumber~~ individual must be an officer or managing employee. If the responsible licensed ~~plumber~~ individual is a managing employee, the responsible licensed ~~plumber~~ individual must be actively engaged in performing plumbing work on behalf of the contractor, and cannot be employed in any capacity as a plumber for any other contractor. An individual may be the responsible licensed ~~plumber~~ individual for only one contractor.

(c) All applications and renewals for contractor licenses shall include a verified statement that the applicant or licensee has complied with this subdivision.

Sec. 19. Minnesota Statutes 2010, section 326B.46, subdivision 2, is amended to read:

Subd. 2. **Bond; insurance.** ~~As a condition of licensing, each contractor~~ (a) The bond and insurance requirements of paragraphs (b) and (c) apply to each person who performs or offers to perform plumbing work within the state, including any person who offers to perform or performs sewer or water service installation without a contractor's license. If the person performs or offers to perform any plumbing work other than sewer or water service installation, then the person must meet the requirements of paragraphs (b) and (c) as a condition of holding a contractor's license.

(b) Each person who performs or offers to perform plumbing work within the state shall give and maintain bond to the state in the amount of at least \$25,000 for (1) all plumbing work entered into within the state or (2) all plumbing work and subsurface sewage treatment work entered into within the state. If the bond is for both plumbing work and subsurface sewage treatment work, the bond must comply with the requirements of this section and section 115.56, subdivision 2, paragraph (e). The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the requirements of the State Plumbing Code and, if the bond is for both plumbing work and subsurface sewage treatment work, financial loss by reason of failure to comply with the requirements of sections 115.55 and 115.56. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in the state.

~~In addition, as a condition of licensing, each contractor~~ (c) Each person who performs or offers to perform plumbing work within the state shall have and maintain in effect public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in the state of Minnesota and ~~Each licensed master plumber person who performs or offers to perform plumbing work within the state shall maintain on file with the commissioner a certificate evidencing the insurance. In the event of a policy cancellation, the insurer shall send written notice to the commissioner at the same time that a cancellation request is received from or a notice is sent to the insured.~~

Sec. 20. Minnesota Statutes 2010, section 326B.46, subdivision 3, is amended to read:

Subd. 3. **Bond and insurance exemption.** ~~If a master plumber or restricted master plumber person who is in compliance with the bond and insurance requirements of subdivision 2, employs a licensed plumber, the~~ or an individual who has completed pipe laying training as prescribed by the commissioner, that employee plumber shall not be required to meet the bond and insurance requirements of subdivision 2. An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to meet the bond and insurance requirements of subdivision 2.

Sec. 21. Minnesota Statutes 2010, section 326B.47, subdivision 1, is amended to read:

Subdivision 1. **Registration; supervision; records.** (a) All unlicensed individuals, other than plumber's apprentices and individuals who have completed pipe laying training as prescribed by the commissioner, must be registered under subdivision 3.

(b) A plumber's apprentice or registered unlicensed individual is authorized to assist in the installation of plumbing only while under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber. The master, restricted master, journeyman, or restricted journeyman plumber is responsible for ensuring that all plumbing work performed by the plumber's apprentice or registered unlicensed individual complies with the plumbing code. The supervising master, restricted master, journeyman, or restricted journeyman must be licensed and must be employed by the same employer as the plumber's apprentice or registered unlicensed individual. Licensed individuals shall not permit plumber's apprentices or registered unlicensed individuals to perform plumbing work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices and registered unlicensed individuals shall not supervise the performance of plumbing work or make assignments of plumbing work to unlicensed individuals.

(c) Contractors employing plumber's apprentices or registered unlicensed individuals to perform plumbing work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices and registered unlicensed individuals performing plumbing work, and shall permit the department to examine and copy all such records.

Sec. 22. Minnesota Statutes 2010, section 326B.47, subdivision 3, is amended to read:

Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed individual may register by completing and submitting to the commissioner an application form provided by the

commissioner, with all fees required by section 326B.092. A completed application form must state the date the individual began training, the individual's age, schooling, previous experience, and employer, and other information required by the commissioner. The Plumbing Board may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year.

Sec. 23. Minnesota Statutes 2010, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master and journeyman plumber's licenses shall be made to the commissioner, with all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness.

(b) All initial journeyman plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber and restricted journeyman plumber; and

(4) the registration of a plumber's apprentice under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible ~~person~~ individual by an employer, the fee is \$100.

(f) The commissioner shall charge each person giving bond under section 326B.46, subdivision 2, paragraph (b), a biennial bond filing fee of \$100, unless the person is a licensed contractor.

Sec. 24. Minnesota Statutes 2010, section 326B.56, subdivision 1, is amended to read:

Subdivision 1. **Bonds.** (a) As a condition of licensing, each water conditioning contractor shall give and maintain a bond to the state as described in paragraph (b). No applicant for a water

conditioning contractor or ~~installer~~ license who maintains the bond under paragraph (b) shall be otherwise required to meet the bond requirements of any political subdivision.

(b) Each bond given to the state under this subdivision shall be in the total sum of \$3,000 conditioned upon the faithful and lawful performance of all water conditioning installation or servicing done within the state. The bond shall be for the benefit of persons suffering injuries or damages due to the work. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in this state. The bond must remain in effect at all times while the application is pending and while the license is in effect.

Sec. 25. Minnesota Statutes 2010, section 326B.58, is amended to read:

**326B.58 FEES; RENEWAL.**

(a) Each initial water conditioning master and water conditioning journeyman license shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of water conditioning master and journeyman licenses from one year to two years. By June 30, 2011, all renewed water conditioning contractor and ~~installer~~ licenses shall be two-year licenses. The Plumbing Board may by rule prescribe for the expiration and renewal of licenses.

(c) All water conditioning contractor licenses shall expire on December 31 of the year after issuance or renewal.

(d) For purposes of calculating license fees and renewal fees required under section 326B.092:

- (1) a water conditioning journeyman license shall be considered a journeyman license;
- (2) a water conditioning master license shall be considered a master license; and
- (3) a water conditioning contractor license shall be considered a business license.

Sec. 26. Minnesota Statutes 2010, section 326B.82, subdivision 2, is amended to read:

Subd. 2. **Appropriate and related knowledge.** "Appropriate and related knowledge" means facts, information, or principles that are clearly relevant to the ~~licensee in performing~~ licensee's responsibilities under a license issued by the commissioner. These facts, information, or principles must convey substantive and procedural knowledge as it relates to postlicensing issues and must be relevant to the technical aspects of a ~~particular area of continuing education~~ regulated industry.

Sec. 27. Minnesota Statutes 2010, section 326B.82, subdivision 3, is amended to read:

Subd. 3. **Classroom hour.** "Classroom hour" means ~~a 50-minute hour~~ 50 minutes of educational content.

Sec. 28. Minnesota Statutes 2010, section 326B.82, subdivision 7, is amended to read:

Subd. 7. **Medical hardship.** "Medical hardship" ~~includes~~ means a documented physical disability or medical condition.



Sec. 29. Minnesota Statutes 2010, section 326B.82, subdivision 9, is amended to read:

Subd. 9. **Regulated industries industry.** "Regulated ~~industries industry~~" means ~~residential contracting, residential remodeling, or residential roofing. Each of these is a regulated industry~~ any business, trade, profession, or occupation that requires a license issued under this chapter or chapter 327B as a condition of doing business in Minnesota.

Sec. 30. Minnesota Statutes 2010, section 326B.821, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** The purpose of this section is to establish standards for residential building contractor continuing education. ~~The standards must include requirements for continuing education in the implementation of energy codes or energy conservation measures applicable to residential buildings.~~

Sec. 31. Minnesota Statutes 2010, section 326B.821, subdivision 5, is amended to read:

Subd. 5. **Content.** (a) Continuing education consists of approved courses that impart appropriate and related knowledge in the ~~residential construction industry~~ regulated industries pursuant to ~~sections 326B.802 to 326B.885~~ this chapter and other relevant applicable federal and state laws, rules, and regulations. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in subdivision 11. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

(b) Except as required for Internet continuing education, course examinations will not be required for continuing education courses ~~unless they are required by the sponsor.~~

(c) ~~Textbooks are not required to be used for continuing education courses.~~ If textbooks are not used as part of the course, the sponsor must provide students with a syllabus containing, ~~at a minimum,~~ the course title, the times and dates of the course offering, the name, address, and telephone number of the course sponsor ~~and,~~ the name and affiliation of the instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

(d) Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each classroom hour approved by the commissioner. ~~One credit hour of continuing education is equivalent to 50 minutes of educational content.~~ Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

(e) Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of ~~preparation for the duration~~ of the initial presentation. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the three years immediately prior credits for completion of an approved course may only be used once for renewal of a specific license.

~~(e)~~ (f) Courses will be approved using the following guidelines:

(1) course content must demonstrate significant intellectual or practical content and deal with matters directly related to the practice of ~~residential construction~~ in the regulated industry, workforce safety, or the business of running a ~~residential construction~~ company in the regulated industry. Courses may also address the professional responsibility or ethical obligations of

~~residential contractors to homeowners and suppliers~~ a licensee related to work in the regulated industry;

(2) the following courses may be automatically approved if they are specifically designed for the ~~residential construction~~ regulated industry and are in compliance with paragraph ~~(f)~~ (g):

(i) courses approved by the Minnesota Board of Continuing Legal Education; or

(ii) courses approved by the International Code Council, National Association of Home Building, or other nationally recognized professional organization of the ~~residential construction~~ regulated industry; and

(3) courses must be presented and attended in a suitable classroom or construction setting, except for Internet education courses which must meet the requirements of subdivision 5a. Courses presented via video recording, simultaneous broadcast, or teleconference may be approved provided the sponsor is available at all times during the presentation, except for Internet education courses which must meet the requirements of subdivision 5a.

~~(f)~~ (g) The following courses will not be approved for credit:

(1) courses designed solely to prepare students for a license examination;

(2) courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the ~~residential construction~~ regulated industry;

(3) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;

(4) courses in motivation, salesmanship, psychology, or personal time management;

(5) courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed; or

(6) courses where any of the educational content of the course is the State Building Code that include code provisions that have not been adopted into the State Building Code unless the course materials clarify whether or not that the code provisions have been officially adopted into a future version of the State Building Code and the effective date of enforcement, if applicable.

Sec. 32. Minnesota Statutes 2010, section 326B.821, subdivision 5a, is amended to read:

Subd. 5a. **Internet continuing education.** (a) Minnesota state colleges and universities that are accredited to provide Internet education by the Higher Learning Commission are exempt from the requirements of this subdivision.

(b) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) before the course is submitted for the commissioner's approval. The IDECC approval must accompany the course submitted.

~~(b)~~ (c) An Internet continuing education course must:

(1) specify the minimum computer system requirements;

- (2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;
- (3) include technology to guarantee seat time;
- (4) include a high level of interactivity;
- (5) include graphics that reinforce the content;
- (6) include the ability for the student to contact an instructor or course sponsor within a reasonable amount of time;
- (7) include the ability for the student to get technical support within a reasonable amount of time;
- (8) include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student. Taking the course does not constitute consent;
- (9) be available 24 hours a day, seven days a week, excluding minimal downtime for updating and administration, except that this provision does not apply to live courses taught by an actual instructor and delivered over the Internet;
- (10) provide viewing access to the online course at all times to the commissioner, excluding minimal downtime for updating and administration;
- (11) include a process to authenticate the student's identity;
- (12) inform the student and the commissioner how long after its purchase a course will be accessible;
- (13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;
- (14) provide clear instructions on how to navigate through the course;
- (15) provide automatic bookmarking at any point in the course;
- (16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;
- (17) include a reinforcement response when a quiz question is answered correctly;
- (18) include a response when a quiz question is answered incorrectly;
- (19) include a final examination in which the student must correctly answer 70 percent of the questions;
- (20) allow the student to go back and review any unit at any time, except during the final examination;
- (21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;
- (22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name

of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.

(e) (d) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

Sec. 33. Minnesota Statutes 2010, section 326B.821, subdivision 6, is amended to read:

**Subd. 6. Course approval.** (a) Courses must be approved by the commissioner in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The commissioner shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length.

Licensees requesting credit for continuing education courses that have not been previously approved by the commissioner shall, on a form prescribed by the commissioner, submit an application for approval of continuing education credit accompanied by a nonrefundable fee of \$20 for each course to be reviewed. To be approved, courses must be in compliance with the provisions of this section governing the types of courses that will and will not be approved.

Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered by a provider to any one student for longer than eight hours in one day, excluding meal breaks.

(b) Application for course approval must be submitted on a form approved by the commissioner at least 30 days before the course offering.

(c) Approval must be granted for a subsequent offering of identical continuing education courses without requiring a new application if a notice of the subsequent offering is filed with the commissioner at least 30 days in advance of the date the course is to be held. The commissioner shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval.

Sec. 34. Minnesota Statutes 2010, section 326B.821, subdivision 7, is amended to read:

**Subd. 7. Courses open to all.** All course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only. Courses ~~must~~ shall not be approved if attendance is restricted to any particular group of people, except for company-sponsored courses allowed by applicable law.

Sec. 35. Minnesota Statutes 2010, section 326B.821, subdivision 8, is amended to read:

**Subd. 8. Course sponsor.** (a) Each course of study shall have at least one sponsor, approved by the commissioner, who is responsible for supervising the program and ensuring compliance with all relevant law. Sponsors may engage an additional approved sponsor in order to assist the sponsor or to act as a substitute for the sponsor ~~in the event of an emergency or illness.~~

(b) Sponsors must submit an application and sworn statement stating they agree to abide by the requirements of this section and any other applicable statute or rule pertaining to ~~residential construction~~ continuing education in the regulated industry.

(c) A sponsor may also be an instructor.

(d) Failure to comply with ~~requirements~~ paragraph (b) may result in loss of sponsor approval for up to two years in accordance with section 326B.082.

Sec. 36. Minnesota Statutes 2010, section 326B.821, subdivision 9, is amended to read:

Subd. 9. **Responsibilities.** A sponsor is responsible for:

(1) ensuring compliance with all laws and rules relating to continuing educational offerings governed by the commissioner;

(2) ensuring that students are provided with current and accurate information relating to the laws and rules governing ~~their licensed activity~~ the regulated industry;

(3) supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;

(4) ensuring that instructors are qualified to teach the course offering;

(5) furnishing the commissioner, upon request, with copies of course ~~and instructor~~ evaluations and. Evaluations must be completed by students at the time the course is offered;

(6) ~~furnishing the commissioner, upon request, with copies of the qualifications of instructors. Evaluations must be completed by students at the time the course is offered and by sponsors within five days after the course offering;~~

~~(6)~~ (7) investigating complaints related to course offerings or instructors. A copy of the written complaint must be sent to the commissioner within ten days of receipt of the complaint and a copy of the complaint resolution must be sent not more than ten days after resolution is reached;

~~(7)~~ (8) maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the commissioner upon request. In the event the sponsor ceases operations before termination of the sponsor application, the sponsor must provide to the commissioner digital copies of all course and attendance records of courses held for the previous three years;

~~(8)~~ (9) attending workshops or instructional programs as reasonably required by the commissioner;

~~(9)~~ (10) providing course completion certificates within ten days of, but not before, completion of the entire course. A sponsor may require payment of the course tuition as a condition of receiving the course completion certificate. Course completion certificates must be completed in their entirety. Course completion certificates must and shall contain the following:

(i) the statement: "If you have any comments about this course offering, please mail them to the

Minnesota Department of Labor and Industry.";

~~(ii) the current address of the department must be included. A sponsor may require payment of the course tuition as a condition for receiving the course completion certificate, name of the provider, date and location of the course, educational program identification provided by the department, and hours of instruction or continuing education hours; and~~

~~(iii) the licensee's or attendee's name and license, certificate, or registration number or the last four digits of the licensee's or attendee's Social Security number; and~~

~~(10)~~ (11) notifying the commissioner in writing within ten days of any change in the information in an application for approval on file with the commissioner.

Sec. 37. Minnesota Statutes 2010, section 326B.821, subdivision 10, is amended to read:

Subd. 10. **Instructors.** (a) Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Sponsors are responsible to ensure that an instructor is qualified to teach the course offering.

(b) Qualified continuing education instructors must have one of the following qualifications:

(1) four years' practical experience in the subject area being taught;

(2) a college or graduate degree in the subject area being taught;

(3) direct experience in the development of laws, rules, or regulations related to the ~~residential construction~~ regulated industry; or

(4) demonstrated expertise in the subject area being taught. Instructors providing instruction related to electricity, plumbing, or high pressure piping systems must comply with all applicable continuing education rules adopted by the Board of Electricity, the Plumbing Board, or the Board of High Pressure Piping Systems.

(c) ~~Approved~~ Qualified continuing education instructors are responsible for:

(1) compliance with all laws and rules relating to continuing education;

(2) providing students with current and accurate information;

(3) maintaining an atmosphere conducive to learning in the classroom;

(4) verifying attendance of students, and certifying course completion;

(5) providing assistance to students and responding to questions relating to course materials; and

(6) attending the workshops or instructional programs that are required by the commissioner.

Sec. 38. Minnesota Statutes 2010, section 326B.821, subdivision 11, is amended to read:

Subd. 11. **Prohibited practices for sponsors and instructors.** (a) In connection with an approved continuing education course, sponsors and instructors shall not:

(1) recommend ~~or~~, promote, or disparage the specific services, products, processes, procedures,

or practices of a particular ~~business person in the regulated industry~~;

(2) encourage or recruit ~~individuals~~ students to engage the services of, or become associated with, a particular business;

(3) use materials for the sole purpose of promoting a particular business;

(4) require students to participate in other programs or services offered by an instructor or sponsor;

(5) attempt, either directly or indirectly, to discover questions or answers on an examination for a license;

(6) disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;

(7) misrepresent any information submitted to the commissioner;

(8) fail to reasonably cover, or ensure coverage of, all points, issues, and concepts contained in the course outline approved by the commissioner during the approved instruction; or

(9) issue inaccurate course completion certificates.

(b) Sponsors shall notify the commissioner within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the sponsor or an instructor teaching an approved course. ~~The notification conviction or disciplinary action~~ shall be grounds for the commissioner to withdraw the approval of the sponsor and to disallow the use of the sponsor or instructor.

Sec. 39. Minnesota Statutes 2010, section 326B.821, subdivision 12, is amended to read:

Subd. 12. **Fees Course tuition.** ~~Fees~~ Tuition for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all ~~fees~~ tuition must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their ~~fees~~ tuition refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course, sponsor policies regarding refunds shall govern.

Sec. 40. Minnesota Statutes 2010, section 326B.821, subdivision 15, is amended to read:

Subd. 15. **Advertising courses.** (a) Paragraphs (b) to (g) govern the advertising of continuing education courses.

(b) Advertising must be truthful and not deceptive or misleading. Courses may not be advertised as approved for continuing education credit unless approval has been granted in writing by the commissioner.

(c) Once a course is approved, all advertisement, pamphlet, circular, or other similar materials pertaining to an approved course circulated or distributed in this state, must prominently display the following statement:

"This course has been approved by the Minnesota Department of Labor and Industry for .....

(approved number of hours) hours for ~~residential contractor~~ ..... (regulated industry) continuing education."

(d) Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

(e) Continuing education courses may not be advertised before approval unless the course is described in any advertising as "approval pending." The sponsor must verbally notify ~~licensees~~ students before commencement of the course if the course has been denied credit, has not been approved for credit, or has only been approved for partial credit by the commissioner.

(f) The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

(g) The course approval number must not be included in any advertisement.

Sec. 41. Minnesota Statutes 2010, section 326B.821, subdivision 16, is amended to read:

Subd. 16. **Notice to students.** At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Minnesota Department of Labor and Industry as satisfying ..... (insert number of hours approved) hours of credit toward ~~residential contractor~~ (insert regulated industry) continuing education requirements."

Sec. 42. Minnesota Statutes 2010, section 326B.821, subdivision 18, is amended to read:

Subd. 18. **Falsification of reports or certificates.** A licensee, its ~~qualified person~~ qualifying individual, or an applicant found to have falsified an education report or certificate to the commissioner shall be considered to have violated the laws relating to the regulated industry for which the person has a license and shall be subject to ~~censure, limitation, condition, suspension, or revocation of the license or denial of the application for licensure~~ the enforcement provisions of section 326B.082.

The commissioner reserves the right to audit a licensee's continuing education records.

Sec. 43. Minnesota Statutes 2010, section 326B.821, subdivision 19, is amended to read:

Subd. 19. **Waivers and extensions.** ~~If a licensee provides documentation to the commissioner that the licensee or its qualifying person is unable, and will continue to be unable, to attend actual classroom course work because of a physical disability, medical condition, or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one year. The commissioner shall require that the licensee or its qualifying person satisfactorily complete a self-study program to include reading a sufficient number of textbooks, or listening to a sufficient number of tapes, related to the residential building contractor industry, as would be necessary for the licensee to satisfy continuing educational credit hour needs. The commissioner shall award the licensee credit hours for a self-study program by determining how many credit hours would be granted to a classroom course involving the same material and giving the licensee the same number of credit hours under this section. The licensee may apply each year for a new waiver upon the same terms and conditions as were necessary to secure the original waiver, and must demonstrate~~



~~that in subsequent years, the licensee was unable to complete actual classroom course work. The commissioner may request documentation of the condition upon which the request for waiver is based as is necessary to satisfy the commissioner of the existence of the condition and that the condition does preclude attendance at continuing education courses.~~

Upon written proof demonstrating a medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. ~~Loss of income from either attendance at courses or cancellation of a license is not a bona fide financial hardship.~~ Requests for extensions must be submitted to the commissioner in writing no later than 60 days before the education is due and must include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study on or before the extension period expires.

Sec. 44. Minnesota Statutes 2010, section 326B.821, subdivision 20, is amended to read:

Subd. 20. **Reporting requirements.** ~~Required~~ Continuing education credits must be reported by the sponsor in a manner prescribed by the commissioner. Licensees are responsible for maintaining copies of course completion certificates.

Sec. 45. Minnesota Statutes 2010, section 326B.821, subdivision 22, is amended to read:

Subd. 22. **Continuing education approval.** Continuing education courses must be approved in advance by the commissioner of labor and industry. ~~"Sponsor" means any person or entity offering approved education.~~

Sec. 46. Minnesota Statutes 2010, section 326B.821, subdivision 23, is amended to read:

Subd. 23. **Continuing education fees.** The following fees shall be paid to the commissioner:

(1) initial course approval, \$20 for each hour or fraction of one hour of continuing education course approval sought. Initial course approval expires on the last day of the ~~24th~~ 36th month after the course is approved;

~~(2) renewal of course approval, \$20 per course. Renewal of course approval expires on the last day of the 24th month after the course is renewed;~~

~~(3)~~ (2) initial sponsor approval, \$100. Initial sponsor approval expires on the last day of the 24th month after the sponsor is approved; and

~~(4)~~ (3) renewal of sponsor approval, ~~\$20~~ \$100. Renewal of sponsor approval expires on the last day of the 24th month after the sponsor is renewed.

Sec. 47. Minnesota Statutes 2010, section 326B.865, is amended to read:

**326B.865 SIGN CONTRACTOR; BOND.**

(a) A sign contractor may post a compliance bond with the commissioner, conditioned that the sign contractor shall faithfully perform duties and comply with laws, ordinances, rules, and contracts entered into for the installation of signs. The bond must be renewed biennially and maintained for so long as determined by the commissioner. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the annual amount of the bond. The bond may be canceled as to future liability by the surety upon 30

days' written notice mailed to the commissioner by United States mail.

(b) The amount of the bond shall be \$8,000. The bond may be drawn upon only by a local unit of government that requires sign contractors to post a compliance bond. The bond is in lieu of any compliance bond required by a local unit of government.

(c) For purposes of this section, "sign" means a device, structure, fixture, or placard using graphics, symbols, or written copy that is erected on the premises of an establishment including the name of the establishment or identifying the merchandise, services, activities, or entertainment available on the premises.

(d) Each person giving bond under this section shall pay a biennial bond filing fee of \$100 to the commissioner of labor and industry.

**EFFECTIVE DATE.** This section is effective January 1, 2012.

Sec. 48. Minnesota Statutes 2010, section 326B.89, subdivision 6, is amended to read:

Subd. 6. **Verified application.** To be eligible for compensation from the fund, an owner or lessee shall serve on the commissioner a verified application for compensation on a form approved by the commissioner. The application shall verify the following information:

- (1) the specific grounds upon which the owner or lessee seeks to recover from the fund;
- (2) that the owner or the lessee has obtained a final judgment in a court of competent jurisdiction against a licensee licensed under section 326B.83;
- (3) that the final judgment was obtained against the licensee on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that occurred when the licensee was licensed and performing any of the special skills enumerated under section 326B.802, subdivision 15;
- (4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on the owner's residential real estate, on residential real estate leased by the lessee, or on new residential real estate that has never been occupied or that was occupied by the licensee for less than one year prior to purchase by the owner;
- (5) that the residential real estate is located in Minnesota;
- (6) that the owner or the lessee is not the spouse of the licensee or the personal representative of the licensee;
- (7) the amount of the final judgment, any amount paid in satisfaction of the final judgment, and the amount owing on the final judgment as of the date of the verified application;
- (8) that the owner or lessee has diligently pursued remedies against all the judgment debtors and all other persons liable to the judgment debtor in the contract for which the owner or lessee seeks recovery from the fund; and
- (9) that the verified application is being served within two years after the judgment became final.

The verified application must include documents evidencing the amount of the owner's or

the lessee's actual and direct out-of-pocket loss. The owner's and the lessee's actual and direct out-of-pocket loss shall not include any attorney fees, litigation costs or fees, interest on the loss, and interest on the final judgment obtained as a result of the loss or any costs not directly related to the value difference between what was contracted for and what was provided. Any amount paid in satisfaction of the final judgment shall be applied to the owner's or lessee's actual and direct out-of-pocket loss. An owner or lessee may serve a verified application regardless of whether the final judgment has been discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings on the judgment have either been pursued and concluded or been forgone, including all reviews and appeals. For purposes of this section, owners who are joint tenants or tenants in common are deemed to be a single owner. For purposes of this section, owners and lessees eligible for payment of compensation from the fund shall not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real estate.

Sec. 49. Minnesota Statutes 2010, section 326B.89, subdivision 8, is amended to read:

Subd. 8. **Administrative hearing.** If an owner or a lessee timely serves a request for hearing under subdivision 7, the commissioner shall request that an administrative law judge be assigned and that a hearing be conducted under the contested case provisions of chapter 14 within 45 days after the commissioner received the request for hearing, unless the parties agree to a later date. The commissioner must notify the owner or lessee of the time and place of the hearing at least 15 days before the hearing. Upon petition of the commissioner, the administrative law judge shall continue the hearing up to 60 days and upon a showing of good cause may continue the hearing for such additional period as the administrative law judge deems appropriate.

At the hearing the owner or the lessee shall have the burden of proving by substantial evidence under subdivision 6, clauses (1) to (8). Whenever an applicant's judgment is by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant shall have the burden of proving the cause of action for fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance. Otherwise, the judgment shall create a rebuttable presumption of the fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance. This presumption affects the burden of producing evidence.

The administrative law judge shall issue findings of fact, conclusions of law, and order. If the administrative law judge finds that compensation should be paid to the owner or the lessee, the administrative law judge shall order the commissioner to make payment from the fund of the amount it finds to be payable pursuant to the provisions of and in accordance with the limitations contained in this section. The order of the administrative law judge shall constitute the final decision of the agency in the contested case. The commissioner or the owner or lessee may seek judicial review of the administrative law judge's findings of fact, conclusions of law, and order shall be in accordance with sections 14.63 to 14.69.

Sec. 50. Minnesota Statutes 2010, section 327.32, subdivision 1a, is amended to read:

Subd. 1a. **Requirement; used manufactured homes.** No person shall sell or offer for sale in this state any used manufactured home manufactured after June 14, 1976, or install for occupancy any used manufactured home manufactured after June 14, 1976, unless the used manufactured home complies with the Notice of Compliance Form as provided in this subdivision. If manufactured after June 14, 1976, the home must bear a label as required by the secretary. The Notice of Compliance

Form shall be signed by the seller and purchaser indicating which party is responsible for either making or paying for any necessary corrections prior to the sale and transferring ownership of the manufactured home.

The Notice of Compliance Form shall be substantially in the following form:

"Notice of Compliance Form as required in Minnesota Statutes, section 327.32, subdivision 1

This notice must be completed and signed by the purchaser(s) and the seller(s) of the used manufactured home described in the purchase agreement and on the bottom of this notice before the parties transfer ownership of a used manufactured home constructed after June 14, 1976.

Electric ranges and clothes dryers must have required four-conductor cords and plugs. For the purpose of complying with the requirements of section 327B.06, a licensed retailer or limited retailer shall retain at least one copy of the form required under this subdivision.

Complies .....	Correction required .....
Initialed by Responsible Party: Buyer .....	Seller .....

Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code of Federal Regulations, title 24, section 3280.709 (g), and installed correctly in accordance with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc., Code of Federal Regulations, title 24, section 3280.709 (g)).

Complies .....	Correction required .....
Initialed by Responsible Party: Buyer .....	Seller .....

Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal Regulations, title 24, section 3280.709 (a) and (d)(1) and (2), and installed correctly, in accordance with their listing or standards.

Complies .....	Correction required .....
Initialed by Responsible Party: Buyer .....	Seller .....

Smoke alarms are required to be installed and operational in accordance with Code of Federal Regulations, title 24, section 3280.208.

Complies .....	Correction required .....
Initialed by Responsible Party: Buyer .....	Seller .....

Carbon monoxide alarms or CO detectors that are approved and operational are required to be installed within ten feet of each room lawfully used for sleeping purposes.

Complies .....	Correction required .....
Initialed by Responsible Party: Buyer .....	Seller .....

Egress windows are required in every bedroom with at least one operable window with a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with the bottom of windows

opening no more than 36 inches above the floor. Locks, latches, operating handles, tabs, or other operational devices shall not be located more than 54 inches above the finished floor.

Complies ..... Correction required .....  
Initialed by Responsible Party: Buyer ..... Seller .....

The furnace compartment of the home is required to have interior finish with a flame spread rating not exceeding 25 feet, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies ..... Correction required .....  
Initialed by Responsible Party: Buyer ..... Seller .....

The water heater enclosure in this home is required to have interior finish with a flame spread rating not exceeding 25 feet, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies ..... Correction required .....  
Initialed by Responsible Party: Buyer ..... Seller .....

The home complies with the snowload and heat zone requirements for the state of Minnesota as indicated by the data plate.

Complies ..... Correction required .....  
Initialed by Responsible Party: Buyer ..... Seller .....

The parties to this agreement have initialed all required sections and agree by their signature to complete any necessary corrections prior to the sale or transfer of ownership of the home described below as listed in the purchase agreement. The state of Minnesota or a local building official has the authority to inspect the home in the manner described in Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was properly executed as provided under the Manufactured Home Building Code.

Signature of Purchaser(s) of Home  
.....date.....  
.....  
Print name as appears on purchase agreement  
Signature of Seller(s) of Home  
.....date.....  
.....  
Print name and license number, if applicable  
(Street address of home at time of sale)  
.....

(City/State/Zip).....  
 Name of manufacturer of home.....  
 Model and year.....  
 Serial number....."

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 51. Minnesota Statutes 2010, section 327.32, subdivision 1b, is amended to read:

Subd. 1b. **Alternative design plan.** An alternative frost-free design slab for a new or used manufactured home that is submitted to the local building official, third-party inspector, or the department, stamped by a licensed professional engineer or architect, ~~and is as being in compliance~~ with either the federal installation standards in effect at the date of manufacture, the manufacturer's installation manual, or the Minnesota State Building Code, when applicable, shall be issued a permit ~~by the department~~ within ten days of being received by the approving authority.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 52. Minnesota Statutes 2010, section 327.32, subdivision 1e, is amended to read:

Subd. 1e. **Reinstallation requirements for ~~single-section~~ used manufactured homes.** (a) All ~~single-section~~ used manufactured homes reinstalled less than 24 months from the date of installation by the first purchaser must be reinstalled in compliance with subdivision 1c. All ~~single-section~~ used manufactured homes reinstalled more than 24 months from the date of installation by the first purchaser may be reinstalled without a frost-protected foundation if the home is reinstalled in compliance with Minnesota Rules, chapter 1350, for above frost-line installations and the notice requirement of subdivision 1f is complied with by the seller and the purchaser of the ~~single-section~~ used manufactured home.

(b) The installer shall affix an installation seal issued by the ~~department~~ permitting authority to the outside of the home as required by the Minnesota State Building Code. The certificate of installation issued by the installer of record shall clearly state that the home has been reinstalled with an above frost-line foundation. Fees for inspection of a reinstallation and for issuance of reinstallation seals shall follow the requirements of sections 326B.802 to 326B.885. Fees for review of plans, specifications, and on-site inspections shall be those as specified in section 326B.153, subdivision 1, paragraph (c). Whenever an installation certificate for an above frost-line installation is issued to a ~~single-section~~ used manufactured home being listed for sale, the purchase agreement must disclose that the home is installed on a nonfrost-protected foundation and recommend that the purchaser have the home inspected to determine the effects of frost on the home.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 53. Minnesota Statutes 2010, section 327.33, subdivision 1, is amended to read:

Subdivision 1. **Inspections.** The commissioner shall, through the department's inspectors or through a designated recognized inspection service acting as authorized representative of the commissioner perform sufficient inspections of manufacturing premises and manufactured homes to ensure compliance with sections 327.31 to 327.35, except that municipalities which have adopted the State Building Code may provide inspection and plan review services in noncode areas

~~of the state. The commissioner shall have the exclusive right to conduct inspections, except for the inspections conducted or authorized by the secretary.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 54. Minnesota Statutes 2010, section 327.33, subdivision 2, is amended to read:

Subd. 2. **Fees.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.35. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. Fees for inspections in areas that have not adopted the State Building Code must be equal to the fees for inspections in code areas of the state. Third-party vendors may charge their usual and normal charge for inspections.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 55. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>326B.82, subd. 2</u>	<u>326B.091, subd. 2a</u>
<u>326B.82, subd. 3</u>	<u>326B.091, subd. 2b</u>
<u>326B.82, subd. 5</u>	<u>326B.091, subd. 2c</u>
<u>326B.82, subd. 7</u>	<u>326B.091, subd. 4a</u>
<u>326B.82, subd. 8</u>	<u>326B.091, subd. 5a</u>
<u>326B.82, subd. 9</u>	<u>326B.091, subd. 5c</u>
<u>326B.82, subd. 10</u>	<u>326B.091, subd. 7</u>
<u>326B.821, subd. 4</u>	<u>326B.0981, subd. 17</u>
<u>326B.821, subd. 5</u>	<u>326B.0981, subd. 3</u>
<u>326B.821, subd. 5a</u>	<u>326B.0981, subd. 4</u>
<u>326B.821, subd. 6</u>	<u>326B.0981, subd. 5</u>
<u>326B.821, subd. 7</u>	<u>326B.0981, subd. 6</u>
<u>326B.821, subd. 8</u>	<u>326B.099, subd. 1</u>
<u>326B.821, subd. 9</u>	<u>326B.099, subd. 2</u>

<u>326B.821, subd. 10</u>	<u>326B.099, subd. 3</u>
<u>326B.821, subd. 11</u>	<u>326B.099, subd. 4</u>
<u>326B.821, subd. 12</u>	<u>326B.0981, subd. 7</u>
<u>326B.821, subd. 13</u>	<u>326B.0981, subd. 8</u>
<u>326B.821, subd. 14</u>	<u>326B.0981, subd. 9</u>
<u>326B.821, subd. 15</u>	<u>326B.0981, subd. 10</u>
<u>326B.821, subd. 16</u>	<u>326B.0981, subd. 11</u>
<u>326B.821, subd. 17</u>	<u>326B.099, subd. 5</u>
<u>326B.821, subd. 18</u>	<u>326B.0981, subd. 12</u>
<u>326B.821, subd. 19</u>	<u>326B.0981, subd. 13</u>
<u>326B.821, subd. 20</u>	<u>326B.0981, subd. 14</u>
<u>326B.821, subd. 22</u>	<u>326B.0981, subd. 2</u>
<u>326B.821, subd. 23</u>	<u>326B.0981, subd. 15</u>
<u>326B.821, subd. 24</u>	<u>326B.0981, subd. 16</u>

Sec. 56. **REPEALER.**

Minnesota Statutes 2010, sections 326B.82, subdivisions 4 and 6; and 326B.821, subdivision 3, are repealed.

**EFFECTIVE DATE.** This section is effective January 1, 2012."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for jobs, economic development, and housing; modifying certain programs; modifying fees and licensing, registration, and continuing education provisions; amending Minnesota Statutes 2010, sections 116J.035, by adding a subdivision; 116J.8737, subdivisions 1, 2, 4; 116L.04, subdivision 1; 181.723, subdivision 5; 182.6553, subdivision 6; 326B.04, subdivision 2; 326B.091; 326B.098; 326B.13, subdivision 8; 326B.148, subdivision 1; 326B.42, subdivisions 8, 9, 10, by adding subdivisions; 326B.435, subdivision 2; 326B.438; 326B.46, subdivisions 1a, 1b, 2, 3; 326B.47, subdivisions 1, 3; 326B.49, subdivision 1; 326B.56, subdivision 1; 326B.58; 326B.82, subdivisions 2, 3, 7, 9; 326B.821, subdivisions 1, 5, 5a, 6, 7, 8, 9, 10, 11, 12, 15, 16, 18, 19, 20, 22, 23; 326B.865; 326B.89, subdivisions 6, 8; 327.32, subdivisions 1a, 1b, 1e; 327.33, subdivisions 1, 2; 341.321; Laws 2009, chapter 78, article 1, section 18; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2010, sections 326B.82, subdivisions 4, 6; 326B.821, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Miller, for Senator Fischbach, from the Committee on Higher Education, to which was referred**

**S.F. No. 924:** A bill for an act relating to higher education; amending postsecondary education



provisions; appropriating money; requiring a report; amending Minnesota Statutes 2010, section 136A.121, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**HIGHER EDUCATION APPROPRIATIONS**

Section 1. **SUMMARY OF APPROPRIATIONS.**

Subdivision 1. **Summary By Fund.** The amounts shown in this subdivision summarize direct appropriations, by fund, made in this article.

**SUMMARY BY FUND**

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ 1,252,884,000	\$ 1,252,634,000	\$ 2,505,518,000
<u>Health Care Access</u>	2,157,000	2,157,000	4,314,000
<b><u>Total</u></b>	<b>\$ 1,255,041,000</b>	<b>\$ 1,254,791,000</b>	<b>\$ 2,509,832,000</b>

Subd. 2. **Summary By Agency - All Funds.** The amounts shown in this subdivision summarize direct appropriations, by agency, made in this article.

**SUMMARY BY AGENCY - ALL FUNDS**

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>Minnesota Office of Higher Education</u>	\$ 184,220,000	\$ 183,970,000	\$ 368,190,000
<u>Mayo Medical Foundation</u>	1,351,000	1,351,000	2,702,000
<u>Board of Trustees of the Minnesota State Colleges and Universities</u>	546,827,000	546,827,000	1,093,654,000
<u>Board of Regents of the University of Minnesota</u>	522,643,000	522,643,000	1,045,286,000
<b><u>Total</u></b>	<b>\$ 1,255,041,000</b>	<b>\$ 1,254,791,000</b>	<b>\$ 2,509,832,000</b>

Sec. 2. **HIGHER EDUCATION APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
2012                      2013

**Sec. 3. MINNESOTA OFFICE OF HIGHER EDUCATION**

<b>Subdivision 1. <u>Total Appropriation</u></b>	<b>\$</b>	<b><u>184,220,000</u></b>	<b>\$</b>	<b><u>183,970,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

<b>Subd. 2. <u>State Grants</u></b>	<b><u>147,857,000</u></b>	<b><u>147,857,000</u></b>
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(a) If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.

(b) For the biennium, the tuition maximum is \$10,488 in each year for students in four-year programs, and \$5,808 for students in two-year programs.

(c) This appropriation sets the living and miscellaneous expense allowance at \$7,000 each year.

(d) This appropriation includes \$100,000 the first year and \$100,000 the second year for educational benefits under Minnesota Statutes, section 299A.45, to eligible dependent children and to the spouses of public safety officers killed in the line of duty. If the appropriation in this paragraph for either year is insufficient, the appropriation for the other year is available for it.

<b>Subd. 3. <u>Child Care Grants</u></b>	<b><u>6,684,000</u></b>	<b><u>6,684,000</u></b>
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<b>Subd. 4. <u>State Work-Study</u></b>	<b><u>14,944,000</u></b>	<b><u>14,944,000</u></b>
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<b>Subd. 5. <u>Indian Scholarships</u></b>	<b><u>1,800,000</u></b>	<b><u>1,800,000</u></b>
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This appropriation includes funding each year to administer the Indian scholarship program.

**Subd. 6. Intervention for College Attendance  
Program Grants**

671,000

671,000

For grants under Minnesota Statutes,  
section 136A.861. Up to \$50,000 of this  
appropriation each year may be used for  
administrative expenses.

**Subd. 7. Midwest Higher Education Compact**

95,000

95,000

**Subd. 8. United Family Medicine Residency  
Program**

467,000

467,000

For a grant to the United Family Medicine  
residency program. This appropriation shall  
be used to support up to 18 resident physicians  
each year in family practice at United  
Family Medicine residency programs and  
shall prepare doctors to practice family care  
medicine in underserved rural and urban areas  
of the state. It is intended that this program  
will improve health care in underserved  
communities, provide affordable access to  
appropriate medical care, and manage the  
treatment of patients in a cost-effective  
manner.

**Subd. 9. Interstate Tuition Reciprocity**

3,150,000

3,250,000

If the appropriation in this subdivision for  
either year is insufficient, the appropriation  
for the other year is available to meet  
reciprocity contract obligations.

**Subd. 10. Minnesota College Savings Plan**

350,000

-0-

**Subd. 11. MnLINK Gateway and Minitex**

5,480,000

5,480,000

**Subd. 12. Other Programs**

357,000

357,000

This appropriation includes \$125,000 each  
year for student and parent information,  
\$184,000 each year for the get ready outreach  
program, and \$48,000 each year for a  
grant to the Minnesota Minority Education  
Partnership.

**Subd. 13. Agency Administration**

2,365,000

2,365,000

**Subd. 14. Balances Forward**

A balance in the first year under this section does not cancel, but is available for the second year.

**Subd. 15. Transfers**

The Minnesota Office of Higher Education may transfer unencumbered balances from the appropriations in this section to the state grant appropriation, the interstate tuition reciprocity appropriation, the child care grant appropriation, the Indian scholarship appropriation, the state work-study appropriation, the achieve scholarship appropriation, the public safety officers' survivors appropriation, and the Minnesota college savings plan appropriation. Transfers from the child care or state work-study appropriations may only be made to the extent there is a projected surplus in the appropriation. A transfer may be made only with prior written notice to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over higher education finance.

**Subd. 16. TANF Work-Study**

Notwithstanding any rule to the contrary, work-study jobs funded by a TANF appropriation do not require employer matching funds.

**Sec. 4. BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES**

<b>Subdivision 1. <u>Total Appropriation</u></b>	<b>\$</b>	<b><u>546,827,000</u></b>	<b>\$</b>	<b><u>546,827,000</u></b>
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Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>546,827,000</u>	<u>546,827,000</u>

The amounts that may be spent for each

purpose are specified in the following subdivisions.

<b>Subd. 2. <u>Central Office and Shared Services Unit</u></b>	<u>33,074,000</u>	<u>33,074,000</u>
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For the Office of the Chancellor and the Shared Services Division. The reduction in the appropriation made by this subdivision from the net appropriation made for the central office and shared services unit in the biennium ending June 30, 2011, must not be allocated to any institution nor charged back to any campus or institution.

<b>Subd. 3. <u>Operations and Maintenance</u></b>	<u>509,693,000</u>	<u>509,693,000</u>
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\$120,000 each year is for the Cook County Higher Education Board to provide educational programs and academic support services.

<b>Subd. 4. <u>Learning Network of Minnesota</u></b>	<u>4,060,000</u>	<u>4,060,000</u>
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**Sec. 5. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA**

<b>Subdivision 1. <u>Total Appropriation</u></b>	<b>\$</b>	<b><u>522,643,000</u></b>	<b>\$</b>	<b><u>522,643,000</u></b>
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Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>520,486,000</u>	<u>520,486,000</u>
<u>Health Care Access</u>	<u>2,157,000</u>	<u>2,157,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

<b>Subd. 2. <u>Operations and Maintenance</u></b>	<u>459,547,000</u>	<u>459,547,000</u>
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(a) This appropriation includes funding for operation and maintenance of the system.

(b) This appropriation includes amounts for an Ojibwe Indian language program on the Duluth campus.

(c) This appropriation includes money for the

Dakota language teacher training immersion program on the Twin Cities campus to prepare teachers to teach in Dakota language immersion programs.

(d) This appropriation includes money for the Veterinary Diagnostic Laboratory to preserve accreditation.

(e) During the biennium, the Board of Regents is encouraged to at least proportionally reduce spending for administration relative to spending reductions in other budget areas.

<b><u>Subd. 3. Primary Care Education Initiatives</u></b>	<u>2,157,000</u>	<u>2,157,000</u>
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This appropriation is from the health care access fund.

**Subd. 4. Special Appropriations**

<b><u>(a) Agriculture and Extension Service</u></b>	<u>43,329,000</u>	<u>43,329,000</u>
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For the Agricultural Experiment Station and the Minnesota Extension Service:

(1) the agricultural experiment stations and Minnesota Extension Service must convene agricultural advisory groups to focus research, education, and extension activities on producer needs and implement an outreach strategy that more effectively and rapidly transfers research results and best practices to producers throughout the state;

(2) this appropriation includes funding for research and outreach on the production of renewable energy from Minnesota biomass resources, including agronomic crops, plant and animal wastes, and native plants or trees. The following areas should be prioritized and carried out in consultation with Minnesota producers, renewable energy, and bioenergy organizations:

(i) biofuel and other energy production from perennial crops, small grains, row crops, and forestry products in conjunction with

the Natural Resources Research Institute (NRRI);

(ii) alternative bioenergy crops and cropping systems; and

(iii) biofuel coproducts used for livestock feed;

(3) this appropriation includes funding for the College of Food, Agricultural, and Natural Resources Sciences to establish and provide leadership for organic agronomic, horticultural, livestock, and food systems research, education, and outreach and for the purchase of state-of-the-art laboratory, planting, tilling, harvesting, and processing equipment necessary for this project;

(4) this appropriation includes funding for research efforts that demonstrate a renewed emphasis on the needs of the state's agriculture community. The following areas should be prioritized and carried out in consultation with Minnesota farm organizations:

(i) vegetable crop research with priority for extending the Minnesota vegetable growing season;

(ii) fertilizer and soil fertility research and development;

(iii) soil, groundwater, and surface water conservation practices and contaminant reduction research;

(iv) discovering and developing plant varieties that use nutrients more efficiently;

(v) breeding and development of turf seed and other biomass resources in all three Minnesota biomes;

(vi) development of new disease-resistant and pest-resistant varieties of turf and agronomic crops;

(vii) utilizing plant and livestock cells to treat and cure human diseases;

(viii) the development of dairy coproducts;

(ix) a rapid agricultural response fund for current or emerging animal, plant, and insect problems affecting production or food safety;

(x) crop pest and animal disease research;

(xi) developing animal agriculture that is capable of sustainably feeding the world;

(xii) consumer food safety education and outreach;

(xiii) programs to meet the research and outreach needs of organic livestock and crop farmers; and

(xiv) alternative bioenergy crops and cropping systems; and growing, harvesting, and transporting biomass plant material; and

(5) by February 1, 2013, the Board of Regents must submit a report to the legislative committees with responsibility for agriculture and higher education finance on the status and outcomes of research and initiatives funded in this section.

**(b) Health Sciences**

4,374,000

4,374,000

\$346,000 each year is to support up to 12 resident physicians in the St. Cloud Hospital family practice residency program. The program must prepare doctors to practice primary care medicine in the rural areas of the state. The legislature intends this program to improve health care in rural communities, provide affordable access to appropriate medical care, and manage the treatment of patients in a more cost-effective manner.

The remainder of this appropriation is for the rural physicians associates program, the Veterinary Diagnostic Laboratory, health sciences research, dental care, and the Biomedical Engineering Center.

**(c) Institute of Technology**

1,150,000

1,150,000

For the Geological Survey and the talented



youth mathematics program.

<b><u>(d) System Special</u></b>	<u>5,104,000</u>	<u>5,104,000</u>
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For general research, industrial relations education, Natural Resources Research Institute, Center for Urban and Regional Affairs, Bell Museum of Natural History, and the Humphrey exhibit.

<b><u>(e) University of Minnesota and Mayo Foundation Partnership</u></b>	<u>6,982,000</u>	<u>6,982,000</u>
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For the direct and indirect expenses of the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology and medical genomics. This appropriation is available until expended. All parties to the partnership and chairs and ranking minority members of the senate and house of representatives committees responsible for higher education finance must be consulted before the Board of Regents reduces the amount allocated to the partnership under this paragraph during the biennium ending June 30, 2013. An annual report on the expenditure of these funds must be submitted to the governor and the chairs of the senate and house of representatives committees responsible for higher education and economic development by June 30 of each fiscal year.

**Subd. 5. Academic Health Center**

The appropriation for Academic Health Center funding under Minnesota Statutes, section 297F.10, is \$22,250,000 each year.

**Sec. 6. MAYO MEDICAL FOUNDATION**

<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ 1,351,000</u></b>	<b><u>\$ 1,351,000</u></b>
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The amounts that may be spent for the purposes are specified in the following subdivisions.

**Subd. 2. Medical School**665,000665,000

The state of Minnesota must pay a capitation each year for each student who is a resident of Minnesota. The appropriation may be transferred between years of the biennium to accommodate enrollment fluctuations.

It is intended that during the biennium the Mayo Clinic use the capitation money to increase the number of doctors practicing in rural areas in need of doctors.

**Subd. 3. Family Practice and Graduate Residency Program**686,000686,000

The state of Minnesota must pay stipend support for up to 27 residents each year.

**Sec. 7. TUITION LIMITATION AT MINNESOTA STATE COLLEGES AND UNIVERSITIES.**

During the biennium ending June 30, 2013, the maximum tuition rate increase for all tuition rates at a Minnesota State Colleges and Universities institution or campus to a Minnesota resident undergraduate student may not exceed:

- (1) three percent per academic year at a state college; and
- (2) four percent per academic year at a state university.

**Sec. 8. TUITION LIMITATION; UNIVERSITY OF MINNESOTA.**

The legislature expects that during the biennium ending June 30, 2013, the maximum tuition rate increase to a Minnesota resident undergraduate student enrolled at the University of Minnesota shall not exceed four percent per academic year.

**Sec. 9. ALLOCATION OF MNSCU SALARY SAVINGS.**

During the biennium ending June 30, 2013, any salary savings to the Minnesota State Colleges and Universities system caused by legislation that limits, reduces, or eliminates salary increases during that biennium shall, at the discretion of the Board of Trustees, be used to mitigate tuition increases or allocated to institutions and campuses under the board's allocation model used for distribution of state appropriations.

**Sec. 10. INSUFFICIENCY IN STATE GRANT APPROPRIATION; AWARD REDUCTION CALCULATION.**

During the biennium ending June 30, 2013, the calculation for reducing state grant awards due to an insufficient appropriation to make full awards shall be governed by Minnesota Statutes, section 136A.121, subdivision 7, except that the reductions caused by Minnesota Statutes, section 136A.121, subdivision 7, clause (1), shall be approximately three times the reductions caused by

Minnesota Statutes, section 136A.121, subdivision 7, clause (2).

**Sec. 11. STUDY OF GRADUATE EDUCATION IN FOR-PROFIT SECTOR.**

The Minnesota Office of Higher Education must study graduate education in for-profit institutions with a physical presence in the state. The study must examine the rights and responsibilities of graduate students attending those institutions. At a minimum, the study must include an analysis of graduate student disciplinary processes; processes and policies adopted for the protection of graduate students' intellectual property rights; policies and guidelines addressing academic freedom of inquiry for students; and administrative processes in place to address disputes. The office must report on the findings of this study by January 15, 2013, to the committees of the legislature with responsibility for higher education finance. The report must include recommendations for any changes to improve graduate education in the for-profit sector.

**ARTICLE 2**

**HIGHER EDUCATION STATUTORY CHANGES**

Section 1. Minnesota Statutes 2010, section 135A.51, subdivision 2, is amended to read:

Subd. 2. **Senior citizen.** "Senior citizen" means a person who has reached ~~66~~ 62 years of age before the beginning of any term, semester or quarter, in which a course of study is pursued, or a person receiving a railroad retirement annuity who has reached 60 years of age before the beginning of the term.

**EFFECTIVE DATE.** This section is effective the day after final enactment for terms beginning after July 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 136A.1787, is amended to read:

**136A.1787 SELF LOAN REVENUE BONDS ANNUAL CERTIFICATE OF NEED.**

(a) In order to ensure the payment of the principal of and interest on bonds and notes of the office and the continued maintenance of the loan capital fund under section 136A.1785, the office shall annually determine and certify to the governor, on or before December 1, the amount, if any:

(1) needed to restore the loan capital fund to the minimum amount required by a resolution or indenture relating to any bonds or notes of the office, not exceeding the maximum amount of principal and interest to become due and payable in any subsequent year on all bonds or notes which are then outstanding;

(2) determined by the office to be needed in the immediately ~~ensuing~~ following fiscal year, with other funds pledged and estimated to be received during that year, for the payment of the principal and interest due and payable in that year on all outstanding bonds and notes; and

(3) needed to restore any debt service reserve fund securing any outstanding bonds or notes of the office to the amount required in a resolution or indenture relating to such outstanding bonds or notes.

(b) If the office determines the need under paragraph (a), clause (2) or (3), to be for the immediately following fiscal year, the governor shall include and submit the amounts certified by the office in accordance with this section to the legislature in the governor's budget for the

immediately following fiscal year, or. If the office determines the need under paragraph (a), clause (2) or (3), to be for the current fiscal year, the governor shall include and submit the amounts certified in a governor's supplemental budget if the regular budget for that year has previously been approved enacted.

Sec. 3. Minnesota Statutes 2010, section 136G.01, is amended to read:

**136G.01 PLAN ESTABLISHED.**

A college savings plan known as the Minnesota college savings plan is established. In establishing this plan, the legislature seeks to encourage individuals to save for postsecondary education by:

- (1) providing a qualified tuition plan under federal tax law; and
- ~~(2) providing matching grants for contributions to the program by low and middle income families; and~~
- ~~(3) encouraging individuals, foundations, and businesses to provide additional grants to participating students.~~

Sec. 4. Minnesota Statutes 2010, section 136G.03, subdivision 1, is amended to read:

Subdivision 1. **General.** For purposes of sections 136G.01 to ~~136G.13~~ 136G.14, the following terms have the meanings given.

Sec. 5. Minnesota Statutes 2010, section 136G.03, subdivision 18, is amended to read:

Subd. 18. **Matching grant.** "Matching grant" means an amount added to a matching grant account under section 136G.11 for eligible account beneficiaries for account contributions in calendar years 2001 to 2010.

Sec. 6. Minnesota Statutes 2010, section 136G.03, subdivision 27, is amended to read:

Subd. 27. **Plan.** "Plan" refers to the plan established under sections 136G.01 to ~~136G.13~~ 136G.14.

Sec. 7. Minnesota Statutes 2010, section 136G.05, subdivision 1, is amended to read:

Subdivision 1. **Responsibilities.** (a) The director shall establish the rules, terms, and conditions for the plan, subject to the requirements of sections 136G.01 to ~~136G.13~~ 136G.14.

(b) The director shall prescribe the application forms, procedures, and other requirements that apply to the plan.

Sec. 8. Minnesota Statutes 2010, section 136G.05, subdivision 6, is amended to read:

Subd. 6. **Three-year period for withdrawal of grants.** A matching grant deposited in ~~the a~~ matching grant account based on account owner contributions during calendar years 2001 to 2010 under section 136G.11 may not be withdrawn within three years of the establishment of the account of the beneficiary. In calculating the three-year period, the period held in another account is included, if the account includes a rollover from another account under section 529(c)(3)(C) of the Internal Revenue Code.

Sec. 9. Minnesota Statutes 2010, section 136G.05, subdivision 8, is amended to read:

Subd. 8. **Administration.** The director shall administer the program, including accepting and processing applications, maintaining account records, making payments, ~~making matching grants under section 136G.11,~~ and undertaking any other necessary tasks to administer the program. The office may contract with one or more third parties to carry out some or all of these administrative duties, including providing incentives and marketing the program. The office and the board may jointly contract with third-party providers, if the office and board determine that it is desirable to contract with the same entity or entities for administration and investment management.

Sec. 10. **[145.4221] STATE FUNDS; PROHIBITED USE FOR HUMAN CLONING.**

No state funds or federal funds the state receives for state programs may be used to either support human cloning or to pay for any expenses incidental to human cloning. For purposes of this section, "cloning" means generating a genetically identical copy of an organism at any stage of development by combining an enucleated egg and the nucleus of a somatic cell to make an embryo.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 11. Minnesota Statutes 2010, section 299A.45, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under this section if the person:

(1) is certified under section 299A.44 and in compliance with this section and rules of the commissioner of public safety and the Minnesota Office of Higher Education;

(2) is enrolled in an undergraduate degree or certificate program after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4;

(3) has not received a baccalaureate degree or been enrolled full time for ~~nine~~ ten semesters or the equivalent, except that a student who withdraws from enrollment for active military service is entitled to an additional semester or the equivalent of eligibility; and

(4) is related in one of the following ways to a public safety officer killed in the line of duty on or after January 1, 1973:

(i) as a dependent child less than 23 years of age;

(ii) as a surviving spouse; or

(iii) as a dependent child less than 30 years of age who has served on active military duty 181 consecutive days or more and has been honorably discharged or released to the dependent child's reserve or National Guard unit.

Sec. 12. **REPEALER.**

Minnesota Statutes 2010, section 136G.11, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, are repealed effective July 1, 2012.

Sec. 13. **EFFECTIVE DATE.**

Sections 3 to 9 are effective July 1, 2012."

Delete the title and insert:

"A bill for an act relating to higher education; amending postsecondary education provisions; prohibiting use of certain public funds to support human cloning; appropriating money; amending Minnesota Statutes 2010, sections 135A.51, subdivision 2; 136A.1787; 136G.01; 136G.03, subdivisions 1, 18, 27; 136G.05, subdivisions 1, 6, 8; 299A.45, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2010, section 136G.11, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

### **REPORT OF VOTES IN COMMITTEE**

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the Fischbach amendment to the Fischbach amendment to S.F. No. 924.

There were yeas 7 and nays 6, as follows:

Those who voted in the affirmative were:

Senators Brown, Carlson, Fischbach, Gimse, Miller, Pederson and Robling.

Those who voted in the negative were:

Senators Latz, Lourey, Pappas, Saxhaug, Sheran and Tomassoni.

The amendment was adopted.

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the Tomassoni amendment to the Fischbach amendment to S.F. No. 924.

There were yeas 6 and nays 7, as follows:

Those who voted in the affirmative were:

Senators Latz, Lourey, Pappas, Saxhaug, Sheran and Tomassoni.

Those who voted in the negative were:

Senators Brown, Carlson, Fischbach, Gimse, Miller, Pederson and Robling.

The amendment was not adopted.

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the Sheran amendment to the Fischbach amendment to S.F. No. 924.

There were yeas 6 and nays 7, as follows:

Those who voted in the affirmative were:

Senators Latz, Lourey, Pappas, Saxhaug, Sheran and Tomassoni.

Those who voted in the negative were:

Senators Brown, Carlson, Fischbach, Gimse, Miller, Pederson and Robling.

The amendment was not adopted.

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 924 be recommended to pass.

There were yeas 7 and nays 6, as follows:

Those who voted in the affirmative were:

Senators Brown, Carlson, Fischbach, Gimse, Miller, Pederson and Robling.

Those who voted in the negative were:

Senators Latz, Lourey, Pappas, Saxhaug, Sheran and Tomassoni.

The bill was recommended to pass.

#### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

##### **Senator Limmer introduced—**

**S.F. No. 1018:** A bill for an act relating to taxation; authorizing valuation exclusion for certain improvements to homestead, certain nonhomesteaded, and commercial-industrial property; amending Minnesota Statutes 2010, section 273.11, subdivision 16, by adding a subdivision.

Referred to the Committee on Taxes.

##### **Senators Marty, Dibble and Sheran introduced—**

**S.F. No. 1019:** A bill for an act relating to human services; appropriating money for family assets for independence grants.

Referred to the Committee on Health and Human Services.

##### **Senators Higgins, Sheran and Bakk introduced—**

**S.F. No. 1020:** A bill for an act relating to insurance; providing coverage for autism spectrum disorders; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Lourey and Rosen introduced–**

**S.F. No. 1021:** A bill for an act relating to public employment; modifying public employee insurance program eligible employers; amending Minnesota Statutes 2010, section 43A.316, subdivision 2.

Referred to the Committee on State Government Innovation and Veterans.

**Senators Nelson, Olson, Wolf and Bonoff introduced–**

**S.F. No. 1022:** A bill for an act relating to education; establishing annual evaluations for principals; convening a group of experts and stakeholders to recommend a performance-based system model for these evaluations; amending Minnesota Statutes 2010, sections 123B.143, subdivision 1; 123B.147, subdivision 3.

Referred to the Committee on Education.

**Senator Brown introduced–**

**S.F. No. 1023:** A bill for an act relating to energy; eliminating certain allocations and temporarily prohibiting approval of certain expenditures from renewable development account; amending Minnesota Statutes 2010, section 116C.779, subdivision 3.

Referred to the Committee on Energy, Utilities and Telecommunications.

**Senator Robling introduced–**

**S.F. No. 1024:** A bill for an act relating to education finance; updating education appropriations to reflect the February forecast; amending Laws 2009, chapter 96, article 1, section 24, subdivisions 2, as amended, 3, 4, as amended, 5, as amended, 6, as amended, 7, as amended; article 2, section 67, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, 9, as amended; article 3, section 21, subdivisions 3, 4, as amended; article 4, section 12, subdivision 6, as amended; article 5, section 13, subdivisions 2, 3, 4, as amended; article 6, section 11, subdivisions 3, as amended, 4, as amended, 8, as amended, 12, as amended.

Referred to the Committee on Finance.

**Senator Dahms introduced–**

**S.F. No. 1025:** A bill for an act relating to capital investment; appropriating money for flood hazard mitigation in New Ulm; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Hann, Berglin and Rosen introduced–**

**S.F. No. 1026:** A bill for an act relating to human services; establishing a sex offender civil commitment petition screening panel for purposes of determining whether the civil commitment of certain sex offenders is appropriate; requiring county payment of certain expenses; providing for the identification and development of alternative treatment facilities; providing for reduction in custody



petitions for patients in alternative programs or assisted living units; requiring implementation of the statewide judicial panel for commitment proceedings regarding sexual psychopathic personalities and sexually dangerous persons; providing for consideration of alternatives to commitment or alternative treatment programs in certain cases; including provisions governing a stay of commitment; amending Minnesota Statutes 2010, sections 244.05, subdivision 7; 246B.10; 253B.095, subdivisions 1, 2, 3; 253B.185, subdivisions 1, 4, 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 246B; 253B.

Referred to the Committee on Judiciary and Public Safety.

**Senators Newman, Hoffman and Thompson introduced—**

**S.F. No. 1027:** A bill for an act relating to public safety; permitting counties to withdraw from the statewide public defense system for two-year periods; requiring withdrawing counties to provide court-ordered representation for indigent offenders; requiring a percentage of the budget of the State Board of Public Defense to be transferred to a withdrawing county; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 611.

Referred to the Committee on Judiciary and Public Safety.

**Senators Kubly, Skoe and Stumpf introduced—**

**S.F. No. 1028:** A bill for an act relating to appropriations; appropriating money for agriculture and the Board of Animal Health; changing certain requirements, programs, and provisions; amending Minnesota Statutes 2010, sections 18C.005, by adding a subdivision; 18C.111, by adding a subdivision; 18C.131; 18C.425, by adding a subdivision; 18D.201, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 27.041, by adding a subdivision; 28A.08, subdivision 3; repealing Minnesota Statutes 2010, section 41A.09, subdivisions 1a, 2a, 3a, 4, 10.

Referred to the Committee on Rules and Administration.

**Senator Ingebrigtsen, for the Committee on Environment and Natural Resources, introduced—**

**S.F. No. 1029:** A bill for an act relating to state government; appropriating money for environment and natural resources; appropriating money from the environment and natural resources trust fund; modifying provisions for taking game and fish; modifying certain licenses and restrictions for hunting and fishing; modifying grant programs; modifying solid waste provisions; creating accounts; modifying disposition of certain receipts; modifying trail and surface water use provisions; modifying Mineral Coordinating Committee and citizen oversight committees; modifying sunset dates; modifying environmental review and permit requirements; modifying certain rulemaking requirements; requiring studies and rulemaking; amending Minnesota Statutes 2010, sections 17.135; 84.033, subdivision 1; 84.035, subdivision 6; 84.925, subdivision 1; 84D.15, subdivision 2; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 85.052, subdivision 4; 85.32, subdivision 1; 86B.106; 86B.121; 89.039, subdivision 1; 89.21; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b, by adding a subdivision; 97A.465, subdivision 5; 97A.502; 97B.031, subdivision 5; 97B.325; 97B.326; 97B.405; 97B.667; 103G.271, subdivision 6; 103G.301, by adding a subdivision; 115.073; 115A.1314; 115A.1320, subdivision 1; 115C.13; 116.07,

subdivisions 4h, 7c; 116.0711, by adding a subdivision; 116D.04, subdivision 2a, as amended; 116G.15, subdivision 1; 299C.40, subdivision 1; 357.021, subdivision 7; 609.66, subdivision 1h; proposing coding for new law in Minnesota Statutes, chapters 84; 89; 97A; 97C; 103G; 115A; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 85.013, subdivision 2b; 89.06; 89.35; 89.36; 89.37; 89.38; 89.39; 89.391; 97B.511; 97B.515, subdivision 3; 116G.15, subdivisions 2, 3, 4, 5, 6, 7.

Referred to the Committee on Finance.

**Senator Olson, for the Committee on Education, introduced—**

**S.F. No. 1030:** A bill for an act relating to education; providing for general education; education excellence; special programs; facilities and technology; nutrition and accounting; libraries; early childhood education; prevention; self-sufficiency and lifelong learning; state agencies; and forecast adjustments; amending Minnesota Statutes 2010, sections 11A.16, subdivision 5; 120A.22, subdivision 11; 120A.24; 120B.023, subdivision 2; 120B.07; 121A.15, subdivision 8; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.40, subdivisions 7, 9, 11, 13, 15, 16, by adding subdivisions; 122A.41, subdivisions 4, 14, by adding a subdivision; 123B.42, subdivision 1; 123B.44, subdivision 1; 123B.54; 123B.57; 123B.63, subdivision 3; 123B.75, subdivision 5; 123B.88, by adding a subdivision; 123B.92, subdivision 1; 124D.09, subdivisions 5, 7, 8; 124D.10, subdivision 3; 124D.11, subdivision 4; 124D.36; 124D.37; 124D.38, subdivision 3; 124D.385, subdivision 3; 124D.39; 124D.40; 124D.42; 124D.44; 124D.45, subdivision 2; 124D.4531, subdivision 1; 124D.531, subdivisions 1, 4; 124D.59, subdivision 2; 125A.69, subdivision 1; 125A.76, subdivision 1; 125A.79, subdivision 1; 126C.10, subdivisions 2, 3, 7, 8, 8a, 14, 18; 126C.126; 126C.20; 126C.40, subdivision 1; 126C.44; 127A.441; 127A.45, subdivisions 2, 6a; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; Laws 1999, chapter 241, article 4, section 25, by adding a subdivision; Laws 2008, chapter 363, article 2, section 46, subdivision 1, as amended; Laws 2009, chapter 96, article 1, section 24, subdivisions 2, as amended, 3, 4, as amended, 5, as amended, 6, as amended, 7, as amended; article 2, section 67, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, 9, as amended; article 3, section 21, subdivisions 3, 4, as amended; article 4, section 12, subdivision 6, as amended; article 5, section 13, subdivisions 2, 3, 4, as amended; article 6, section 11, subdivisions 3, as amended, 4, as amended, 8, as amended, 12, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 124D; repealing Minnesota Statutes 2010, sections 120A.26, subdivisions 1, 2; 122A.60; 122A.61; 123B.05; 124D.11, subdivision 8; 124D.38, subdivisions 4, 5, 6; 124D.86; 124D.87; 124D.871; 124D.88; 124D.892, subdivisions 1, 2; 124D.896; 127A.46; Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140; 3535.0150; 3535.0160; 3535.0170; 3535.0180.

Referred to the Committee on Taxes.

**MOTIONS AND RESOLUTIONS**

Senator Gerlach moved that S.F. No. 926 be withdrawn from the Committee on Judiciary and Public Safety and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Koch moved that H.F. No. 613 be withdrawn from the Committee on Local Government

and Elections, and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 124, now on the Calendar. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Koch moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Fischbach in the chair.

After some time spent therein, the committee arose, and Senator Fischbach reported that the committee had considered the following:

S.F. No. 156, which the committee recommends to pass.

**S.F. No. 39**, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 39.

The roll was called, and there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Howe	Michel	Pederson
Brown	Gazelka	Ingebrigtsen	Miller	Robling
Carlson	Gerlach	Koch	Nelson	Rosen
Chamberlain	Gimse	Kruse	Newman	Scheid
Dahms	Hall	Lillie	Nienow	Senjem
Daley	Hann	Limmer	Olson	Vandever
DeKruif	Hoffman	Magnus	Parry	Wolf

Those who voted in the negative were:

Bakk	Harrington	Lourey	Saxhaug	Tomassoni
Berglin	Higgins	Metzen	Sheran	Torres Ray
Bonoff	Kelash	Pappas	Sieben	Wiger
Cohen	Kubly	Pogemiller	Skoe	
Dibble	Langseth	Reinert	Sparks	
Goodwin	Latz	Rest	Stumpf	

The motion prevailed. So S.F. No. 39 was recommended to pass.

**S.F. No. 626**, which the committee recommends to pass with the following amendment offered by Senator Rosen:

Page 2, line 18, after "thousand" insert "people age 65 and older, in five year age groups, using data from the most recent census and population projections, weighted by each groups' most recent nursing home utilization,"

Page 2, line 20, before "associated" insert "for nursing facility services"

Page 2, line 24, after "noninstitutional" insert "long-term care" and after "services" insert "measured as public spending for home and community-based long-term care services per individual age 65 and older, in five year age groups, using data from the most recent census and population projections, weighted by each groups' most recent nursing home utilization,"

Page 2, line 27, after "hardship" insert "resulting from insufficient access to nursing home beds"

Page 6, after line 36, insert:

"(i) When beds approved for relocation are put into active service at the destination facility, rates determined in this subdivision must be adjusted by any adjustment amounts that were implemented after the date of the letter of approval."

The motion prevailed. So the amendment was adopted.

On motion of Senator Koch, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Koch moved that the Senate take up the Calendar. The motion prevailed.

### CALENDAR

**S.F. No. 137:** A bill for an act relating to real property; clarifying deeds to correct title and certain acknowledgments; providing for cancellation of residential purchase agreements; clarifying redemption period for foreclosure of certain mortgages; amending Minnesota Statutes 2010, sections 272.15; 358.50; 559.217, subdivisions 3, 4, 8; 580.23, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nienow	Sheran
Benson	Gerlach	Kubly	Olson	Sieben
Berglin	Gimse	Langseth	Pappas	Skoe
Bonoff	Goodwin	Latz	Parry	Sparks
Brown	Hall	Lillie	Pederson	Stumpf
Carlson	Hann	Limmer	Pogemiller	Tomassoni
Chamberlain	Harrington	Lourey	Reinert	Torres Ray
Cohen	Higgins	Magnus	Rest	Vandever
Dahms	Hoffman	Metzen	Robling	Wiger
Daley	Howe	Michel	Rosen	Wolf
DeKruif	Ingebrigtsen	Miller	Saxhaug	
Dibble	Kelash	Nelson	Scheid	
Fischbach	Koch	Newman	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 191:** A bill for an act relating to insurance; enacting the recommendation of the Small Group Health Insurance Market Working Group by repealing a requirement that small employers that do not offer group health coverage either offer, or file a form with the state stating a decision not to offer, a Section 125 plan through which employees may contribute wages to a pretax account from which to pay for individual health insurance; repealing Minnesota Statutes 2010, section 62U.07.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nienow	Sheran
Benson	Gerlach	Kubly	Olson	Sieben
Berglin	Gimse	Langseth	Pappas	Skoe
Bonoff	Goodwin	Latz	Parry	Sparks
Brown	Hall	Lillie	Pederson	Stumpf
Carlson	Hann	Limmer	Pogemiller	Tomassoni
Chamberlain	Harrington	Lourey	Reinert	Torres Ray
Cohen	Higgins	Magnus	Rest	Vandeveer
Dahms	Hoffman	Metzen	Robling	Wiger
Daley	Howe	Michel	Rosen	Wolf
DeKruif	Ingebrigtsen	Miller	Saxhaug	
Dibble	Kelash	Nelson	Scheid	
Fischbach	Koch	Newman	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 478:** A bill for an act relating to motor vehicles; providing for disability motorcycle plate; amending Minnesota Statutes 2010, sections 168.021; 169.345, subdivisions 1, 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Nienow	Sheran
Benson	Gerlach	Kubly	Olson	Sieben
Berglin	Gimse	Langseth	Pappas	Skoe
Bonoff	Goodwin	Latz	Parry	Sparks
Brown	Hall	Lillie	Pederson	Stumpf
Carlson	Hann	Limmer	Pogemiller	Tomassoni
Chamberlain	Harrington	Lourey	Reinert	Torres Ray
Cohen	Higgins	Magnus	Rest	Vandeveer
Dahms	Hoffman	Metzen	Robling	Wiger
Daley	Howe	Michel	Rosen	Wolf
DeKruif	Ingebrigtsen	Miller	Saxhaug	
Dibble	Kelash	Nelson	Scheid	
Fischbach	Koch	Newman	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 551:** A bill for an act relating to liquor; authorizing cities to issue license for sales at a stadium or ballpark for the purposes of summer collegiate league baseball games; amending Minnesota Statutes 2010, section 340A.404, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 8, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kubly	Pappas	Sieben
Benson	Gerlach	Langseth	Parry	Skoe
Brown	Gimse	Latz	Pederson	Sparks
Carlson	Goodwin	Lillie	Pogemiller	Stumpf
Chamberlain	Harrington	Lourey	Reinert	Tomassoni
Cohen	Higgins	Magnus	Robling	Torres Ray
Dahms	Howe	Metzen	Rosen	Vandever
Daley	Ingebrigtsen	Michel	Saxhaug	Wiger
DeKruif	Kelash	Miller	Scheid	Wolf
Dibble	Koch	Nelson	Senjem	
Fischbach	Kruse	Newman	Sheran	

Those who voted in the negative were:

Berglin	Hall	Hoffman	Nienow
Bonoff	Hann	Limmer	Rest

So the bill passed and its title was agreed to.

### MEMBERS EXCUSED

Senators Jungbauer, Marty and Thompson were excused from the Session of today. Senator Ortman was excused from the Session of today at 11:45 a.m.

### ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 9:00 a.m., Friday, March 25, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate