

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2947

03/10/2014 Authored by Mahoney

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy

03/27/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

A bill for an act

relating to labor and industry; making housekeeping changes to the Office of Combative Sports and Construction Codes and Licensing Division; removing obsolete, redundant, and unnecessary laws and rules; making conforming changes; amending Minnesota Statutes 2012, sections 181.171, subdivision 1; 182.6553, subdivisions 1, 2; 184.21, subdivision 4; 184.24, subdivision 1; 184.41; 326B.092, subdivisions 3, 7; 326B.094, subdivisions 2, 3; 326B.106, subdivisions 4, 7; 326B.109, subdivision 2; 326B.135, subdivision 4; 326B.139; 326B.194; 326B.37, subdivision 11; 326B.46, subdivision 1b; 326B.811, subdivision 1; 326B.84; 326B.978, by adding a subdivision; 326B.99, subdivision 2; 341.21, subdivisions 2a, 4, 4f, by adding a subdivision; 341.28, subdivision 3; 341.30, subdivisions 1, 2; 341.32, subdivision 1; 341.33; Minnesota Statutes 2013 Supplement, sections 177.27, subdivision 4; 326B.184, subdivision 2; 326B.49, subdivision 3; 341.29; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; repealing Minnesota Statutes 2012, sections 175.006, subdivision 1; 175.08; 175.14; 175.26; 181.12; 181.9435, subdivision 2; 184.22, subdivision 1; 184.25; 184.26; 184.27; 184.28; 184.29; 184.30, subdivision 1; 184.32; 184.33; 184.34; 184.35; 184.36; 184.38, subdivisions 2, 16, 17; 184.40; 326B.091, subdivision 6; 326B.106, subdivision 10; 326B.169; 326B.181; 471.465; 471.466; 471.467; 471.468; 609B.137; Minnesota Rules, parts 5200.0510; 5200.0520; 5200.0530; 5200.0540; 5200.0550; 5200.0560; 5200.0570; 5200.0750; 5200.0760.

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

ARTICLE 1

OFFICE OF COMBATIVE SPORTS

Section 1. Minnesota Statutes 2012, section 341.21, subdivision 2a, is amended to read:

Subd. 2a. **Combatant.** "Combatant" means an individual who employs the act of attack and defense as a boxer, tough person, martial artist, or mixed martial artist while engaged in a combative sport.

Sec. 2. Minnesota Statutes 2012, section 341.21, subdivision 4, is amended to read:

Subd. 4. **Combative sports contest.** "Combative sports contest" means a professional boxing, a professional or amateur tough person, or a professional or amateur martial art contest or mixed martial art arts contest, bout, competition, match, or exhibition.

Sec. 3. Minnesota Statutes 2012, section 341.21, subdivision 4f, is amended to read:

Subd. 4f. **Mixed martial arts contest.** "Mixed martial arts contest" means a combat sport in which combatants are permitted to use a wide range of fighting techniques and is a contest between two or more individuals consisting of any combination of two or more full contact martial art including, but not limited to, Muay Thai and karate, kickboxing, wrestling, grappling, or other recognized martial art disciplines.

Sec. 4. Minnesota Statutes 2012, section 341.21, is amended by adding a subdivision to read:

Subd. 4h. **Martial art.** "Martial art" means a variety of weaponless disciplines of combat or self-defense that utilize physical skill and coordination, and are practiced as combat sports, including, but not limited to, kickboxing, tae kwon do, karate, Muay Thai, judo, kung fu, jiu-jitsu, wrestling, and tai chi.

Sec. 5. Minnesota Statutes 2012, section 341.28, subdivision 3, is amended to read:

Subd. 3. **Regulatory authority; mixed martial arts contests; similar sporting events.** All professional and amateur mixed martial arts contests, martial art contests, ultimate fight contests, and similar sporting events are subject to this chapter and all officials at these events must be licensed under this chapter.

Sec. 6. Minnesota Statutes 2013 Supplement, section 341.29, is amended to read:

341.29 JURISDICTION OF COMMISSIONER.

The commissioner shall:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all combative sport contests that are held within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

(3) grant a license to an applicant if, in the judgment of the commissioner, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, convenience, or necessity and the best interests of combative sports and conforms with this chapter and the commissioner's rules; and

(4) deny, suspend, or revoke a license using the enforcement provisions of section 326B.082, but the licensing reapplication time frames remain within the sole discretion of the commissioner; and

(5) serve final nonlicensing orders in performing the duties of this chapter which are subject to the contested case procedures provided in sections 14.57 to 14.69.

Sec. 7. Minnesota Statutes 2012, section 341.30, subdivision 1, is amended to read:

Subdivision 1. **Licensure; individuals.** All referees, judges, promoters, trainers, ring announcers, timekeepers, ringside physicians, combatants, managers, and seconds are required to be licensed by the commissioner. The commissioner shall not permit any of these persons to participate in ~~the holding or conduct of~~ any matter with any combative sport contest unless the commissioner has first issued the person a license.

Sec. 8. Minnesota Statutes 2012, section 341.30, subdivision 2, is amended to read:

Subd. 2. **Entity licensure.** Before participating in the holding, promoting, or ~~conduct~~ conducting of any combative sport contest, a corporation, partnership, limited liability company, or other business entity organized and existing under law, ~~its officers and directors, and any person holding 25 percent or more of the ownership of the corporation~~ shall obtain a license from the commissioner and must be authorized to do business under the laws of this state.

Sec. 9. Minnesota Statutes 2013 Supplement, section 341.30, subdivision 4, is amended to read:

Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's license to a promoter ~~an individual~~, corporation, or other business entity, the applicant shall, a minimum of six weeks before the combative sport contest is scheduled to occur, complete a licensing application on the Office of Combative Sports Web site or on forms furnished or approved by the commissioner and shall:

(1) provide the commissioner with a copy of any agreement between a combatant and the applicant that binds the applicant to pay the combatant a certain fixed fee or percentage of the gate receipts;

(2) show on the licensing application the owner or owners of the applicant entity and the percentage of interest held by each owner holding a 25 percent or more interest in the applicant;

(3) provide the commissioner with a copy of the latest financial statement of the entity applicant; and

(4) provide the commissioner with a copy or other proof acceptable to the commissioner of the insurance contract or policy required by this chapter;

(5) provide proof, where applicable, of authorization to do business in the state of Minnesota; and

~~(b) Before the commissioner issues a license to a promoter, the applicant shall~~
(6) deposit with the commissioner a cash bond or surety bond in an amount set by the commissioner, which must not be less than \$10,000. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations under this chapter and the rules adopted under it. An applicant for a license as a promoter and licensed promoters shall submit an application for each event a minimum of six weeks before the combative sport contest is scheduled to occur.

~~(e)~~ (b) Before the commissioner issues a license to a combatant, the applicant shall submit to the commissioner:

(1) a mixed martial arts combatant national identification number or federal boxing identification number that is unique to the applicant, or both; ~~and~~

(2) the results of a current medical examination on forms furnished or approved by the commissioner. The medical examination must include an ophthalmological and neurological examination, and documentation of test results for HBV, HCV, and HIV, and any other blood test as the commissioner by rule may require. The ophthalmological examination must be designed to detect any retinal defects or other damage or condition of the eye that could be aggravated by combative sports. The neurological examination must include an electroencephalogram or medically superior test if the combatant has been knocked unconscious in a previous contest. The commissioner may also order an electroencephalogram or other appropriate neurological or physical examination before any contest if it determines that the examination is desirable to protect the health of the combatant. The commissioner shall not issue a license to an applicant submitting positive test results for HBV, HCV, or HIV; and

(3) a complete licensing application on the Office of Combative Sports Web site or on forms furnished or approved by the commissioner.

Sec. 10. Minnesota Statutes 2012, section 341.32, subdivision 1, is amended to read:

Subdivision 1. **Annual licensure.** The commissioner may establish and issue annual licenses subject to the collection of advance fees by the commissioner for promoters, managers, judges, referees, ring announcers, ringside physicians, timekeepers, combatants, trainers, and seconds, ~~business entities filing for a license to participate in the holding of any contest, and officers, directors, or other persons affiliated with the business entity.~~

Sec. 11. Minnesota Statutes 2013 Supplement, section 341.32, subdivision 2, is amended to read:

Subd. 2. **Expiration and renewal.** Licenses expire annually on December 31, and may be renewed by filing an application for renewal with the commissioner, satisfying all licensure requirements established in section 341.30, and payment of the license fees established in section 341.321. An application for a license and renewal of a license must be on a form provided by the commissioner. ~~There is a 30-day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the commissioner has renewed the license. If the licensee fails to apply to the commissioner within the 30-day grace period, the licensee must apply for a new license under subdivision 1.~~

Sec. 12. Minnesota Statutes 2013 Supplement, section 341.321, is amended to read:

341.321 FEE SCHEDULE.

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

- ~~(1) referees, \$80 for each initial license and each renewal;~~
- ~~(2) promoters, \$700 for each initial license and each renewal;~~
- ~~(3) judges and knockdown judges, \$80 for each initial license and each renewal;~~
- ~~(4) trainers, \$80 for each initial license and each renewal;~~
- ~~(5) ring announcers, \$80 for each initial license and each renewal;~~
- ~~(6) seconds, \$80 for each initial license and each renewal;~~
- ~~(7) timekeepers, \$80 for each initial license and each renewal;~~
- ~~(8) professional combatants, \$100 for each initial license and each renewal;~~
- ~~(9) amateur combatants, \$60;~~
- ~~(9) (10) managers, \$80 for each initial license and each renewal; and~~
- ~~(10) (11) ringside physicians, \$80 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 professional license ~~on the same day within the 48 hours preceding when~~ the combative sporting event is held shall pay a late fee of \$100 plus the original license fee of \$120 ~~at the time the application is submitted.~~

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

- ~~(1) referees, \$80 for each initial license and each renewal;~~
- ~~(2) promoters, \$700 for each initial license and each renewal;~~
- ~~(3) judges and knockdown judges, \$80 for each initial license and each renewal;~~

- (4) trainers, \$80 for each initial license and each renewal;
(5) ring announcers, \$80 for each initial license and each renewal;
(6) seconds, \$80 for each initial license and each renewal;
(7) timekeepers, \$80 for each initial license and each renewal;
(8) combatant, \$60 for each initial license and each renewal;
(9) managers, \$80 for each initial license and each renewal; and
(10) ringside physicians, \$80 for each initial license and each renewal.

(e) (b) The commissioner shall establish a contest fee for each combative sport contest and shall consider the size and type of venue when establishing a contest fee. 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 commissioner when the combative sport contest is scheduled. The amateur combative sport contest fee shall be \$1,500 or not more than four percent of the gross ticket sales, whichever is greater. The commissioner shall consider the size and type of venue when establishing a contest fee. The commissioner may establish the maximum number of complimentary tickets allowed for each event by rule.

(c) A professional or amateur combative sport contest fee is nonrefundable; and shall be paid as follows:

- (1) \$500 at the time the combative sport contest is scheduled; and
(2) \$1,000 at the weigh-in prior to the contest.

If four percent of the gross ticket sales is greater than \$1,500, the balance shall be due to the commissioner within 24 hours of the completed contest.

(d) The commissioner may establish the maximum number of complimentary tickets allowed for each event by rule.

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

Sec. 13. Minnesota Statutes 2012, section 341.33, is amended to read:

341.33 PHYSICAL EXAMINATION REQUIRED; FEES.

Subdivision 1. **Examination by physician.** All combatants must be examined by a physician licensed by this state within 36 hours before entering the ring, and the examining physician shall immediately file with the commissioner a written report of the examination. The physician's examination may report on the condition of the combatant's heart and general physical and general neurological condition. The physician's report may record the condition of the combatant's nervous system and brain as required by the commissioner. The physician may prohibit the combatant from entering the ring if, in

the physician's professional opinion, it is in the best interest of the combatant's health. The cost of the examination is payable by the ~~person or entity~~ promoter conducting the contest or exhibition.

Subd. 2. **Attendance of physician.** A ~~person~~ promoter holding or sponsoring a combative sport contest shall have in attendance a physician licensed by this state. The commissioner may establish a schedule of fees to be paid to each attending physician by the ~~person~~ promoter holding or sponsoring the contest.

Sec. 14. **REVISOR'S INSTRUCTION.**

The revisor shall renumber the subdivisions in Minnesota Statutes, section 341.21, so that the definitions appear in alphabetical order. The revisor shall make any cross-reference changes necessary as a result of the renumbering.

ARTICLE 2

CONSTRUCTION CODES AND LICENSING

Section 1. Minnesota Statutes 2012, section 326B.094, subdivision 2, is amended to read:

Subd. 2. **Availability of renewal.** A licensee may apply to renew a license no later than two years after the expiration of the license. If the department receives a complete renewal application no later than two years after the expiration of the license, then the department must approve or deny the renewal application within 60 days of receiving the complete renewal application. If the department receives a renewal application more than two years after the expiration of the license, the department must return the renewal license fee to the applicant without approving or denying the application. If the licensee wishes to obtain a valid license more than two years after expiration of the license, the licensee must apply for a new license. This section does not apply to a holder of a certificate of exemption issued under section 326B.805, subdivision 6, unlicensed individuals who register with the department under section 326B.33, subdivision 12, or 326B.47, or a mechanical contractor that files a bond with the department under section 326B.197.

Sec. 2. Minnesota Statutes 2013 Supplement, section 326B.184, subdivision 2, is amended to read:

Subd. 2. **Operating permits and fees; periodic inspections.** (a) No person may operate an elevator without first obtaining an annual operating permit from the department or a municipality authorized by subdivision 4 to issue annual operating permits. A \$100 annual operating permit fee must be paid to the department for each annual operating

permit issued by the department, except that the original annual operating permit must be included in the permit fee for the initial installation of the elevator. Annual operating permits must be issued at 12-month intervals from the date of the initial annual operating permit. For each subsequent year, an owner must be granted an annual operating permit for the elevator upon the owner's or owner's agent's submission of a form prescribed by the commissioner and payment of the \$100 fee. Each form must include the location of the elevator, the results of any periodic test required by the code, and any other criteria established by rule. An annual operating permit may be revoked by the commissioner upon an audit of the periodic testing results submitted with the application or a failure to comply with elevator code requirements, inspections, or any other law related to elevators. Except for an initial operating permit fee, elevators in residential dwellings, hand-powered manlifts and electric endless belt manlifts, and vertical reciprocating conveyors are not subject to a subsequent operating permit fee.

(b) All elevators are subject to periodic inspections by the department or a municipality authorized by subdivision 4 to perform periodic inspections, except that hand-powered manlifts and electric endless belt manlifts are exempt from periodic inspections. Periodic inspections by the department shall be performed at the following intervals:

(1) a special purpose personnel elevator is subject to inspection not more than once every five years;

(2) an elevator located within a house of worship that does not have attached school facilities is subject to inspection not more than once every three years; and

(3) all other elevators are subject to inspection not more than once each year.

Sec. 3. Minnesota Statutes 2012, section 326B.37, subdivision 11, is amended to read:

Subd. 11. **Inspection of transitory project.** (a) For inspection of transitory projects including, but not limited to, festivals, fairs, carnivals, circuses, shows, production sites, and portable road construction plants, the inspection procedures and fees are as specified in paragraphs (b) to (i).

(b) The fee for inspection of each generator or other source of supply is that specified in subdivision 3. A like fee is required at each engagement or setup.

(c) In addition to the fee for generators or other sources of supply, there must be an inspection of all installed feeders, circuits, and equipment at each engagement or setup at the hourly rate specified in subdivision 10, with a one-hour minimum.

(d) An owner, operator, or appointed representative of a transitory enterprise including, but not limited to, festivals, fairs, carnivals, circuses, production companies,

shows, portable road construction plants, and similar enterprises shall notify the commissioner of its itinerary or schedule and make application for initial inspection a minimum of 14 days before its first engagement or setup. An owner, operator, or appointed representative of a transitory enterprise who fails to notify the commissioner 14 days before its first engagement or setup may be subject to the investigation fees specified in subdivision 7. The owner, operator, or appointed representative shall request inspection and pay the inspection fee for each subsequent engagement or setup at the time of the initial inspection. For subsequent engagements or setups not listed on the itinerary or schedule submitted to the commissioner and where the commissioner is not notified at least 48 hours in advance, a charge of \$100 may be made in addition to all required fees.

(e) Amusement rides, devices, concessions, attractions, or other units must be inspected at their first appearance of the year. The inspection fee is \$35 per unit with a supply of up to 60 amperes and \$40 per unit with a supply above 60 amperes.

(f) An additional fee at the hourly rate specified in subdivision 10 must be charged for additional time spent by each inspector if equipment is not ready or available for inspection at the time and date specified on the application for initial inspection or the request for electrical inspection form.

(g) In addition to the fees specified in paragraphs ~~(a) and (b)~~ and (c), a fee of one hour at the hourly rate specified in subdivision 10 must be charged for inspections required to be performed on Saturdays, Sundays, holidays, or after regular business hours.

(h) The fee for reinspection of corrections or supplemental inspections where an additional trip is necessary may be assessed as specified in subdivision 8.

(i) The commissioner shall retain the inspection fee when an owner, operator, or appointed representative of a transitory enterprise fails to notify the commissioner at least 48 hours in advance of a scheduled inspection that is canceled.

Sec. 4. Minnesota Statutes 2012, 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 individual must be a master plumber. A restricted plumbing contractor's responsible 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 individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed 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 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.

(d) Upon the departure or disqualification of a licensee's responsible licensed individual because of death, disability, retirement, position change, or other reason, the licensee must notify the commissioner within 15 business days. The licensee shall have 60 days from the departure of the responsible licensed individual to obtain a new responsible licensed individual. Failure to secure a new responsible licensed individual within 60 days will, with or without notice, result in the voluntary termination of the license.

Sec. 5. Minnesota Statutes 2013 Supplement, section 326B.49, subdivision 3, is amended to read:

Subd. 3. **Permits; fees.** (a) Before commencement of a plumbing installation to be inspected by the commissioner, the plumbing contractor or registered plumbing employer performing the plumbing work must submit to the commissioner an application for a permit and the permit and inspection fees in paragraphs (b) to (f).

(b) The permit fee is \$100.

(c) The residential inspection fee is \$50 for each inspection trip.

(d) The public, commercial, and industrial inspection fees are as follows:

(1) for systems with water distribution, drain, waste, and vent system connection:

(i) \$25 for each fixture, permanently connected appliance, floor drain, or other appurtenance;

(ii) \$25 for each water conditioning, water treatment, or water filtration system; and

(iii) \$25 for each interceptor, separator, catch basin, or manhole;

- 11.1 (2) roof drains, \$25 for each drain;
- 11.2 (3) building sewer service only, \$100;
- 11.3 (4) building water service only, \$100;
- 11.4 (5) building water distribution system only, no drainage system, \$5 for each fixture
- 11.5 supplied;
- 11.6 (6) storm drainage system, a minimum fee of \$25 for each drain opening, interceptor,
- 11.7 separator, or catch basin;
- 11.8 (7) manufactured home park or campground, \$25 for each site;
- 11.9 (8) reinspection fee to verify corrections, regardless of the total fee submitted, \$100
- 11.10 for each reinspection; and
- 11.11 (9) each \$100 in fees paid covers one inspection trip.
- 11.12 (e) In addition to the fees in paragraph (e) ~~(e)~~ (d), the fee submitter must pay an hourly
- 11.13 rate of \$80 during regular business hours, or \$120 when inspections are requested to be
- 11.14 performed outside of normal work hours or on weekends and holidays, with a two-hour
- 11.15 minimum where the fee submitter requests inspections of installations as systems are
- 11.16 being installed.
- 11.17 (f) The fee submitter must pay a fee equal to two hours at the hourly rate of \$80
- 11.18 when inspections scheduled by the submitter are not able to be completed because the
- 11.19 work is not complete.

11.20 Sec. 6. Minnesota Statutes 2012, section 326B.811, subdivision 1, is amended to read:

11.21 Subdivision 1. **Required.** A person who has entered into a written contract with

11.22 a residential building contractor, residential remodeler, or residential roofer or a siding

11.23 ~~contractor registered under section 326B.802, subdivision 15,~~ to provide goods and

11.24 services to be paid by the insured from the proceeds of a property or casualty insurance

11.25 policy has the right to cancel the contract within 72 hours after the insured has been

11.26 notified by the insurer that the claim has been denied. Cancellation is evidenced by the

11.27 insured giving written notice of cancellation to the contractor at the address stated in the

11.28 contract. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox,

11.29 properly addressed to the contractor and postage prepaid. Notice of cancellation need not

11.30 take a particular form and is sufficient if it indicates, by any form of written expression,

11.31 the intention of the insured not to be bound by the contract.

11.32 Sec. 7. Minnesota Statutes 2012, section 326B.84, is amended to read:

11.33 **326B.84 GROUNDS FOR SANCTIONS.**

12.1 The commissioner may use any enforcement provision in section 326B.082 against
12.2 an applicant for, qualifying person of, or holder of a license or certificate of exemption,
12.3 if the applicant, licensee, certificate of exemption holder, qualifying person, or owner,
12.4 officer, member, managing employee, or affiliate of the applicant, licensee, or certificate
12.5 of exemption holder:

12.6 (1) has filed an application for licensure or a certificate of exemption which is
12.7 incomplete in any material respect or contains any statement which, in light of the
12.8 circumstances under which it is made, is false or misleading with respect to any material
12.9 fact;

12.10 (2) has engaged in a fraudulent, deceptive, or dishonest practice;

12.11 (3) is permanently or temporarily enjoined by any court of competent jurisdiction
12.12 from engaging in or continuing any conduct or practice involving any aspect of the business;

12.13 (4) has failed to reasonably supervise employees, agents, subcontractors, or
12.14 salespersons, or has performed negligently or in breach of contract, so as to cause injury
12.15 or harm to the public;

12.16 (5) has violated or failed to comply with any provision of sections 326B.802 to
12.17 326B.885, any rule or order under sections 326B.802 to 326B.885, or any other law, rule,
12.18 or order related to the duties and responsibilities entrusted to the commissioner;

12.19 (6) has been convicted of a violation of the State Building Code or has refused to
12.20 comply with a ~~notice of violation or stop~~ correction order issued by a certified building
12.21 official, or in local jurisdictions that have not adopted the State Building Code has refused
12.22 to correct a violation of the State Building Code when the violation has been documented ~~or~~
12.23 ~~a notice of violation or stop order issued by a certified building official has been received;~~

12.24 (7) has failed to use the proceeds of any payment made to the licensee for the
12.25 construction of, or any improvement to, residential real estate, as defined in section
12.26 326B.802, subdivision 13, for the payment of labor, skill, material, and machinery
12.27 contributed to the construction or improvement, knowing that the cost of any labor
12.28 performed, or skill, material, or machinery furnished for the improvement remains unpaid;

12.29 (8) has not furnished to the person making payment either a valid lien waiver as to
12.30 any unpaid labor performed, or skill, material, or machinery furnished for an improvement,
12.31 or a payment bond in the basic amount of the contract price for the improvement
12.32 conditioned for the prompt payment to any person or persons entitled to payment;

12.33 (9) has engaged in an act or practice that results in compensation to an aggrieved
12.34 owner or lessee from the contractor recovery fund pursuant to section 326B.89, unless:

12.35 (i) the applicant or licensee has repaid the fund twice the amount paid from the fund,
12.36 plus interest at the rate of 12 percent per year; and

13.1 (ii) the applicant or licensee has obtained a surety bond in the amount of at least
13.2 \$40,000, issued by an insurer authorized to transact business in this state;

13.3 (10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense
13.4 of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate
13.5 of exemption holder under this chapter;

13.6 (11) has had a judgment entered against them for failure to make payments to
13.7 employees, subcontractors, or suppliers, that the licensee has failed to satisfy and all
13.8 appeals of the judgment have been exhausted or the period for appeal has expired;

13.9 (12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious
13.10 license number or the license number of another, or, if licensed, has knowingly allowed
13.11 an unlicensed person to use the licensee's license number for the purpose of fraudulently
13.12 obtaining a building permit; or has applied for or obtained a building permit for an
13.13 unlicensed person;

13.14 (13) has made use of a forged mechanic's lien waiver under chapter 514;

13.15 (14) has provided false, misleading, or incomplete information to the commissioner
13.16 or has refused to allow a reasonable inspection of records or premises;

13.17 (15) has engaged in an act or practice whether or not the act or practice directly
13.18 involves the business for which the person is licensed, that demonstrates that the applicant
13.19 or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or
13.20 unqualified to act under the license granted by the commissioner; or

13.21 (16) has failed to comply with requests for information, documents, or other requests
13.22 from the department within the time specified in the request or, if no time is specified,
13.23 within 30 days of the mailing of the request by the department.

13.24 Sec. 8. Minnesota Statutes 2012, section 326B.978, is amended by adding a
13.25 subdivision to read:

13.26 Subd. 4a. **Continuing education.** The commissioner may require continuing
13.27 education prior to the renewal of any license. Before requiring continuing education, the
13.28 commissioner shall adopt rules that specify the continuing education requirements.

13.29 Sec. 9. Minnesota Statutes 2012, section 326B.99, subdivision 2, is amended to read:

13.30 Subd. 2. **Exemption.** Every boiler or pressure vessel as to which any insurance
13.31 company authorized to do business in this state has issued a policy of insurance, after the
13.32 inspection thereof, is exempt from inspection by the department made under sections
13.33 326B.93 to 326B.998, except the initial inspection by the department under section
13.34 ~~326B.96~~ 326B.958, subdivision 1, paragraph (b), as long as:

- 14.1 (1) the boiler or pressure vessel continues to be insured;
- 14.2 (2) the boiler or pressure vessel continues to be inspected in accordance with the
- 14.3 inspection schedule in sections 326B.958 and 326B.96; and
- 14.4 (3) the person owning or operating the boiler or pressure vessel has an unexpired
- 14.5 certificate of registration.

14.6 **ARTICLE 3**

14.7 **OBSOLETE AND REDUNDANT STATUTES**

14.8 Section 1. Minnesota Statutes 2012, section 182.6553, subdivision 1, is amended to read:

14.9 Subdivision 1. **Safe patient handling program required.** (a) ~~By July 1, 2008,~~

14.10 Every licensed health care facility in the state shall adopt a written safe patient handling

14.11 policy establishing the facility's plan to achieve ~~by January 1, 2011,~~ the goal of minimizing

14.12 manual lifting of patients by nurses and other direct patient care workers by utilizing

14.13 safe patient handling equipment.

14.14 (b) The program shall address:

14.15 (1) assessment of hazards with regard to patient handling;

14.16 (2) the acquisition of an adequate supply of appropriate safe patient handling

14.17 equipment;

14.18 (3) initial and ongoing training of nurses and other direct patient care workers on

14.19 the use of this equipment;

14.20 (4) procedures to ensure that physical plant modifications and major construction

14.21 projects are consistent with program goals; and

14.22 (5) periodic evaluations of the safe patient handling program.

14.23 Sec. 2. Minnesota Statutes 2012, section 182.6553, subdivision 2, is amended to read:

14.24 Subd. 2. **Safe patient handling committee.** (a) ~~By July 1, 2008,~~ Every licensed

14.25 health care facility in the state shall establish a safe patient handling committee either by

14.26 creating a new committee or assigning the functions of a safe patient handling committee

14.27 to an existing committee.

14.28 (b) Membership of a safe patient handling committee or an existing committee must

14.29 meet the following requirements:

14.30 (1) at least half the members shall be nonmanagerial nurses and other direct patient

14.31 care workers; and

14.32 (2) in a health care facility where nurses and other direct patient care workers

14.33 are covered by a collective bargaining agreement, the union shall select the committee

15.1 members proportionate to its representation of nonmanagerial workers, nurses, and other
15.2 direct patient care workers.

15.3 (c) A health care organization with more than one covered health care facility may
15.4 establish a committee at each facility or one committee to serve this function for all the
15.5 facilities. If the organization chooses to have one overall committee for multiple facilities,
15.6 at least half of the members of the overall committee must be nonmanagerial nurses and
15.7 other direct patient care workers and each facility must be represented on the committee.

15.8 (d) Employees who serve on a safe patient handling committee must be compensated
15.9 by their employer for all hours spent on committee business.

15.10 Sec. 3. Minnesota Statutes 2012, section 184.21, subdivision 4, is amended to read:

15.11 Subd. 4. **Applicant.** The term "applicant," ~~except when used to describe an~~
15.12 ~~applicant for an employment agency or counselor's license,~~ means any person, whether
15.13 employed or unemployed, seeking or entering into any arrangement for employment or
15.14 change of employment through the medium or service of an employment agency.

15.15 Sec. 4. Minnesota Statutes 2012, section 184.24, subdivision 1, is amended to read:

15.16 Subdivision 1. **Generally.** It is the duty of the department to administer the
15.17 provisions of sections 184.21 to 184.40. The commissioner shall have power to compel
15.18 the attendance of witnesses by the issuance of subpoenas, administer oaths, and to take
15.19 testimony and proofs concerning all matters within its jurisdiction. The department ~~shall~~
15.20 ~~affix an official seal to all certificates or licenses granted, and~~ shall make all rules not
15.21 inconsistent with law needed in performing its duties.

15.22 Sec. 5. Minnesota Statutes 2012, section 184.41, is amended to read:

15.23 **184.41 VIOLATIONS.**

15.24 Any person who engages in the business of or acts as an employment agent or
15.25 counselor ~~without first procuring a license as required by section 184.22,~~ and any
15.26 employment agent, manager, or counselor who violates the provisions of this chapter is
15.27 guilty of a misdemeanor.

15.28 In addition to the penalties for commission of a misdemeanor, the department may
15.29 bring an action for an injunction ~~against any person who engages in the business of or~~
15.30 ~~acts as an employment agent or counselor without first procuring the license required~~
15.31 ~~under section 184.22, and~~ against any employment agent, manager, or counselor who
15.32 violates the applicable provisions of this chapter. ~~If an agency, manager, or counselor is~~

16.1 ~~found guilty of a misdemeanor in any action relevant to the operation of an agency, the~~
16.2 ~~department may suspend or revoke the license of the agency, manager, or counselor.~~

16.3 Sec. 6. Minnesota Statutes 2012, section 326B.092, subdivision 3, is amended to read:

16.4 Subd. 3. **Late fee.** The department must receive a complete application for license
16.5 renewal ~~by the renewal deadline but not more than 90 days before the renewal deadline~~
16.6 prior to the license expiration date. If the department receives a renewal application after
16.7 the expiration of the license, then the renewal application must be accompanied by a late
16.8 fee equal to one-half of the license renewal fee; except that, for the purpose of calculating
16.9 the late fee only, the license renewal fee shall not include any contractor recovery fund fee
16.10 required by section 326B.89, subdivision 3.

16.11 Sec. 7. Minnesota Statutes 2012, section 326B.092, subdivision 7, is amended to read:

16.12 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each
16.13 license is the base license fee plus any applicable board fee, continuing education fee, and
16.14 contractor recovery fund fee and additional assessment, as set forth in this subdivision.

16.15 (b) For purposes of this section, "license duration" means the number of years for
16.16 which the license is issued except that:

16.17 ~~(1) if the initial license is not issued for a whole number of years, the license duration~~
16.18 ~~shall be rounded up to the next whole number; and,~~

16.19 ~~(2) if the department receives an application for license renewal after the renewal~~
16.20 ~~deadline, license duration means the number of years for which the renewed license would~~
16.21 ~~have been issued if the renewal application had been submitted on time and all other~~
16.22 ~~requirements for renewal had been met.~~

16.23 (c) The base license fee shall depend on whether the license is classified as an entry
16.24 level, master, journeyman, or business license, and on the license duration. The base
16.25 license fee shall be:

License Classification	License Duration		
	1 Year	2 Years	3 Years
Entry level	\$10	\$20	\$30
Journeyman	\$20	\$40	\$60
Master	\$40	\$80	\$120
Business	\$90	\$180	\$270

16.32 (d) If there is a continuing education requirement for renewal of the license, then
16.33 a continuing education fee must be included in the renewal license fee. The continuing
16.34 education fee for all license classifications shall be: \$10 if the renewal license duration is

17.1 one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license
17.2 duration is three years.

17.3 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to
17.4 326B.93, then a board fee must be included in the license fee and the renewal license fee.
17.5 The board fee for all license classifications shall be: \$4 if the license duration is one year;
17.6 \$8 if the license duration is two years; and \$12 if the license duration is three years.

17.7 (f) If the application is for the renewal of a license issued under sections 326B.802
17.8 to 326B.885, then the contractor recovery fund fee required under section 326B.89,
17.9 subdivision 3, and any additional assessment required under section 326B.89, subdivision
17.10 16, must be included in the license renewal fee.

17.11 Sec. 8. Minnesota Statutes 2012, section 326B.094, subdivision 3, is amended to read:

17.12 Subd. 3. **Deadline for avoiding license expiration.** The department must receive
17.13 a complete application to renew a license no later than the ~~renewal deadline~~ license
17.14 expiration date. If the department does not receive a complete application by the ~~renewal~~
17.15 ~~deadline~~ license expiration date, the license may expire before the department has either
17.16 approved or denied the renewal application.

17.17 Sec. 9. Minnesota Statutes 2012, section 326B.106, subdivision 4, is amended to read:

17.18 Subd. 4. **Special requirements.** (a) **Space for commuter vans.** The code must
17.19 require that any parking ramp or other parking facility constructed in accordance with the
17.20 code include an appropriate number of spaces suitable for the parking of motor vehicles
17.21 having a capacity of seven to 16 persons and which are principally used to provide
17.22 prearranged commuter transportation of employees to or from their place of employment
17.23 or to or from a transit stop authorized by a local transit authority.

17.24 (b) **Smoke detection devices.** The code must require that all dwellings, lodging
17.25 houses, apartment houses, and hotels as defined in section 299F.362 comply with the
17.26 provisions of section 299F.362.

17.27 (c) **Doors in nursing homes and hospitals.** The State Building Code may not
17.28 require that each door entering a sleeping or patient's room from a corridor in a nursing
17.29 home or hospital with an approved complete standard automatic fire extinguishing system
17.30 be constructed or maintained as self-closing or automatically closing.

17.31 (d) **Child care facilities in churches; ground level exit.** A licensed day care center
17.32 serving fewer than 30 preschool age persons and which is located in a belowground space
17.33 in a church building is exempt from the State Building Code requirement for a ground
17.34 level exit when the center has more than two stairways to the ground level and its exit.

18.1 (e) **Family and group family day care.** Until the legislature enacts legislation
18.2 specifying appropriate standards, the definition of dwellings constructed in accordance
18.3 with the International Residential Code as adopted as part of the State Building Code
18.4 applies to family and group family day care homes licensed by the Department of Human
18.5 Services under Minnesota Rules, chapter 9502.

18.6 (f) **Enclosed stairways.** No provision of the code or any appendix chapter of the
18.7 code may require stairways of existing multiple dwelling buildings of two stories or
18.8 less to be enclosed.

18.9 (g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter
18.10 of the code may prohibit double cylinder dead bolt locks in existing single-family homes,
18.11 townhouses, and first floor duplexes used exclusively as a residential dwelling. Any
18.12 recommendation or promotion of double cylinder dead bolt locks must include a warning
18.13 about their potential fire danger and procedures to minimize the danger.

18.14 (h) **Relocated residential buildings.** A residential building relocated within or
18.15 into a political subdivision of the state need not comply with the State Energy Code or
18.16 section 326B.439 provided that, where available, an energy audit is conducted on the
18.17 relocated building.

18.18 (i) **Automatic garage door opening systems.** The code must require all residential
18.19 buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82
18.20 and 325F.83.

18.21 ~~(j) **Exit sign illumination.** For a new building on which construction is begun~~
18.22 ~~on or after October 1, 1993, or an existing building on which remodeling affecting 50~~
18.23 ~~percent or more of the enclosed space is begun on or after October 1, 1993, the code must~~
18.24 ~~prohibit the use of internally illuminated exit signs whose electrical consumption during~~
18.25 ~~nonemergency operation exceeds 20 watts of resistive power. All other requirements in~~
18.26 ~~the code for exit signs must be complied with.~~

18.27 ~~(k)~~ (j) **Exterior wood decks, patios, and balconies.** The code must permit the
18.28 decking surface and upper portions of exterior wood decks, patios, and balconies to be
18.29 constructed of (1) heartwood from species of wood having natural resistance to decay or
18.30 termites, including redwood and cedars, (2) grades of lumber which contain sapwood from
18.31 species of wood having natural resistance to decay or termites, including redwood and
18.32 cedars, or (3) treated wood. The species and grades of wood products used to construct the
18.33 decking surface and upper portions of exterior decks, patios, and balconies must be made
18.34 available to the building official on request before final construction approval.

18.35 ~~(l)~~ (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may
18.36 be imposed by municipalities under the State Building Code, except as required under

19.1 section 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section
19.2 326B.92 administered by the Department of Labor and Industry. All data regarding the
19.3 material production processes, including the bioprocess system's structural design and
19.4 layout, are nonpublic data as provided by section 13.7911.

19.5 ~~(m)~~ (l) **Use of ungraded lumber.** The code must allow the use of ungraded lumber
19.6 in geographic areas of the state where the code did not generally apply as of April 1, 2008,
19.7 to the same extent that ungraded lumber could be used in that area before April 1, 2008.

19.8 ~~(n)~~ (m) **Window cleaning safety.** The code must require the installation of dedicated
19.9 anchorages for the purpose of suspended window cleaning on (1) new buildings four
19.10 stories or greater; and (2) buildings four stories or greater, only on those areas undergoing
19.11 reconstruction, alteration, or repair that includes the exposure of primary structural
19.12 components of the roof.

19.13 The commissioner may waive all or a portion of the requirements of this paragraph
19.14 related to reconstruction, alteration, or repair, if the installation of dedicated anchorages
19.15 would not result in significant safety improvements due to limits on the size of the project,
19.16 or other factors as determined by the commissioner.

19.17 Sec. 10. Minnesota Statutes 2012, section 326B.106, subdivision 7, is amended to read:

19.18 Subd. 7. **Window fall prevention device code.** The commissioner of labor and
19.19 industry shall adopt rules for window fall prevention devices as part of the State Building
19.20 Code. Window fall prevention devices include, but are not limited to, safety screens,
19.21 hardware, guards, and other devices that comply with the standards established by the
19.22 commissioner of labor and industry. The rules shall require compliance with standards
19.23 for window fall prevention devices developed by ASTM International, contained in the
19.24 International Building Code as the model language with amendments deemed necessary to
19.25 coordinate with the other adopted building codes in Minnesota. The rules shall establish a
19.26 scope that includes the applicable building occupancies, and the types, locations, and sizes
19.27 of windows that will require the installation of fall devices. ~~The rules will be effective July~~
19.28 ~~1, 2009. The commissioner shall report to the legislature on the status of the rulemaking~~
19.29 ~~on or before February 15, 2008.~~

19.30 Sec. 11. Minnesota Statutes 2012, section 326B.109, subdivision 2, is amended to read:

19.31 Subd. 2. **Application.** This section applies only to a place of public accommodation
19.32 for which construction, or alterations exceeding 50 percent of the estimated replacement
19.33 value of the existing facility, ~~begins after July 1, 1995~~ occurs.

Sec. 12. Minnesota Statutes 2012, section 326B.135, subdivision 4, is amended to read:

Subd. 4. **Effective date.** ~~Effective January 1, 2008,~~ All construction inspectors hired ~~on or after January 1, 2008,~~ shall, within one year of hire, be in compliance with the competency criteria established according to subdivision 1.

Sec. 13. Minnesota Statutes 2012, section 326B.194, is amended to read:

326B.194 INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS.

The state of Minnesota ratifies and approves the following compact: Interstate Industrialized Buildings Commission's Interstate Compact as amended by Laws 1990, chapter 458, section 2; Laws 1995, chapter 254, article 4, section 1; and Laws 2007, chapter 140, article 4, section 61, and article 13, section 4, on industrialized/modular buildings and incorporates the compact by reference. A copy of the compact must be available to the public.

~~INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS~~

~~ARTICLE I~~

~~FINDINGS AND DECLARATIONS OF POLICY~~

~~(1) The compacting states find that:~~

~~(a) Industrialized/modular buildings are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.~~

~~(b) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the industrialized/modular building industry.~~

~~(c) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings, restricts market access and discourages the development and incorporation of new technologies.~~

~~(2) It is the policy of each of the compacting states to:~~

~~(a) Provide the states which regulate the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer the states' rules and regulations for such buildings, all in a manner to assure interstate reciprocity.~~

~~(b) Provide to the United States Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with life-cycle~~

21.1 ~~cost-effective energy conservation standards; all to promote the lowest total construction~~
21.2 ~~and operating costs over the life of such housing.~~

21.3 ~~ARTICLE II~~
21.4 ~~DEFINITIONS~~

21.5 ~~As used in this compact, unless the context clearly requires otherwise:~~

21.6 ~~(1) "Commission" means the Interstate Industrialized/Modular Buildings~~
21.7 ~~Commission.~~

21.8 ~~(2) "Industrialized/modular building" means any building which is of closed~~
21.9 ~~construction, i.e. constructed in such a manner that concealed parts or processes of~~
21.10 ~~manufacture cannot be inspected at the site, without disassembly, damage or destruction,~~
21.11 ~~and which is made or assembled in manufacturing facilities, off the building site, for~~
21.12 ~~installation, or assembly and installation, on the building site. "Industrialized/modular~~
21.13 ~~building" includes, but is not limited to, modular housing which is factory-built~~
21.14 ~~single-family and multifamily housing (including closed wall panelized housing) and~~
21.15 ~~other modular, nonresidential buildings. "Industrialized/modular building" does not~~
21.16 ~~include any structure subject to the requirements of the National Manufactured Home~~
21.17 ~~Construction and Safety Standards Act of 1974.~~

21.18 ~~(3) "Interim reciprocal agreement" means a formal reciprocity agreement~~
21.19 ~~between a noncompacting state wherein the noncompacting state agrees that labels~~
21.20 ~~evidencing compliance with the model rules and regulations for industrialized/modular~~
21.21 ~~buildings, as authorized in Article VIII, section (9), shall be accepted by the state and~~
21.22 ~~its subdivisions to permit installation and use of industrialized/modular buildings.~~
21.23 ~~Further, the noncompacting state agrees that by legislation or regulation, and appropriate~~
21.24 ~~enforcement by uniform administrative procedures, the noncompacting state requires all~~
21.25 ~~industrialized/modular building manufacturers within that state to comply with the model~~
21.26 ~~rules and regulations for industrialized/modular buildings.~~

21.27 ~~(4) "State" means a state of the United States, territory or possession of the United~~
21.28 ~~States, the District of Columbia, or the Commonwealth of Puerto Rico.~~

21.29 ~~(5) "Uniform administrative procedures" means the procedures adopted by the~~
21.30 ~~commission (after consideration of any recommendations from the rules development~~
21.31 ~~committee) which state and local officials, and other parties, in one state, will utilize~~
21.32 ~~to assure state and local officials, and other parties, in other states, of the substantial~~
21.33 ~~compliance of industrialized/modular building construction with the construction standard~~
21.34 ~~of requirements of such other states; to assess the adequacy of building systems; and to~~
21.35 ~~verify and assure the competency and performance of evaluation and inspection agencies.~~

21.36 ~~(6) "Model rules and regulations for industrialized/modular buildings" means~~
21.37 ~~the construction standards adopted by the commission (after consideration of any~~

22.1 ~~recommendations from the rules development committee) which govern the design,~~
22.2 ~~manufacture, handling, storage, delivery and installation of industrialized/modular~~
22.3 ~~buildings and building components. The construction standards and any amendments~~
22.4 ~~thereof shall conform insofar as practicable to model building codes and referenced~~
22.5 ~~standards generally accepted and in use throughout the United States.~~

22.6 ~~ARTICLE III~~

22.7 ~~CREATION OF COMMISSION~~

22.8 ~~The compacting states hereby create the Interstate Industrialized/Modular Buildings~~
22.9 ~~Commission, hereinafter called commission. Said commission shall be a body corporate~~
22.10 ~~of each compacting state and an agency thereof. The commission shall have all the powers~~
22.11 ~~and duties set forth herein and such additional powers as may be conferred upon it by~~
22.12 ~~subsequent action of the respective legislatures of the compacting states.~~

22.13 ~~ARTICLE IV~~

22.14 ~~SELECTION OF COMMISSIONERS~~

22.15 ~~The commission shall be selected as follows. As each state becomes a compacting~~
22.16 ~~state, one resident shall be appointed as commissioner. The commissioner shall be~~
22.17 ~~selected by the governor of the compacting state, being designated from the state agency~~
22.18 ~~charged with regulating industrialized/modular buildings or, if such state agency does not~~
22.19 ~~exist, being designated from among those building officials with the most appropriate~~
22.20 ~~responsibilities in the state. The commissioner may designate another official as an~~
22.21 ~~alternate to act on behalf of the commissioner at commission meetings which the~~
22.22 ~~commissioner is unable to attend.~~

22.23 ~~Each state commissioner shall be appointed, suspended, or removed and shall~~
22.24 ~~serve subject to and in accordance with the laws of the state which said commissioner~~
22.25 ~~represents; and each vacancy occurring shall be filled in accordance with the laws of the~~
22.26 ~~state wherein the vacancy exists.~~

22.27 ~~For every three state commissioners that have been appointed in the manner~~
22.28 ~~described, those state commissioners shall select one additional commissioner who shall be~~
22.29 ~~a representative of manufacturers of residential- or commercial-use industrialized/modular~~
22.30 ~~buildings. For every six state commissioners that have been appointed in the manner~~
22.31 ~~described, the state commissioners shall select one additional commissioner who shall~~
22.32 ~~be a representative of consumers of industrialized/modular buildings. In the event states~~
22.33 ~~withdraw from the compact or, for any other reason, the number of state commissioners is~~
22.34 ~~reduced, the state commissioners shall remove the last added representative commissioner~~
22.35 ~~as necessary to maintain the ratio of state commissioners to representative commissioners~~
22.36 ~~described herein.~~

23.1 ~~Upon a majority vote of the state commissioners, the state commissioners may~~
23.2 ~~remove, fill a vacancy created by, or replace any representative commissioner, provided~~
23.3 ~~that any replacement is made from the same representative group and the ratio described~~
23.4 ~~herein is maintained. Unless provided otherwise, the representative commissioners have~~
23.5 ~~the same authority and responsibility as the state commissioners.~~

23.6 ~~In addition, the commission may have as a member one commissioner representing~~
23.7 ~~the United States government if federal law authorizes such representation. Such~~
23.8 ~~commissioner shall not vote on matters before the commission. Such commissioner shall~~
23.9 ~~be appointed by the President of the United States, or in such other manner as may be~~
23.10 ~~provided by Congress.~~

23.11 ~~ARTICLE V~~
23.12 ~~VOTING~~

23.13 ~~Each commissioner (except the commissioner representing the United States~~
23.14 ~~government) shall be entitled to one vote on the commission. A majority of the~~
23.15 ~~commissioners shall constitute a quorum for the transaction of business. Any business~~
23.16 ~~transacted at any meeting of the commission must be by affirmative vote of a majority of~~
23.17 ~~the quorum present and voting.~~

23.18 ~~ARTICLE VI~~
23.19 ~~ORGANIZATION AND MANAGEMENT~~

23.20 ~~The commission shall elect annually, from among its members, a chairman, a vice~~
23.21 ~~chairman and a treasurer. The commission shall also select a secretariat, which shall~~
23.22 ~~provide an individual who shall serve as secretary of the commission. The commission~~
23.23 ~~shall fix and determine the duties and compensation of the secretariat. The commissioners~~
23.24 ~~shall serve without compensation, but shall be reimbursed for their actual and necessary~~
23.25 ~~expenses from the funds of the commission.~~

23.26 ~~The commission shall adopt a seal.~~

23.27 ~~The commission shall adopt bylaws, rules, and regulations for the conduct of~~
23.28 ~~its business, and shall have the power to amend and rescind these bylaws, rules, and~~
23.29 ~~regulations.~~

23.30 ~~The commission shall establish and maintain an office at the same location as the~~
23.31 ~~office maintained by the secretariat for the transaction of its business and may meet at any~~
23.32 ~~time, but in any event must meet at least once a year. The chairman may call additional~~
23.33 ~~meetings and upon the request of a majority of the commissioners of three or more of the~~
23.34 ~~compacting states shall call an additional meeting.~~

23.35 ~~The commission annually shall make the governor and legislature of each~~
23.36 ~~compacting state a report covering its activities for the preceding year. Any donation or~~
23.37 ~~grant accepted by the commission or services borrowed shall be reported in the annual~~

24.1 ~~report of the commission and shall include the nature, amount and conditions, if any, of~~
24.2 ~~the donation, gift, grant or services borrowed and the identity of the donor or lender. The~~
24.3 ~~commission may make additional reports as it may deem desirable.~~

24.4 ~~ARTICLE VII~~
24.5 ~~COMMITTEES~~

24.6 ~~The commission will establish such committees as it deems necessary, including,~~
24.7 ~~but not limited to, the following:~~

24.8 ~~(1) An executive committee which functions when the full commission is not~~
24.9 ~~meeting, as provided in the bylaws of the commission. The executive committee will~~
24.10 ~~ensure that proper procedures are followed in implementing the commission's programs~~
24.11 ~~and in carrying out the activities of the compact. The executive committee shall be elected~~
24.12 ~~by vote of the commission. It shall be comprised of at least three and no more than nine~~
24.13 ~~commissioners, selected from the state commissioners and one member of the industry~~
24.14 ~~commissioners and one member of the consumer commissioners.~~

24.15 ~~(2) A rules development committee appointed by the commission. The committee~~
24.16 ~~shall be consensus-based and consist of not less than seven nor more than 21 members.~~
24.17 ~~Committee members will include state building regulatory officials; manufacturers of~~
24.18 ~~industrialized/modular buildings; private, third-party inspection agencies; and consumers.~~
24.19 ~~This committee may recommend procedures which state and local officials, and other~~
24.20 ~~parties, in one state, may utilize to assure state and local officials, and other parties, in~~
24.21 ~~other states, of the substantial compliance of industrialized/modular building construction~~
24.22 ~~with the construction standard requirements of such other states; to assess the adequacy~~
24.23 ~~of building systems; and to verify and assure the competency and performance of~~
24.24 ~~evaluation and inspection agencies. This committee may also recommend construction~~
24.25 ~~standards for the design, manufacture, handling, storage, delivery and installation of~~
24.26 ~~industrialized/modular buildings and building components. The committee will submit~~
24.27 ~~its recommendations to the commission, for the commission's consideration in adopting~~
24.28 ~~and amending the uniform administrative procedures and the model rules and regulations~~
24.29 ~~for industrialized/modular buildings. The committee may also review the regulatory~~
24.30 ~~programs of the compacting states to determine whether those programs are consistent~~
24.31 ~~with the uniform administrative procedures or the model rules and regulations for~~
24.32 ~~industrialized/modular buildings and may make recommendations concerning the states'~~
24.33 ~~programs to the commission. In carrying out its functions, the rules committee may~~
24.34 ~~conduct public hearings and otherwise solicit public input and comment.~~

24.35 ~~(3) Any other advisory, coordinating or technical committees, membership on~~
24.36 ~~which may include private persons, public officials, associations or organizations. Such~~
24.37 ~~committees may consider any matter of concern to the commission.~~

25.1 ~~(4) Such additional committees as the commission's bylaws may provide.~~

25.2 ~~ARTICLE VIII~~
25.3 ~~POWER AND AUTHORITY~~

25.4 ~~In addition to the powers conferred elsewhere in this compact, the commission~~
25.5 ~~shall have power to:~~

25.6 ~~(1) Collect, analyze and disseminate information relating to industrialized/modular~~
25.7 ~~buildings.~~

25.8 ~~(2) Undertake studies of existing laws, codes, rules and regulations, and~~
25.9 ~~administrative practices of the states relating to industrialized/modular buildings.~~

25.10 ~~(3) Assist and support committees and organizations which promulgate, maintain~~
25.11 ~~and update model codes or recommendations for uniform administrative procedures or~~
25.12 ~~model rules and regulations for industrialized/modular buildings.~~

25.13 ~~(4) Adopt and amend uniform administrative procedures and model rules and~~
25.14 ~~regulations for industrialized/modular buildings.~~

25.15 ~~(5) Make recommendations to compacting states for the purpose of bringing such~~
25.16 ~~states' laws, codes, rules and regulations and administrative practices into conformance~~
25.17 ~~with the uniform administrative procedures or the model rules and regulations for~~
25.18 ~~industrialized/modular buildings, provided that such recommendations shall be made to~~
25.19 ~~the appropriate state agency with due consideration for the desirability of uniformity~~
25.20 ~~while also giving appropriate consideration to special circumstances which may justify~~
25.21 ~~variations necessary to meet unique local conditions.~~

25.22 ~~(6) Assist and support the compacting states with monitoring of plan review~~
25.23 ~~programs and inspection programs, which will assure that the compacting states have the~~
25.24 ~~benefit of uniform industrialized/modular building plan review and inspection programs.~~

25.25 ~~(7) Assist and support organizations which train state and local government and~~
25.26 ~~other program personnel in the use of uniform industrialized/modular building plan~~
25.27 ~~review and inspection programs.~~

25.28 ~~(8) Encourage and promote coordination of state regulatory action relating to~~
25.29 ~~manufacturers, public or private inspection programs.~~

25.30 ~~(9) Create and sell labels to be affixed to industrialized/modular building units,~~
25.31 ~~constructed in or regulated by compacting states, where such labels will evidence~~
25.32 ~~compliance with the model rules and regulations for industrialized/modular buildings,~~
25.33 ~~enforced in accordance with the uniform administrative procedures. The commission may~~
25.34 ~~use receipts from the sale of labels to help defray the operating expenses of the commission.~~

25.35 ~~(10) Assist and support compacting states' investigations into and resolutions of~~
25.36 ~~consumer complaints which relate to industrialized/modular buildings constructed in one~~
25.37 ~~compacting state and sited in another compacting state.~~

~~(11) Borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, association, person, firm or corporation.~~

~~(12) Accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same.~~

~~(13) Establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.~~

~~(14) Enter into contracts and agreements, including but not limited to, interim reciprocal agreements with noncompacting states.~~

~~ARTICLE IX FINANCE~~

~~The commission shall submit to the governor or designated officer or officers of each compacting state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.~~

~~Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the compacting states. The total amount of appropriations requested under any such budget shall be apportioned among the compacting states as follows: one-half in equal shares; one-fourth among the compacting states in accordance with the ratio of their populations to the total population of the compacting states, based on the last decennial federal census; and one-fourth among the compacting states in accordance with the ratio of industrialized/modular building units manufactured in each state to the total of all units manufactured in all of the compacting states.~~

~~The commission shall not pledge the credit of any compacting state. The commission may meet any of its obligations in whole or in part with funds available to it by donations, grants, or sale of labels: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it by donations, grants or sale of labels, the commission shall not incur any obligation prior to the allotment of funds by the compacting states adequate to meet the same.~~

~~The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of~~

27.1 ~~funds handled by the commission shall be audited yearly by a certified or licensed public~~
27.2 ~~accountant and the report of the audit shall be included in and become part of the annual~~
27.3 ~~report of the commission.~~

27.4 ~~The accounts of the commission shall be open at any reasonable time for inspection~~
27.5 ~~by duly constituted officers of the compacting states and any person authorized by the~~
27.6 ~~commission.~~

27.7 ~~Nothing contained in this article shall be construed to prevent commission~~
27.8 ~~compliance relating to audit or inspection of accounts by or on behalf of any government~~
27.9 ~~contributing to the support of the commission.~~

27.10 ~~ARTICLE X~~

27.11 ~~ENTRY INTO FORCE AND WITHDRAWAL~~

27.12 ~~This compact shall enter into force when enacted into law by any three states.~~
27.13 ~~Thereafter, this compact shall become effective as to any other state upon its enactment~~
27.14 ~~thereof. The commission shall arrange for notification of all compacting states whenever~~
27.15 ~~there is a new enactment of the compact.~~

27.16 ~~Any compacting state may withdraw from this compact by enacting a statute~~
27.17 ~~repealing the same. No withdrawal shall affect any liability already incurred by or~~
27.18 ~~chargeable to a compacting state prior to the time of such withdrawal.~~

27.19 ~~ARTICLE XI~~

27.20 ~~RECIPROCITY~~

27.21 ~~If the commission determines that the standards for industrialized/modular buildings~~
27.22 ~~prescribed by statute, rule or regulation of compacting state are at least equal to the~~
27.23 ~~commission's model rules and regulations for industrialized/modular buildings, and~~
27.24 ~~that such state standards are enforced by the compacting state in accordance with the~~
27.25 ~~uniform administrative procedures, industrialized/modular buildings approved by such a~~
27.26 ~~compacting state shall be deemed to have been approved by all the compacting states for~~
27.27 ~~placement in those states in accordance with procedures prescribed by the commission.~~

27.28 ~~ARTICLE XII~~

27.29 ~~EFFECT ON OTHER LAWS AND JURISDICTION~~

27.30 ~~Nothing in this compact shall be construed to:~~

27.31 ~~(1) Withdraw or limit the jurisdiction of any state or local court or administrative~~
27.32 ~~officer or body with respect to any person, corporation or other entity or subject matter,~~
27.33 ~~except to the extent that such jurisdiction pursuant to this compact, is expressly conferred~~
27.34 ~~upon another agency or body.~~

27.35 ~~(2) Supersede or limit the jurisdiction of any court of the United States.~~

27.36 ~~ARTICLE XIII~~

27.37 ~~CONSTRUCTION AND SEVERABILITY~~

~~This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.~~

Sec. 14. **REPEALER.**

Subdivision 1. **Department; administration.** Minnesota Statutes 2012, sections 175.006, subdivision 1; 175.08; 175.14; and 175.26, are repealed.

Subd. 2. **Labor standards.** Minnesota Statutes 2012, sections 181.12; and 181.9435, subdivision 2, are repealed.

Subd. 3. **Fee employment agencies.** (a) Minnesota Statutes 2012, sections 184.22, subdivision 1; 184.25; 184.26; 184.27; 184.28; 184.29; 184.30, subdivision 1; 184.32; 184.33; 184.34; 184.35; 184.36; 184.38, subdivisions 2, 16, and 17; and 184.40, are repealed.

(b) Minnesota Rules, parts 5200.0510; 5200.0520; 5200.0530; 5200.0540; 5200.0550; 5200.0560; 5200.0570; 5200.0750; and 5200.0760, are repealed.

Subd. 4. **Construction codes and licensing.** Minnesota Statutes 2012, sections 326B.091, subdivision 6; 326B.106, subdivision 10; 326B.169; and 326B.181, are repealed.

Subd. 5. **Municipal rights, powers, duties.** Minnesota Statutes 2012, sections 471.465; 471.466; 471.467; and 471.468, are repealed.

ARTICLE 4

CONFORMING CHANGES

Section 1. Minnesota Statutes 2013 Supplement, section 177.27, subdivision 4, is amended to read:

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, ~~181.12~~, 181.13, 181.14, 181.145, 181.15, 181.275, subdivision 2a, 181.722, and 181.79, or with any rule promulgated under section 177.28. The commissioner shall issue an order requiring an employer to comply with sections 177.41

29.1 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation
29.2 is repeated if at any time during the two years that preceded the date of violation, the
29.3 commissioner issued an order to the employer for violation of sections 177.41 to 177.435
29.4 and the order is final or the commissioner and the employer have entered into a settlement
29.5 agreement that required the employer to pay back wages that were required by sections
29.6 177.41 to 177.435. The department shall serve the order upon the employer or the
29.7 employer's authorized representative in person or by certified mail at the employer's place
29.8 of business. An employer who wishes to contest the order must file written notice of
29.9 objection to the order with the commissioner within 15 calendar days after being served
29.10 with the order. A contested case proceeding must then be held in accordance with sections
29.11 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer
29.12 fails to file a written notice of objection with the commissioner, the order becomes a
29.13 final order of the commissioner.

29.14 Sec. 2. Minnesota Statutes 2012, section 181.171, subdivision 1, is amended to read:

29.15 Subdivision 1. **Civil action; damages.** A person may bring a civil action seeking
29.16 redress for violations of sections 181.02, 181.03, 181.031, 181.032, 181.08, 181.09, 181.10,
29.17 181.101, 181.11, ~~181.12~~, 181.13, 181.14, 181.145, and 181.15 directly to district court.
29.18 An employer who is found to have violated the above sections is liable to the aggrieved
29.19 party for the civil penalties or damages provided for in the section violated. An employer
29.20 who is found to have violated the above sections shall also be liable for compensatory
29.21 damages and other appropriate relief including but not limited to injunctive relief.

29.22 Sec. 3. Minnesota Statutes 2012, section 326B.139, is amended to read:

29.23 **326B.139 APPEALS.**

29.24 A person aggrieved by the final decision of any local or state level board of appeals as
29.25 to the application of the code, including any rules adopted under ~~sections 471.465 to section~~
29.26 ~~471.469~~, may, within 180 days of the decision, appeal to the commissioner. Appellant
29.27 shall submit a nonrefundable fee of \$70, payable to the commissioner, with the request for
29.28 appeal. An appeal must be heard as a contested case under chapter 14. The commissioner
29.29 shall submit written findings to the parties. The party not prevailing shall pay the costs of
29.30 the contested case hearing, including fees charged by the Office of Administrative Hearings
29.31 and the expense of transcript preparation. Costs under this section do not include attorney
29.32 fees. Any person aggrieved by a ruling of the commissioner may appeal in accordance with
29.33 chapter 14. For the purpose of this section "any person aggrieved" includes the Council on
29.34 Disability. No fee or costs shall be required when the council on disability is the appellant.

- 30.1 Sec. 4. **REPEALER.**
- 30.2 Minnesota Statutes 2012, section 609B.137, is repealed.

APPENDIX
Article locations in H2947-1

ARTICLE 1	OFFICE OF COMBATIVE SPORTS	Page.Ln 1.23
ARTICLE 2	CONSTRUCTION CODES AND LICENSING	Page.Ln 7.12
ARTICLE 3	OBSOLETE AND REDUNDANT STATUTES	Page.Ln 14.6
ARTICLE 4	CONFORMING CHANGES	Page.Ln 28.26

175.006 DIVISION OF WORKERS' COMPENSATION.

Subdivision 1. **Creation and organization.** The Division of Workers' Compensation, generally administering the workers' compensation law, is created within the Department of Labor and Industry.

175.08 OFFICE.

The Department of Labor and Industry shall maintain its main office within the Minneapolis-Saint Paul metropolitan area and be provided by the commissioner of administration with suitable rooms and necessary furniture. It may hold sessions at any other place in the state when it is convenient.

175.14 TRAVELING EXPENSES.

The commissioner and the officers, assistants, and employees of the department shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the department. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the commissioner of labor and industry.

175.26 VIOLATION OF LOCAL ORDINANCES.

When the Department of Labor and Industry learns of a violation of a local ordinance for the protection of employees it shall give written notice thereof to the proper municipal authorities and take any steps permissible under the ordinances for its enforcement.

181.12 RAILROAD PAYCHECKS TO SHOW AMOUNT OF DEDUCTION.

Every railroad corporation doing business within this state shall state clearly on a statement accompanying each check, issued to an employee for services rendered to such corporation in this state, the amount of any deduction made from the regular wage of such employee, the reason therefor, and the date or period covered by such deduction. Deductions authorized by the employee may be designated as miscellaneous on the statement accompanying such check.

181.9435 DIVISION; INVESTIGATIONS, REPORTS.

Subd. 2. **Report.** The division shall report to the legislature annually on the type and number of employee complaints under subdivision 1, the rate of resolution of complaints, and the rate of repeat complaints against employers.

184.22 LICENSES REQUIRED.

Subdivision 1. **Individuals; separate locations.** No person shall engage in the business of or act as an employment agent or counselor unless a license from the department is first obtained. Each separate location for the business of an employment agency or for employment counseling shall have a separate agency license and a licensed manager who shall have immediate control of only one location.

184.25 RECORDS AND REPORTS.

The department shall keep a full record of its proceedings which shall be open to the public for inspection at all reasonable times, and a register of all applicants for licenses which shall contain the names and addresses of such applicants as well as such other information as may be required by the department.

Such records shall include the date of application, place of business, the person by whom the applicant is employed or is to be employed in the case of a counselor, place of residence, whether or not an examination was required, the results thereof, and whether the applicant was rejected or a license granted, the date such license was granted and the type of license granted.

184.26 APPLICATION; LICENSING.

Subdivision 1. **Agent's license; written application.** Every applicant for an employment agent's license or a renewal thereof shall file with the department a written application stating the

APPENDIX

Repealed Minnesota Statutes: H2947-1

name and address of the applicant, the street and number of the building in which the business of the employment agent is to be conducted, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, whether or not the applicant is pecuniarily interested in any other business of a like nature and, if so, where. Such application shall also state whether the applicant is the only person pecuniarily interested in the business to be carried on under the license, and shall be signed by the applicant and sworn to before a notary public and shall identify anyone holding over 20 percent interest in the agency or receiving any percentage of the profits. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making application, or has at any previous time been engaged in or interested in, or employed by anyone engaged in the business of an employment agent, either in this state or any other, and, if so, when and where. Every applicant for a license to engage in the business of an employment agent shall, at the time of making application for said license, file with the department a schedule of the fees or charges to be collected by such employment agency for any services rendered, together with all rules and regulations that may in any way affect the fees charged or to be charged for any service. Such fees and such rules or regulations may thereafter be changed by filing an amended or supplemental schedule showing such charges, with the department. Such schedule of fees and charges shall contain all information concerning financing the payment of the same including the rate of interest charged as well as any other service or carrying charges or costs. It shall be unlawful for any employment agency to charge, demand, collect, or receive a greater compensation for any service performed than is specified in such schedule filed with the department.

Subd. 2. **Counselor's license; written application.** Every applicant for a license for counselor or a renewal thereof shall file with the department a written application stating the name and address of the applicant, the kind of license desired, the name of the employment agency by whom such applicant will be employed if granted a license, the address where such agency conducts its business, whether or not the applicant is pecuniarily interested in the business of the employment agency by which the applicant shall be employed or of any other employment agency and if so the name and address of such agency or agencies as well as a description of such interest. The application shall also state whether or not the applicant is at the time of making application or has at any previous time been engaged or interested in or employed by an employment agency either in this state or any other and if so, when and where.

Subd. 3. **Requirements for license.** An applicant for an employment agency's license shall be a citizen of the United States or resident alien and shall be at least 18 years of age. An applicant for a counselor's license shall be at least 18 years of age.

Subd. 4. **Manager's license.** No employment agent's license shall be issued or a renewal thereof granted to a firm, partnership, corporation, or association unless all the members, shareholders, directors, or officers thereof who will actively engage in the business of the employment agent, shall have obtained an employment agency manager's license.

Subd. 5. **Prerequisites.** As a prerequisite to the granting of an employment agent's license to any firm, partnership, corporation, or association, an applicant therefor shall designate which of its members, shareholders, officers or directors are or shall be actively engaged in the business of the employment agency who, upon compliance with the terms of sections 184.21 to 184.40 shall, upon issuance of said employment agent's license, be entitled to perform all of the acts of an employment agent contemplated by sections 184.21 to 184.40.

Each such member, shareholder, director, or officer so designated, however, must make application for an employment agency manager's license, which application shall accompany the application for the employment agent's license for the firm, partnership, corporation, or association and be filed with the department at the same time as the application of the firm, partnership, corporation, or association for a license.

In the event any person becomes an active designated member, shareholder, officer, or director of a firm, partnership, corporation, or association after the issuance of an employment agent's license thereto, the person shall as a prerequisite to becoming such an active member, or shareholder, officer, or director procure an employment agency manager's license as herein provided.

184.27 TRANSFER OF LICENSE AND CONSENT TO OTHERS BECOMING CONNECTED WITH LICENSEE.

APPENDIX

Repealed Minnesota Statutes: H2947-1

No employment agent's license granted under the terms of sections 184.21 to 184.40 shall be transferable, except with the consent of the department. No employment agent shall permit any person not mentioned in the license to become connected with the business as a member, shareholder, officer, or director active in the conduct of the business of the employment agent unless the consent of the department shall first be obtained. Such consent may be withheld for any reason for which an original application for a license might have been rejected, if the person in question had been mentioned therein. If such consent is given, the names of the persons so becoming connected with the employment agency shall be endorsed upon the license and, if such license is renewed, shall be substituted for or added to the names of the persons originally mentioned therein.

184.28 EXAMINATION.

Subdivision 1. **Manager's license exam; counselor's license exam.** Every applicant for an employment agency manager's license or a counselor's license shall, before the department issues a license, be required to take and successfully complete a written examination conducted by the department or its authorized representative of such nature and scope as will be sufficient in the judgment of the department to establish the competency of the applicant to operate and conduct an employment agency or to perform services as a counselor for such agency. The examination for a license to manage an employment agency shall be more exacting and shall require a higher standard of knowledge as to the fundamentals of operating an employment agency and of the law and rules pertaining thereto, than that for a counselor's license. No examination shall be required for the renewal of any license unless such license has theretofore been revoked or suspended. Provided, however, that any licensee having been licensed to conduct an employment agency or as a counselor in the state of Minnesota who shall fail to renew the license within 90 days after the date of expiration may be required by the department to again take an examination.

Subd. 2. **Exam time, place, and fee.** The department shall hold such examinations at such times and places as it shall determine. An examination fee of \$20 shall be paid by each applicant in addition to the license fee, which examination fee shall be retained by the department whether or not the applicant passes the examination. The examination fee shall be forfeited if the applicant does not take the examination within six months of the application date. The examination fee of \$20 shall cover the costs of preparing and printing the examinations and the cost of giving each person taking the examination a copy of the latest rules. Rules shall be kept on the premises readily available to the counselor, manager, or agent.

184.29 FEES.

Before a license is granted to an applicant, the applicant shall pay the following fee:

(a) An employment agent shall pay an annual license fee of \$250 for each license.
(b) An applicant for a counselor's license shall pay a license fee of \$20 and a renewal fee of \$10.

(c) An applicant for an employment agency manager's license shall pay a license fee of \$20 and a renewal fee of \$10.

184.30 BONDS.

Subdivision 1. **Surety bond.** Every application for an employment agency's license must be accompanied by a surety bond approved by the department in the amount of \$10,000 for each location. The bond must be filed in the department and conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as an employment agency will comply with the provisions of sections 184.21 to 184.40 and any contract made by the employment agent in the conduct of the business. A person damaged by a breach of any condition of the bond may bring an action on the bond, and successive actions may be maintained on it.

184.32 DURATION OF LICENSE.

Every license, unless previously revoked, shall remain in force until January immediately following the date of its issue, and every employment agent and counselor shall, upon the filing of a new application and upon payment of the amount of the license fee required and the filing of a new bond, and complying in all respects with the lawful requirements, have issued to it a license for the ensuing year, unless the department shall refuse to do so for any of the reasons stated in this chapter. Applications for the renewal of an agency license shall be in the office of

APPENDIX

Repealed Minnesota Statutes: H2947-1

the Department of Labor and Industry no later than 30 days prior to the expiration of the license and must be accompanied by the remittance prescribed by law, a bond filing fee, and a surety bond in the amount of \$10,000.

184.33 ISSUANCE OR REFUSAL TO ISSUE; REVOCATION OR SUSPENSION.

Subdivision 1. **License issuance, revocation, and suspension.** The department shall issue a license as an employment agent, employment agency manager or counselor to any person who qualifies for such license under the terms of sections 184.21 to 184.40. The department may refuse to issue an employment agency license whenever, after due investigation, the department finds that the character of the applicant makes the applicant unfit to be an employment agent, or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use. No agency license shall be issued to any person, firm, corporation or association that has, within the past three years, been convicted in any court of fraud or felony. No license shall be issued to any attorney whose license to practice law has been suspended or revoked, for a period of three years after the date of such suspension or revocation. The department may refuse to issue a license to any person or may suspend or revoke the license of any employment agent, employment agency manager or counselor when it finds that any of the following conditions exist:

(1) that the employment agent or counselor has violated any condition of the bond required by sections 184.21 to 184.40;

(2) that the person, employment agent or counselor has personally engaged in a fraudulent, deceptive, or dishonest practice;

(3) that the person, employment agent or counselor has violated any provisions of sections 184.21 to 184.40;

(4) that the person, employment agent or counselor has been legally adjudicated incompetent and has not been restored to capacity.

Subd. 2. **Application of other laws.** This section shall not be construed to relieve any person from civil liability or from criminal prosecution under sections 184.21 to 184.40 or under the laws of this state. A violation of this section shall be treated as a violation of section 325F.69.

184.34 PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSE.

Subdivision 1. **Incompetency.** Upon the adjudication of incompetency, revocation shall be automatic and shall be permanent except that in the event of restoration to capacity a license may be reissued to such person on payment of all proper fees.

Subd. 2. **Statement of charges; right to hearing.** In all other cases the department may not refuse to issue a license or suspend or revoke a license under section 184.33 unless it furnishes the person, employment agent or counselor with a written statement of the charges and affords an opportunity to be heard on the charges. At least ten days' written notice of the date and time of the hearing shall be given. The notice shall be sent by certified mail to the address of the person as shown on the application for license or it may be served in the manner in which a summons is served in civil cases commenced in the district court.

Subd. 3. **Hearing.** At the time and place fixed for the hearing the department shall hold such hearing and thereafter make its order either dismissing the charges or refusing, suspending or revoking the license. At the hearing the accused shall have the right to appear personally and by counsel and to cross examine witnesses, and to produce evidence and witnesses in defense, and shall have the right to have witnesses subpoenaed, which subpoena shall be issued by the commissioner.

Subd. 4. **Record of hearing.** A stenographic record of all proceedings shall be made and a transcript of such proceedings shall be made if desired by the department or by the accused; provided, that the transcript shall be paid for by the party ordering the same.

184.35 APPEAL TO DISTRICT COURT.

If the department refuses to grant a license, or suspends or revokes a license that has been granted, the applicant shall have the right of appeal to the district court of the county of the applicant's residence; and in the event the applicant is a nonresident of the state, then to the District Court for Ramsey County. Such court shall advance such causes on their calendars for early disposition; and in counties having continuous sessions of court, the same shall be heard within 20 days after such appeal shall have been perfected. Such appeal shall be perfected by the

APPENDIX

Repealed Minnesota Statutes: H2947-1

service of a written notice of appeal upon the commissioner within 60 days after notice to the applicant of the department's action.

184.36 PLACES OF BUSINESS.

Subdivision 1. **Location.** No employment agent shall open, conduct, or maintain an employment agency at any other place than that specified in the license without first obtaining the consent of the department. Such consent may be withheld for any reason for which an original application might have been rejected, if such place has been mentioned therein. If such consent is given, it shall be endorsed upon the license and, if such license is renewed, such other place shall be substituted for the place originally named in the license. So long as any employment agent shall continue to act as such under a license the agent shall maintain and keep open an office or place of business at the place specified in the license.

Subd. 2. **Notice of agency change.** No counselor shall be employed by any employment agency other than that specified in the license without first notifying the department. When such notification is given, it shall be endorsed upon the license and, if such license is renewed, the name of such other employment agency shall be substituted for the place originally named in the license.

184.38 RULES GOVERNING AGENCIES.

Subd. 2. **Posting requirement.** The agency license shall be hung in a conspicuous place in the office of the employment agency.

Subd. 16. **Change of address.** Every employment agent shall notify the department within ten days of any change in the address where such agent conducts business, and shall notify the department within ten days when the employment agent can no longer be reached at the last business address given to the department.

Subd. 17. **Applicant information restrictions; agency shutdown requirements.** Except for applicant information given in the course of normal agency operations, no employment agent shall voluntarily sell, give, or otherwise transfer any files, records, or other information relating to its employment agency applicants and employers to any person other than a licensed employment agent or a person who agrees to obtain an employment agency license. Every employment agent who ceases to engage in the business of or act as an employment agent shall notify the department of such fact within 30 days thereof, and shall advise the department as to the disposition of all files and other records relating to its employment agency business.

184.40 EXISTING AGENCIES, CONTINUATION.

All employment agents and counselors who are actually engaged in or act as employment agents or counselors and all members, shareholders, officers, and directors of a firm, partnership, association, or corporation actively engaged in the business of an employment agency on the effective date of Laws 1967, chapter 884, shall be deemed to comply with the provisions of sections 184.21 to 184.40 provided they shall obtain a license as provided by sections 184.21 to 184.40 within a period of six months from the effective date of Laws 1967, chapter 884. All such employment agents and counselors and members, shareholders, officers, and directors of a firm, partnership, corporation, or association actively engaged in the business of an employment agency shall be entitled to a license within such six-month period without meeting the requirement of successfully taking and completing the examination provided for herein upon complying with all other provisions of sections 184.21 to 184.40; provided, however, that any employment agent licensed pursuant to Minnesota Statutes 1965, chapter 184, on the effective date of Laws 1967, chapter 884, shall receive a credit applicable to the license fee required to be paid by such employment agent hereunder in an amount equal to that portion of the license fee paid pursuant to Minnesota Statutes 1965, chapter 184, applicable to the unexpired portion of the year for which such fee was paid.

326B.091 DEFINITIONS.

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

326B.106 GENERAL POWERS OF COMMISSIONER OF LABOR AND INDUSTRY.

APPENDIX

Repealed Minnesota Statutes: H2947-1

Subd. 10. **Energy efficiency.** The code must provide for building new low-income housing in accordance with energy efficiency standards adopted under subdivision 1. For purposes of this subdivision, low-income housing means residential housing built for low-income persons and families under a program of a housing and redevelopment authority, the Minnesota Housing Finance Agency, or another entity receiving money from the state to construct such housing.

326B.169 ELEVATOR OPERATORS.

The owner, manager, or lessee of any building in which there is installed a passenger or freight elevator, as hereinafter defined, shall designate a competent person or competent persons regularly to operate such elevator; provided, however, that any such owner, manager or lessee may arrange with one or more tenants of such building to designate one or more of their employees regularly to operate such elevator. No person not so designated shall operate any such elevator and no person shall employ or permit a person not so designated to operate any such elevator. The foregoing prohibitions shall not apply during any period of time when any such elevator is being constructed, installed, inspected, repaired or maintained.

326B.181 LICENSES FOR OPERATORS.

In the event an operator is employed to operate an automatic elevator or continuous pressure elevator as provided in sections 326B.163 to 326B.178, such operator shall be duly licensed as provided in sections 326B.163 to 326B.178.

471.465 PERSONS WITH DISABILITIES; BUILDING REGULATIONS; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 471.465 to 471.469, the terms defined in this section have the meanings given them.

Subd. 2. **Buildings and facilities.** "Buildings and facilities" means any and all buildings and facilities and the grounds appurtenant thereto within any city, township or other governmental subdivision of the state other than all farm dwellings and buildings and single and two family dwellings. However, on the date on which rules promulgated by the commissioner of labor and industry regarding building requirements for persons with disabilities shall become effective, "buildings and facilities" shall mean only those structures which must provide facilities for persons with disabilities pursuant to said rules.

Subd. 3. **Persons with disabilities.** "Persons with disabilities" means and includes people having sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, and any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.

Subd. 4. **Remodeling.** "Remodeling" means deliberate reconstruction of an existing building or facility in whole or in part in order to bring it up to date to conform with present uses of the structure and to conform with rules and regulations on the upgrading of health and safety aspects of structures.

Subd. 5. **Local authority.** "Local authority" means the local authority having jurisdiction over local building construction.

471.466 ADMINISTRATION AND ENFORCEMENT.

The duty and power to administer and enforce sections 471.465 to 471.469 is conferred upon and vested in the commissioner of labor and industry and the local authority.

471.467 BUILDING REQUIREMENTS; CONFORMITY.

Subdivision 1. **Date applicable.** On the date on which rules promulgated by the commissioner of labor and industry regarding building requirements for persons with disabilities shall become effective, said rules shall exclusively govern the provision of facilities.

Subd. 2. **No remodeling if solely for persons with disabilities.** Nothing in sections 471.465 to 471.469 shall be construed to require the remodeling of buildings solely to provide accessibility and usability to persons with disabilities when remodeling would not otherwise be undertaken.

APPENDIX

Repealed Minnesota Statutes: H2947-1

Subd. 3. **Applies to remodeled part.** When any building or facility covered by sections 471.465 to 471.469 undergoes remodeling either in whole or in part, that portion of the building or facility remodeled shall conform to the requirements of sections 471.465 to 471.469.

471.468 BUILDING PLANS; APPROVAL; EXCEPTIONS.

On-site construction or remodeling shall not hereafter be commenced of any building or facility until the plans and specifications of the building or facility have been reviewed and approved by the local authority. The provisions of sections 471.465 to 471.469 are applicable only to contracts awarded subsequent to May 22, 1971. The local authority shall certify in writing that the review and approval under this section have occurred. The certification must be attached to the permit of record.

609B.137 FRAUD OR FELONY CONVICTION; LICENSE REFUSAL, REVOCATION, OR SUSPENSION.

Under section 184.33, no agency license shall be issued to any person, firm, corporation, or association that has, within the past three years, been convicted in any court of fraud or a felony.

5200.0510 LICENSE REQUIREMENT.

An employment agency license shall be obtained by any individual or entity whose agents physically operate in Minnesota as described in Minnesota Statutes, section 184.21, subdivision 2, irrespective of whether such operations are on a short-term or a transient basis.

5200.0520 EXAMINATION BY DEPARTMENT.

The department shall examine the recruitment, search, counseling, and/or placement activities of a business in order to determine whether an employment agent's license shall be obtained. After considering its findings and any recommendations of the Employment Agency Advisory Council, the department shall decide whether an employment agency license shall be required.

5200.0530 LICENSE APPLICATION FORMS.

Application for an employment agency license shall be on forms approved and supplied by the department. Bonds shall be on forms approved and supplied by the department.

5200.0540 AGENCY NAME.

Only one name may be used per agency license. This will not prohibit an agency from applying for more than one license per location. Each application must be accompanied by the appropriate bond and fees. A corporation may operate and do business only under its corporate name.

5200.0550 AGENCY LICENSE.

An agency shall not commence operations until a license has been formally issued by the department. Existing agencies applying for an additional license are not exempt from this provision.

5200.0560 TEMPORARY HELP SERVICES.

An organization that hires persons to work in temporary positions for employers who are clients of that organization is a temporary help service. If at any time a fee, other than liquidated damages due under an agreement between the service and the company, is charged by such organization for the permanent placement of individuals, then that organization is operating as a fee employment agency and shall be licensed as such.

5200.0570 LICENSE ENDORSEMENT.

An employment agent shall return to the department within five calendar days the license of any manager or counselor who leaves the employ of that agent. An employment agent requesting consent to change the name or address provided on the license shall return the license to the department for endorsement no less than ten calendar days prior to the requested date of change, along with a new bond or bond rider covering the change.

5200.0750 DISPLAY OF LICENSES.

Each manager or counselor license shall be displayed in a conspicuous place on or near the individual's desk.

5200.0760 USE OF NAME OTHER THAN THAT ON LICENSE.

No employment agency, manager, or counselor shall use any name in the conduct of business or advertising other than that name which appears on the license.