

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 729

1.2 A bill for an act

1.3 relating to state government; appropriating money for jobs and economic
1.4 development, commerce and consumer protection, and housing; making
1.5 changes to labor and industry provisions; modifying and providing for
1.6 certain fees; modifying employment, economic development, and workforce
1.7 development provisions; making unemployment insurance changes; reducing
1.8 the unemployment insurance tax; establishing notice for contracts for deed
1.9 involving residential property; providing remedies; establishing the Office of
1.10 Broadband Development in the Department of Commerce and assigning it duties;
1.11 requiring the Department of Transportation to post a database on its Web site;
1.12 appropriating money to various boards, departments, and the Housing Finance
1.13 Agency; requiring reports; amending Minnesota Statutes 2012, sections 60A.14,
1.14 subdivision 1; 116J.70, subdivision 2a; 116J.8731, subdivisions 2, 3, 8, 9;
1.15 116L.17, subdivision 4, by adding a subdivision; 116U.26; 136F.37; 154.001, by
1.16 adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2;
1.17 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision
1.18 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; 155A.23, subdivisions 3, 8, 11;
1.19 155A.25, subdivisions 1a, 4; 155A.27, subdivisions 4, 10; 155A.29, subdivision
1.20 2; 155A.30, by adding a subdivision; 177.27, subdivision 4; 237.012, subdivision
1.21 3; 239.101, subdivision 3; 245.4712, subdivision 1; 268.051, subdivision 5;
1.22 268.07, subdivision 3b; 268.125, subdivisions 1, 3, 4, 5; 268.136, subdivisions
1.23 1, 2, 3, 4, 5, by adding a subdivision; 268.199; 268.23; 268A.13; 268A.14,
1.24 subdivision 1; 326.02, subdivision 5; 326A.04, subdivisions 2, 3, 5, 7; 326A.10;
1.25 326B.081, subdivision 3; 326B.082, subdivision 11; 326B.093, subdivision 4;
1.26 326B.101; 326B.103, subdivision 11; 326B.121, subdivision 1; 326B.163, by
1.27 adding subdivisions; 326B.184, subdivisions 1, 2, by adding a subdivision;
1.28 326B.187; 326B.31, by adding a subdivision; 326B.33, subdivisions 19, 21;
1.29 326B.36, subdivision 7; 326B.37, by adding a subdivision; 326B.43, subdivision
1.30 2; 326B.49, subdivisions 2, 3; 326B.89, subdivision 1; 327B.04, subdivision
1.31 4; 341.21, subdivision 3a; 341.221; 341.27; 341.29; 341.30, subdivision 4;
1.32 341.32, subdivision 2; 341.321; 507.235, subdivision 2; 559.211, subdivision
1.33 2; Laws 2011, First Special Session chapter 2, article 2, section 3, subdivision
1.34 4; Laws 2012, chapter 201, article 1, section 3; proposing coding for new law
1.35 in Minnesota Statutes, chapters 116J; 116L; 154; 155A; 161; 179; 237; 268;
1.36 326B; 383D; 559; proposing coding for new law as Minnesota Statutes, chapter
1.37 80G; repealing Minnesota Statutes 2012, sections 116W.01; 116W.02; 116W.03;
1.38 116W.035; 116W.04; 116W.05; 116W.06; 116W.20; 116W.21; 116W.23;
1.39 116W.24; 116W.25; 116W.26; 116W.27; 116W.28; 116W.29; 116W.30; 116W.31;
1.40 116W.32; 116W.33; 116W.34; 155A.25, subdivision 1; 326A.03, subdivisions
1.41 2, 5, 8; 326B.31, subdivisions 18, 19, 22; 326B.978, subdivision 4; 507.235,
1.42 subdivision 4; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700;
1.43 1307.0032; 3800.3520, subpart 5, items C, D; 3800.3602, subpart 2, item B.

May 15, 2013

2.1
2.2 The Honorable Paul Thissen
2.3 Speaker of the House of Representatives

2.4 The Honorable Sandra L. Pappas
2.5 President of the Senate

2.6 We, the undersigned conferees for H. F. No. 729 report that we have agreed upon the
2.7 items in dispute and recommend as follows:

2.8 That the Senate recede from its amendments and that H. F. No. 729 be further
2.9 amended as follows:

2.10 Delete everything after the enacting clause and insert:

2.11 **"ARTICLE 1**

2.12 **APPROPRIATIONS**

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

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

	<u>2014</u>		<u>2015</u>		<u>Total</u>
2.16 <u>General</u>	\$ 197,787,000	\$	170,068,000	\$	367,855,000
2.17 <u>Workforce Development</u>	21,469,000		20,951,000		42,420,000
2.18 <u>Remediation</u>	700,000		700,000		1,400,000
2.19 <u>Workers' Compensation</u>	23,535,000		23,325,000		46,860,000
2.20 <u>Special Revenue</u>	940,000		1,240,000		2,180,000
2.21 <u>Petroleum Tank Release</u>	1,052,000		1,052,000		2,104,000
2.22 <u>Total</u>	\$ 245,483,000	\$	217,336,000	\$	462,819,000

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

2.25 The sums shown in the columns marked "Appropriations" are appropriated to the
2.26 agencies and for the purposes specified in this article. The appropriations are from the
2.27 general fund, or another named fund, and are available for the fiscal years indicated
2.28 for each purpose. The figures "2014" and "2015" used in this article mean that the
2.29 appropriations listed under them are available for the fiscal year ending June 30, 2014, or
2.30 June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal
2.31 year 2015. "The biennium" is fiscal years 2014 and 2015.

2.32 **APPROPRIATIONS**
2.33 **Available for the Year**
2.34 **Ending June 30**
2.35 **2014** **2015**

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

3.1	<u>Subdivision 1. Total Appropriation</u>		<u>\$ 107,134,000</u>	<u>\$ 97,364,000</u>
3.2	<u>Appropriations by Fund</u>			
3.3		<u>2014</u>	<u>2015</u>	
3.4	<u>General</u>	<u>85,994,000</u>	<u>76,742,000</u>	
3.5	<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>	
3.6	<u>Workforce</u>			
3.7	<u>Development</u>	<u>20,440,000</u>	<u>19,922,000</u>	

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

3.11	<u>Subd. 2. Business and Community</u>			
3.12	<u>Development</u>		<u>53,642,000</u>	<u>45,407,000</u>

3.13	<u>Appropriations by Fund</u>			
3.14	<u>General</u>	<u>52,942,000</u>	<u>44,707,000</u>	
3.15	<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>	

3.16 (a)(1) \$15,000,000 each year is for
 3.17 the Minnesota investment fund under
 3.18 Minnesota Statutes, section 116J.8731. This
 3.19 appropriation is available until spent.

3.20 (2) Of the amount available under clause
 3.21 (1), up to \$3,000,000 in fiscal year 2014
 3.22 is for a loan to facilitate initial investment
 3.23 in the purchase and operation of a
 3.24 biopharmaceutical manufacturing facility.
 3.25 This loan is not subject to the loan limitations
 3.26 under Minnesota Statutes, section 116J.8731,
 3.27 and shall be forgiven by the commissioner
 3.28 of employment and economic development
 3.29 upon verification of meeting performance
 3.30 goals. Purchases related to and for the
 3.31 purposes of this loan award must be made
 3.32 between January 1, 2013, and June 30, 2015.

3.33 The amount under this clause is available
 3.34 until expended.

4.1 (3) Of the amount available under clause (1),
4.2 up to \$2,000,000 is available for subsequent
4.3 investment in the biopharmaceutical facility
4.4 project in clause (2). The amount under this
4.5 clause is available until expended. Loan
4.6 thresholds under clause (2) must be achieved
4.7 and maintained to receive funding. Loans
4.8 are not subject to the loan limitations under
4.9 Minnesota Statutes, section 116J.8731, and
4.10 shall be forgiven by the commissioner of
4.11 employment and economic development
4.12 upon verification of meeting performance
4.13 goals. Purchases related to and for the
4.14 purposes of loan awards must be made during
4.15 the biennium the loan was received.

4.16 (4) Notwithstanding any law to the contrary,
4.17 the biopharmaceutical manufacturing facility
4.18 in this paragraph shall be deemed eligible
4.19 for the Minnesota job creation fund under
4.20 Minnesota Statutes, section 116J.8748,
4.21 by having at least \$25,000,000 in capital
4.22 investment and 190 retained employees.

4.23 (5) For purposes of clauses (1) to (4),
4.24 "biopharmaceutical" and "biologics" are
4.25 interchangeable and mean medical drugs
4.26 or medicinal preparations produced using
4.27 technology that uses biological systems,
4.28 living organisms, or derivatives of living
4.29 organisms, to make or modify products or
4.30 processes for specific use. The medical drugs
4.31 or medicinal preparations include but are not
4.32 limited to proteins, antibodies, nucleic acids,
4.33 and vaccines.

4.34 (b) \$12,000,000 each year is for the
4.35 Minnesota job creation fund under Minnesota

5.1 Statutes, section 116J.8748. Of this amount,
5.2 the commissioner of employment and
5.3 economic development may use up to three
5.4 percent for administrative expenses. This
5.5 appropriation is available until spent. The
5.6 base funding for this program shall be
5.7 \$12,500,000 each year in the fiscal year
5.8 2016-2017 biennium.

5.9 (c) \$1,272,000 each year is from the
5.10 general fund for contaminated site cleanup
5.11 and development grants under Minnesota
5.12 Statutes, sections 116J.551 to 116J.558. This
5.13 appropriation is available until expended.

5.14 (d) \$700,000 each year is from the
5.15 remediation fund for contaminated site
5.16 cleanup and development grants under
5.17 Minnesota Statutes, sections 116J.551 to
5.18 116J.558. This appropriation is available
5.19 until expended.

5.20 (e) \$1,425,000 the first year and \$1,425,000
5.21 the second year are from the general fund for
5.22 the business development competitive grant
5.23 program. Of this amount, up to five percent
5.24 is for administration and monitoring of the
5.25 business development competitive grant
5.26 program. All grant awards shall be for two
5.27 consecutive years. Grants shall be awarded
5.28 in the first year.

5.29 (f) \$4,195,000 each year is from the general
5.30 fund for the Minnesota job skills partnership
5.31 program under Minnesota Statutes, sections
5.32 116L.01 to 116L.17. If the appropriation for
5.33 either year is insufficient, the appropriation
5.34 for the other year is available. This
5.35 appropriation is available until spent.

6.1 (g) \$6,000,000 the first year is from the
6.2 general fund for the redevelopment program
6.3 under Minnesota Statutes, section 116J.571.

6.4 This is a onetime appropriation and is
6.5 available until spent.

6.6 (h) \$12,000 each year is from the general
6.7 fund for a grant to the Upper Minnesota Film
6.8 Office.

6.9 (i) \$325,000 each year is from the general
6.10 fund for the Minnesota Film and TV Board.
6.11 The appropriation in each year is available
6.12 only upon receipt by the board of \$1 in
6.13 matching contributions of money or in-kind
6.14 contributions from nonstate sources for every
6.15 \$3 provided by this appropriation, except that
6.16 each year up to \$50,000 is available on July
6.17 1 even if the required matching contribution
6.18 has not been received by that date.

6.19 (j) \$100,000 each year is for a grant to the
6.20 Northern Lights International Music Festival.

6.21 (k) \$5,000,000 each year is from the general
6.22 fund for a grant to the Minnesota Film
6.23 and TV Board for the film production jobs
6.24 program under Minnesota Statutes, section
6.25 116U.26. This appropriation is available
6.26 until expended. The base funding for this
6.27 program shall be \$1,500,000 each year in the
6.28 fiscal year 2016-2017 biennium.

6.29 (l) \$375,000 each year is from the general
6.30 fund for a grant to Enterprise Minnesota, Inc.,
6.31 for the small business growth acceleration
6.32 program under Minnesota Statutes, section
6.33 116O.115. This is a onetime appropriation.

7.1 (m) \$160,000 each year is from the general
7.2 fund for a grant to develop and implement
7.3 a southern and southwestern Minnesota
7.4 initiative foundation collaborative pilot
7.5 project. Funds available under this paragraph
7.6 must be used to support and develop
7.7 entrepreneurs in diverse populations in
7.8 southern and southwestern Minnesota. This
7.9 is a onetime appropriation and is available
7.10 until expended.

7.11 (n) \$100,000 each year is from the general
7.12 fund for the Center for Rural Policy
7.13 and Development. This is a onetime
7.14 appropriation.

7.15 (o) \$250,000 each year is from the general
7.16 fund for the Broadband Development Office.

7.17 (p) \$250,000 the first year is from the
7.18 general fund for a onetime grant to the St.
7.19 Paul Planning and Economic Development
7.20 Department for neighborhood stabilization
7.21 use in NSP3.

7.22 (q) \$1,235,000 the first year is from the
7.23 general fund for a onetime grant to a city
7.24 of the second class that is designated as an
7.25 economically depressed area by the United
7.26 States Department of Commerce. The
7.27 appropriation is for economic development,
7.28 redevelopment, and job creation programs
7.29 and projects. This appropriation is available
7.30 until expended.

7.31 (r) \$875,000 each year is from the general
7.32 fund for the Host Community Economic
7.33 Development Program established in
7.34 Minnesota Statutes, section 116J.548.

8.1 (s) \$750,000 the first year is from the general
 8.2 fund for a onetime grant to the city of Morris
 8.3 for loans or grants to agricultural processing
 8.4 facilities for energy efficiency improvements.
 8.5 Funds available under this section shall be
 8.6 used to increase conservation and promote
 8.7 energy efficiency through retrofitting existing
 8.8 systems and installing new systems to
 8.9 recover waste heat from industrial processes
 8.10 and reuse energy. This appropriation is not
 8.11 available until the commissioner determines
 8.12 that at least \$1,250,000 is committed to
 8.13 the project from nonpublic sources. This
 8.14 appropriation is available until expended.

8.15 Subd. 3. **Workforce Development** 16,386,000 14,881,000

	<u>Appropriations by Fund</u>	
8.16		
8.17	<u>General</u>	<u>2,776,000</u>
		<u>1,789,000</u>
8.18	<u>Workforce</u>	
8.19	<u>Development</u>	<u>13,610,000</u>
		<u>13,092,000</u>

8.20 (a) \$1,039,000 each year from the general
 8.21 fund and \$2,244,000 each year from the
 8.22 workforce development fund are for the adult
 8.23 workforce development competitive grant
 8.24 program. Of this amount, up to five percent
 8.25 is for administration and monitoring of the
 8.26 adult workforce development competitive
 8.27 grant program. All grant awards shall be
 8.28 for two consecutive years. Grants shall be
 8.29 awarded in the first year.

8.30 (b) \$3,500,000 each year is from the
 8.31 workforce development fund for the
 8.32 Minnesota youth program under Minnesota
 8.33 Statutes, sections 116L.56 and 116L.561.

8.34 (c) \$1,000,000 each year is from the
 8.35 workforce development fund and \$250,000

9.1 each year is from the general fund for
9.2 the youthbuild program under Minnesota
9.3 Statutes, sections 116L.361 to 116L.366. Of
9.4 this appropriation and notwithstanding any
9.5 law to the contrary, \$250,000 each year is for
9.6 the Little Earth youthbuild program and is
9.7 available until expended. The appropriation
9.8 from the general fund and the appropriation to
9.9 Little Earth youthbuild program are onetime.

9.10 (d) \$200,000 each year is from the workforce
9.11 development fund for a grant to Minnesota
9.12 Diversified Industries, Inc., to provide
9.13 progressive development and employment
9.14 opportunities for people with disabilities.

9.15 (e) \$2,848,000 each year is from the
9.16 workforce development fund for the youth
9.17 workforce development competitive grant
9.18 program. Of this amount, up to five percent
9.19 is for administration and monitoring of the
9.20 youth workforce development competitive
9.21 grant program. All grant awards shall be
9.22 for two consecutive years. Grants shall be
9.23 awarded in the first year.

9.24 (f) \$1,500,000 each year is from the
9.25 workforce development fund for a grant
9.26 to FastTRAC - Minnesota Adult Careers
9.27 Pathways Program. Up to ten percent
9.28 of this appropriation may be used to
9.29 provide leadership, oversight, and technical
9.30 assistance services for low-skilled,
9.31 low-income adults.

9.32 (g) \$987,000 in fiscal year 2014 is a onetime
9.33 appropriation from the general fund for
9.34 the pilot customized training program for

10.1 manufacturing industries under article 3. Of
10.2 this amount:

10.3 (1) \$240,000 is for the commissioner for
10.4 coordination, oversight, and reporting
10.5 responsibilities related to the customized
10.6 training program;

10.7 (2) \$187,000 is for a grant to Alexandria
10.8 Technical College for the customized training
10.9 center;

10.10 (3) \$380,000 is for a grant to Century College
10.11 for the purposes of this paragraph;

10.12 (4) \$90,000 is for Hennepin Technical
10.13 College for the purposes of this paragraph;
10.14 and

10.15 (5) \$90,000 is for Central Lakes College for
10.16 the purposes of this paragraph.

10.17 (h) \$425,000 the first year and \$425,000
10.18 the second year are from the workforce
10.19 development fund for a grant to the
10.20 Minnesota High Tech Association to support
10.21 SciTechsperience, a program that supports
10.22 science, technology, engineering, and math
10.23 (STEM) internship opportunities for two-
10.24 and four-year college and university students
10.25 in their field of study. The internship
10.26 opportunities must match students with
10.27 paid internships within STEM disciplines
10.28 at small, for-profit companies located in the
10.29 seven-county metropolitan area, with fewer
10.30 than 150 total employees, or at small or
10.31 medium, for-profit companies located outside
10.32 of the seven-county metropolitan area, with
10.33 fewer than 250 total employees. At least 100
10.34 students must be matched in the first year

11.1 and at least 125 students must be matched in
11.2 the second year. Selected hiring companies
11.3 shall receive from the grant 50 percent of the
11.4 wages paid to the intern, capped at \$2,500
11.5 per intern. The program must work toward
11.6 increasing the participation among women
11.7 or other underserved populations. This is a
11.8 onetime appropriation and is available until
11.9 expended.

11.10 (i) \$500,000 each year is from the workforce
11.11 development fund for the Opportunities
11.12 Industrialization Center programs. This
11.13 appropriation shall be divided equally among
11.14 the eligible centers.

11.15 (j) \$450,000 the first year is from the
11.16 workforce development fund for the
11.17 foreign-trained health care professionals
11.18 grant program modeled after the pilot
11.19 program conducted under Laws 2006,
11.20 chapter 282, article 11, section 2, subdivision
11.21 12, to encourage state licensure of
11.22 foreign-trained health care professionals,
11.23 including: physicians, with preference given
11.24 to primary care physicians who commit
11.25 to practicing for at least five years after
11.26 licensure in underserved areas of the state;
11.27 nurses; dentists; pharmacists; mental health
11.28 professionals; and other allied health care
11.29 professionals. The commissioner must
11.30 collaborate with health-related licensing
11.31 boards and Minnesota workforce centers to
11.32 award grants to foreign-trained health care
11.33 professionals sufficient to cover the actual
11.34 costs of taking a course to prepare health
11.35 care professionals for required licensing
11.36 examinations and the fee for the state

12.1 licensing examinations. When awarding
12.2 grants, the commissioner must consider the
12.3 following factors:

12.4 (1) whether the recipient's training involves
12.5 a medical specialty that is in high demand in
12.6 one or more communities in the state;

12.7 (2) whether the recipient commits to
12.8 practicing in a designated rural area or an
12.9 underserved urban community, as defined in
12.10 Minnesota Statutes, section 144.1501;

12.11 (3) whether the recipient's language skills
12.12 provide an opportunity for needed health care
12.13 access for underserved Minnesotans; and

12.14 (4) any additional criteria established
12.15 by the commissioner. This is a onetime
12.16 appropriation and is available until expended.

12.17 (k) \$68,000 the first year from the workforce
12.18 development fund is for a grant to Olmsted
12.19 County for employment supports and
12.20 independent living services to county
12.21 residents diagnosed with high-functioning
12.22 autism, Asperger's syndrome, nonverbal
12.23 learning disorders, and pervasive
12.24 development disorder, not otherwise
12.25 specified, and for education, outreach,
12.26 and support services to area employers
12.27 to encourage the hiring and promotion
12.28 of workers with high-functioning autism,
12.29 Asperger's syndrome, nonverbal learning
12.30 disorders, and pervasive development
12.31 disorder, not otherwise specified. This is a
12.32 onetime appropriation and is available until
12.33 expended.

13.1 (l) \$750,000 each year is from the workforce
 13.2 development fund for a grant to the
 13.3 Minnesota Alliance of Boys and Girls
 13.4 Clubs to administer a statewide project
 13.5 of youth jobs skills development. This
 13.6 project, which may have career guidance
 13.7 components, including health and life skills,
 13.8 is to encourage, train, and assist youth in
 13.9 job-seeking skills, workplace orientation,
 13.10 and job-site knowledge through coaching.
 13.11 This grant requires a 25 percent match from
 13.12 nonstate resources.

13.13 (m) \$500,000 the first year and \$500,000 the
 13.14 second year are appropriated from the general
 13.15 fund for the publication, dissemination,
 13.16 and use of labor market information under
 13.17 Minnesota Statutes, section 116J.4011, and
 13.18 for pilot programs in the workforce service
 13.19 areas specified in this act, to combine career
 13.20 and higher education advising.

13.21 (n) \$125,000 each year is from the workforce
 13.22 development fund for a grant to Big
 13.23 Brothers, Big Sisters of the Greater Twin
 13.24 Cities for workforce readiness, employment
 13.25 exploration, and skills development for
 13.26 youth ages 12 to 21. The grant must serve
 13.27 youth in the Twin Cities, Central Minnesota
 13.28 and Southern Minnesota Big Brothers, Big
 13.29 Sisters chapters.

13.30 Subd. 4. **General Support Services** 1,168,000 1,168,000

13.31 \$150,000 each year is from the general fund
 13.32 for the cost-of-living study required under
 13.33 Minnesota Statutes, section 116J.013.

13.34 Subd. 5. **Minnesota Trade Office** 2,322,000 2,292,000

14.1 (a) \$330,000 in fiscal year 2014 and \$300,000
 14.2 in fiscal year 2015 are for the STEP grants
 14.3 in Minnesota Statutes, section 116J.979. Of
 14.4 the fiscal year 2014 appropriation, \$30,000
 14.5 is for establishing trade, export, and cultural
 14.6 exchange relations between the state of
 14.7 Minnesota and east African nations.

14.8 (b) \$180,000 in fiscal year 2014 and
 14.9 \$180,000 in fiscal year 2015 are for the Invest
 14.10 Minnesota marketing initiative in Minnesota
 14.11 Statutes, section 116J.9801. Notwithstanding
 14.12 any other law, this provision does not expire.

14.13 (c) \$270,000 each year is from the general
 14.14 fund for the expansion of Minnesota Trade
 14.15 Offices under Minnesota Statutes, section
 14.16 116J.978.

14.17 (d) \$50,000 each year is from the general
 14.18 fund for the trade policy advisory group
 14.19 under Minnesota Statutes, section 116J.9661.

14.20 (e) The commissioner of employment and
 14.21 economic development, in consultation
 14.22 with the commissioner of agriculture, shall
 14.23 identify and increase export opportunities for
 14.24 Minnesota agricultural products.

14.25 **Subd. 6. Vocational Rehabilitation** 27,691,000 27,691,000

	<u>Appropriations by Fund</u>	
14.27 <u>General</u>	<u>20,861,000</u>	<u>20,861,000</u>
14.28 <u>Workforce</u>		
14.29 <u>Development</u>	<u>6,830,000</u>	<u>6,830,000</u>

14.30 (a) \$10,800,000 each year is from the general
 14.31 fund for the state's vocational rehabilitation
 14.32 program under Minnesota Statutes, chapter
 14.33 268A.

15.1 (b) \$2,261,000 each year is from the general
 15.2 fund for grants to centers for independent
 15.3 living under Minnesota Statutes, section
 15.4 268A.11.

15.5 (c) \$5,745,000 each year from the general
 15.6 fund and \$6,830,000 each year from the
 15.7 workforce development fund is for extended
 15.8 employment services for persons with
 15.9 severe disabilities under Minnesota Statutes,
 15.10 section 268A.15. The allocation of extended
 15.11 employment funds to Courage Center from
 15.12 July 1, 2012 to June 30, 2013 must be
 15.13 contracted to Allina Health systems from
 15.14 July 1, 2013 to June 30, 2014 to provide
 15.15 extended employment services in accordance
 15.16 with Minnesota Rules, parts 3300.2005 to
 15.17 3300.2055.

15.18 (d) \$2,055,000 each year is from the general
 15.19 fund for grants to programs that provide
 15.20 employment support services to persons with
 15.21 mental illness under Minnesota Statutes,
 15.22 sections 268A.13 and 268A.14. The base
 15.23 appropriation for this program is \$1,555,000
 15.24 each year in the fiscal year 2016-2017
 15.25 biennium.

15.26 Subd. 7. **Services for the Blind** 5,925,000 5,925,000

15.27 Sec. 4. **HOUSING FINANCE AGENCY**

15.28 Subdivision 1. **Total Appropriation** \$ 58,748,000 \$ 42,748,000

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

15.32 Unless otherwise specified, this appropriation
 15.33 is for transfer to the housing development
 15.34 fund for the programs specified in this

16.1 section. Except as otherwise indicated, this
16.2 transfer is part of the agency's permanent
16.3 budget base.

16.4 **Subd. 2. Challenge Program** 19,203,000 9,203,000

16.5 (a) This appropriation is for the economic
16.6 development and housing challenge program
16.7 under Minnesota Statutes, section 462A.33.
16.8 The agency must continue to strengthen its
16.9 efforts to address the disparity rate between
16.10 white households and indigenous American
16.11 Indians and communities of color. Of this
16.12 amount, \$1,208,000 each year shall be made
16.13 available during the first 11 months of the
16.14 fiscal year exclusively for housing projects
16.15 for American Indians. Any funds not
16.16 committed to housing projects for American
16.17 Indians in the first 11 months of the fiscal year
16.18 shall be available for any eligible activity
16.19 under Minnesota Statutes, section 462A.33.

16.20 (b) Of this amount, \$10,000,000 is a onetime
16.21 appropriation and is targeted for housing in
16.22 communities and regions that have:

16.23 (1)(i) low housing vacancy rates; and

16.24 (ii) cooperatively developed a plan that
16.25 identifies current and future housing needs;
16.26 and

16.27 (2)(i) experienced job growth since 2005 and
16.28 have at least 2,000 jobs within the commuter
16.29 shed;

16.30 (ii) evidence of anticipated job expansion; or

16.31 (iii) a significant portion of area employees
16.32 who commute more than 30 miles between
16.33 their residence and their employment.

17.1 (c) Priority shall be given to programs and
17.2 projects that are land trust programs and
17.3 programs that work in coordination with a
17.4 land trust program.

17.5 (d) The base funding for this program in the
17.6 2016-2017 biennium is \$12,925,000 each
17.7 year.

17.8 Subd. 3. **Housing Trust Fund** 13,276,000 10,276,000

17.9 (a) This appropriation is for deposit in the
17.10 housing trust fund account created under
17.11 Minnesota Statutes, section 462A.201, and
17.12 may be used for the purposes provided in
17.13 that section. To the extent that these funds
17.14 are used for the acquisition of housing, the
17.15 agency shall give priority among comparable
17.16 projects to projects that focus on creating
17.17 safe and stable housing for homeless youth
17.18 or projects that provide housing to trafficked
17.19 women and children.

17.20 (b) \$2,000,000 in the first year is a onetime
17.21 appropriation for temporary rental assistance
17.22 for families with school-age children who
17.23 have changed school or home at least
17.24 once in the last school year. The agency,
17.25 in consultation with the Department of
17.26 Education, may establish additional targeting
17.27 criteria.

17.28 (c) Of this amount, \$500,000 the first year
17.29 is a onetime appropriation for temporary
17.30 rental assistance for adults who are in
17.31 the process of being released from state
17.32 correctional facilities or on supervised
17.33 release in the community who are homeless
17.34 or at risk of becoming homeless. The
17.35 agency, in consultation with the Department

18.1 of Corrections, may establish additional
 18.2 targeting criteria to identify those adults
 18.3 most at risk of reentering state correctional
 18.4 facilities.

18.5 (d) Of this amount, \$500,000 the first year
 18.6 is a onetime appropriation for a grant to the
 18.7 nonprofit organization selected to administer
 18.8 the state demonstration project for high-risk
 18.9 adults established under Laws 2007, chapter
 18.10 54, article 1, section 19.

18.11 (e) The base funding for this program in
 18.12 fiscal years 2016 and 2017 is \$11,471,000
 18.13 each year.

18.14 Subd. 4. **Rental Assistance for Mentally Ill** 2,838,000 2,838,000

18.15 This appropriation is for the rental housing
 18.16 assistance program under Minnesota
 18.17 Statutes, section 462A.2097.

18.18 Subd. 5. **Family Homeless Prevention** 7,862,000 7,862,000

18.19 This appropriation is for the family homeless
 18.20 prevention and assistance programs under
 18.21 Minnesota Statutes, section 462A.204.

18.22 The base funding for this program in the
 18.23 2016-2017 biennium is \$8,519,000 each year.

18.24 Subd. 6. **Home Ownership Assistance Fund** 830,000 830,000

18.25 This appropriation is for the home ownership
 18.26 assistance program under Minnesota
 18.27 Statutes, section 462A.21, subdivision 8.

18.28 The agency shall continue to strengthen
 18.29 its efforts to address the disparity gap in
 18.30 the homeownership rate between white
 18.31 households and indigenous American Indians
 18.32 and communities of color.

19.1 The base funding for this program in fiscal
19.2 years 2016 and 2017 is \$885,000 each year.

19.3 Subd. 7. **Affordable Rental Investment Fund** 4,218,000 4,218,000

19.4 (a) This appropriation is for the affordable
19.5 rental investment fund program under
19.6 Minnesota Statutes, section 462A.21,
19.7 subdivision 8b, to finance the acquisition,
19.8 rehabilitation, and debt restructuring of
19.9 federally assisted rental property and
19.10 for making equity take-out loans under
19.11 Minnesota Statutes, section 462A.05,
19.12 subdivision 39.

19.13 (b) The owner of federally assisted rental
19.14 property must agree to participate in
19.15 the applicable federally assisted housing
19.16 program and to extend any existing
19.17 low-income affordability restrictions on the
19.18 housing for the maximum term permitted.
19.19 The owner must also enter into an agreement
19.20 that gives local units of government,
19.21 housing and redevelopment authorities,
19.22 and nonprofit housing organizations the
19.23 right of first refusal if the rental property
19.24 is offered for sale. Priority must be given
19.25 among comparable federally assisted rental
19.26 properties to properties with the longest
19.27 remaining term under an agreement for
19.28 federal assistance. Priority must also be
19.29 given among comparable rental housing
19.30 developments to developments that are or
19.31 will be owned by local government units, a
19.32 housing and redevelopment authority, or a
19.33 nonprofit housing organization.

19.34 (c) The appropriation also may be used to
19.35 finance the acquisition, rehabilitation, and

20.1 debt restructuring of existing supportive
 20.2 housing properties. For purposes of this
 20.3 subdivision, "supportive housing" means
 20.4 affordable rental housing with links to
 20.5 services necessary for individuals, youth, and
 20.6 families with children to maintain housing
 20.7 stability.

20.8 **Subd. 8. Housing Rehabilitation** 2,772,000 2,772,000

20.9 This appropriation is for housing assistance
 20.10 for the rehabilitation of single-family homes
 20.11 under the housing rehabilitation program
 20.12 under Minnesota Statutes, section 462A.05,
 20.13 subdivision 14.

20.14 **Subd. 9. Homeownership Education,**
 20.15 **Counseling, and Training** 791,000 791,000

20.16 This appropriation is for the homeownership
 20.17 education, counseling, and training program
 20.18 under Minnesota Statutes, section 462A.209.
 20.19 Priority may be given to funding programs
 20.20 that are aimed at culturally specific groups
 20.21 who are providing services to members of
 20.22 their communities.

20.23 The base funding for this program in fiscal
 20.24 years 2016 and 2017 is \$857,000 each year.

20.25 **Subd. 10. Capacity Building Grants** 375,000 375,000

20.26 This appropriation is for nonprofit capacity
 20.27 building grants under Minnesota Statutes,
 20.28 section 462A.21, subdivision 3b.

20.29 **Subd. 11. Grants** 445,000 445,000

20.30 (a) This appropriation is for the grants in
 20.31 paragraphs (b) to (d) and is available until
 20.32 expended. This appropriation is added to the
 20.33 agency's base.

21.1 (b) \$70,000 each year is for a grant to Open
21.2 Access Connection to provide free voice mail
21.3 services for homeless and low-income people
21.4 so that they have a reliable and consistent
21.5 communication tool to aid in their search
21.6 for affordable housing and their search for
21.7 and maintenance of jobs so that they have
21.8 income to maintain affordable housing. This
21.9 service is provided in the metropolitan area
21.10 and through a toll-free number in greater
21.11 Minnesota.

21.12 (c) \$200,000 each year is for a grant to
21.13 HOME Line for the tenant's rights advocacy
21.14 and services program.

21.15 (d) \$175,000 each year is for a grant to the
21.16 Voice of East African Women Organization
21.17 to provide safe housing for victims of
21.18 domestic abuse and trafficking. The program
21.19 shall provide shelter to East African women
21.20 and children in Minnesota and other victims
21.21 of domestic violence. This appropriation is
21.22 available in either year.

21.23 Subd. 12. **Rental Rehabilitation** 3,138,000 3,138,000

21.24 This appropriation is for the rental housing
21.25 rehabilitation loan program under Minnesota
21.26 Statutes, section 462A.05, subdivision 14.
21.27 The base funding for this program in fiscal
21.28 years 2016 and 2017 is \$3,743,000 each year.

21.29 Subd. 13. **Transfers and Appropriations**

21.30 (a) The remaining balance of appropriations
21.31 in Laws 2012, First Special Session chapter
21.32 1, article 1, section 7, for the economic
21.33 development and housing challenge program
21.34 that is unobligated to loans to homeowners

22.1 or rental property owners as of June 30,
22.2 2013, estimated to be \$3,000,000 is canceled
22.3 to the general fund. By August 1, 2013,
22.4 the commissioner of the Housing Finance
22.5 Agency shall provide the commissioner of
22.6 management and budget with the information
22.7 necessary to determine the amount that is
22.8 uncommitted and available for transfer.

22.9 (b) The amount canceled to the general fund
22.10 under paragraph (a) is appropriated to the
22.11 Housing Finance Agency from the general
22.12 fund for transfer to the housing development
22.13 fund for the rehabilitation loan program
22.14 under Minnesota Statutes, section 462A.05,
22.15 subdivision 14. Until August 1, 2014,
22.16 priority in the use of these funds shall be
22.17 given to assistance for eligible homeowners
22.18 residing in the area included in DR-4069
22.19 whose homes were damaged as a result of
22.20 the storms and flooding that occurred June
22.21 14 to June 21, 2012.

22.22 **Sec. 5. EXPLORE MINNESOTA TOURISM \$ 13,988,000 \$ 13,988,000**

22.23 To develop maximum private sector
22.24 involvement in tourism, \$500,000 in fiscal
22.25 year 2014 and \$500,000 in fiscal year 2015
22.26 must be matched by Explore Minnesota
22.27 Tourism from nonstate sources. Each \$1 of
22.28 state incentive must be matched with \$6 of
22.29 private sector funding. Cash match is defined
22.30 as revenue to the state or documented cash
22.31 expenditures directly expended to support
22.32 Explore Minnesota Tourism programs. Up
22.33 to one-half of the private sector contribution
22.34 may be in-kind or soft match. The incentive
22.35 in fiscal year 2014 shall be based on fiscal

- 24.1 (a) \$816,000 each year is from the
 24.2 general fund for the labor standards and
 24.3 apprenticeship program.
- 24.4 (b) \$150,000 each year is from the general
 24.5 fund for a child labor initiative for expanding
 24.6 education and outreach to high schools and
 24.7 targeted industries to ensure minors entering
 24.8 the workforce are safe.
- 24.9 (c) \$879,000 each year is appropriated from
 24.10 the workforce development fund for the
 24.11 apprenticeship program under Minnesota
 24.12 Statutes, chapter 178, and includes
 24.13 \$100,000 each year for labor education and
 24.14 advancement program grants and to expand
 24.15 and promote registered apprenticeship
 24.16 training in nonconstruction trade programs.
- 24.17 (d) \$150,000 each year is appropriated
 24.18 from the workforce development fund for
 24.19 prevailing wage enforcement.
- 24.20 (e) \$70,000 each year is from the general
 24.21 fund for implementing and administering a
 24.22 minimum wage inflation adjustment. This
 24.23 appropriation is available only if a law is
 24.24 enacted in 2013 that includes an automatic
 24.25 inflation adjustment to the state minimum
 24.26 wage. The availability of this appropriation
 24.27 is effective in the same fiscal year that the
 24.28 inflation adjustment is first effective.
- 24.29 (f) \$100,000 each year is from the general
 24.30 fund for wage enforcement.
- 24.31 Subd. 4. **Workplace Safety** 4,154,000 4,154,000
- 24.32 This appropriation is from the workers'
 24.33 compensation fund.
- 24.34 Subd. 5. **General Support** 6,039,000 6,039,000

25.1 This appropriation is from the workers'
25.2 compensation fund.

25.3 Sec. 7. BUREAU OF MEDIATION
25.4 SERVICES

\$ 2,129,000 \$ 2,033,000

25.5 (a) \$68,000 each year is for grants to area
25.6 labor management committees. Grants may
25.7 be awarded for a 12-month period beginning
25.8 July 1 each year. Any unencumbered balance
25.9 remaining at the end of the first year does not
25.10 cancel but is available for the second year.

25.11 (b) \$100,000 in fiscal year 2014 is
25.12 appropriated from the general fund to the
25.13 Bureau of Mediation Services for transfer
25.14 to the Office of Enterprise Technology to
25.15 develop a new business management system
25.16 for case and document management. This is
25.17 a onetime appropriation and is available for
25.18 spending until June 30, 2015. Any ongoing
25.19 information technology support or costs for
25.20 this application will be incorporated into the
25.21 service level agreement and will be paid to
25.22 the Office of Enterprise Technology by the
25.23 Bureau of Mediation Services under the rates
25.24 and mechanism specified in that agreement.
25.25 Of this amount, \$25,000 each year is added
25.26 to the Bureau of Mediation Services base
25.27 budget to cover the information technology
25.28 support costs for this application.

25.29 (c) \$256,000 each year is from the general
25.30 fund for the Office of Collaboration and
25.31 Dispute Resolution under Minnesota
25.32 Statutes, section 179.90. Of this amount,
25.33 \$160,000 each year is for grants under
25.34 Minnesota Statutes, section 179.91, and
25.35 \$96,000 each year is for intergovernmental

26.1 and public policy collaboration and operation
 26.2 of the office.

26.3 (d) The bureau's general fund base
 26.4 is \$2,058,000 in fiscal year 2016 and
 26.5 \$2,058,000 in fiscal year 2017.

26.6 Sec. 8. BOARD OF ACCOUNTANCY \$ 705,000 \$ 618,000

26.7 Sec. 9. BOARD OF ARCHITECTURE,
 26.8 ENGINEERING, LAND SURVEYING,
 26.9 LANDSCAPE ARCHITECTURE,
 26.10 GEOSCIENCE, AND INTERIOR DESIGN \$ 774,000 \$ 774,000

26.11 Sec. 10. BOARD OF COSMETOLOGIST
 26.12 EXAMINERS \$ 1,346,000 \$ 1,346,000

26.13 Sec. 11. BOARD OF BARBER EXAMINERS \$ 317,000 \$ 317,000

26.14 Sec. 12. WORKERS' COMPENSATION
 26.15 COURT OF APPEALS \$ 1,913,000 \$ 1,703,000

26.16 This appropriation is from the workers'
 26.17 compensation fund.

26.18 Of this appropriation, \$210,000 is a
 26.19 onetime appropriation and is available for
 26.20 spending until June 30, 2015. \$100,000 in
 26.21 fiscal year 2014 is appropriated from the
 26.22 workers' compensation fund to the Workers'
 26.23 Compensation Court of Appeals for transfer
 26.24 to the Office of Enterprise Technology to
 26.25 develop a paperless case management system
 26.26 and to ensure that services and hardware
 26.27 are accessible and compatible with systems
 26.28 with which the Workers' Compensation
 26.29 Court of Appeals must interact. This is a
 26.30 onetime appropriation and is available for
 26.31 spending until June 30, 2015. Any ongoing
 26.32 information technology support or costs for
 26.33 this application will be incorporated into the

28.1 a report to the house and senate committees
 28.2 with jurisdiction over the department of the
 28.3 results of the newspaper advertisements
 28.4 in returning property to the owners. This
 28.5 appropriation for newspaper advertising and
 28.6 the requirement of a report is for fiscal years
 28.7 2014 and 2015 only.

28.8 \$100,000 each year is for the support of
 28.9 broadband development.

28.10 Fees for the Weights and Measures Unit are
 28.11 increased by 30 percent during fiscal year
 28.12 2014. All fees are deposited to the general
 28.13 fund as nondedicated revenue.

28.14 Subd. 5. **Telecommunications** 1,949,000 2,249,000

28.15	<u>Appropriations by Fund</u>		
28.16	<u>General</u>	<u>1,009,000</u>	<u>1,009,000</u>
28.17	<u>Special Revenue</u>	<u>940,000</u>	<u>1,240,000</u>

28.18 \$940,000 in fiscal year 2014 and \$1,240,000
 28.19 in fiscal year 2015 are appropriated to the
 28.20 commissioner from the telecommunication
 28.21 access fund for the following transfers. This
 28.22 appropriation is added to the department's
 28.23 base.

28.24 (1) \$500,000 in fiscal year 2014 and \$800,000
 28.25 in fiscal year 2015 to the commissioner of
 28.26 human services to supplement the ongoing
 28.27 operational expenses of the Commission
 28.28 of Deaf, DeafBlind, and Hard-of-Hearing
 28.29 Minnesotans;

28.30 (2) \$290,000 in fiscal year 2014 and \$290,000
 28.31 in fiscal year 2015 to the chief information
 28.32 officer for the purpose of coordinating
 28.33 technology accessibility and usability; and

29.1	<u>(3) \$150,000 in fiscal year 2014 and</u>		
29.2	<u>\$150,000 in fiscal year 2015 to the</u>		
29.3	<u>Legislative Coordinating Commission for</u>		
29.4	<u>captioning of legislative coverage.</u>		
29.5	<u>Subd. 6. Enforcement</u>	<u>4,824,000</u>	<u>4,820,000</u>
29.6	<u>Appropriations by Fund</u>		
29.7	<u>General</u>	<u>4,626,000</u>	<u>4,622,000</u>
29.8	<u>Workers'</u>		
29.9	<u>Compensation</u>	<u>198,000</u>	<u>198,000</u>
29.10	<u>Of the general fund amount, \$646,000 in</u>		
29.11	<u>fiscal year 2014 and \$642,000 in fiscal</u>		
29.12	<u>year 2015 is to establish the regulation of</u>		
29.13	<u>gold bullion dealers. This appropriation is</u>		
29.14	<u>only available if a law is enacted in 2013</u>		
29.15	<u>to establish the regulation of gold bullion</u>		
29.16	<u>dealers.</u>		
29.17	<u>Subd. 7. Energy Resources</u>	<u>5,766,000</u>	<u>3,502,000</u>
29.18	<u>\$2,000,000 the first year is for the</u>		
29.19	<u>weatherization assistance program. This is a</u>		
29.20	<u>onetime appropriation and is available until</u>		
29.21	<u>June 30, 2015.</u>		
29.22	<u>\$150,000 each year is for grants to</u>		
29.23	<u>providers of low-income weatherization</u>		
29.24	<u>services to install renewable energy</u>		
29.25	<u>equipment in households that are eligible for</u>		
29.26	<u>weatherization assistance under Minnesota's</u>		
29.27	<u>weatherization assistance program state</u>		
29.28	<u>plan as provided for in Minnesota Statutes,</u>		
29.29	<u>section 239.101.</u>		
29.30	<u>The general fund base budget for energy</u>		
29.31	<u>resources is \$3,424,000 in fiscal year 2016</u>		
29.32	<u>and \$3,415,000 in fiscal year 2017.</u>		
29.33	<u>Subd. 8. Insurance</u>	<u>3,915,000</u>	<u>3,915,000</u>

	<u>Appropriations by Fund</u>		
30.1			
30.2	<u>General</u>	<u>3,362,000</u>	<u>3,362,000</u>
30.3	<u>Workers'</u>		
30.4	<u>Compensation</u>	<u>553,000</u>	<u>553,000</u>

30.5 Sec. 14. **PUBLIC UTILITIES COMMISSION** \$ 6,457,000 \$ 6,441,000

30.6 The general fund base for the Public Utilities

30.7 Commission is \$6,241,000 in fiscal year

30.8 2016 and \$6,205,000 in fiscal year 2017.

30.9 Sec. 15. **TRANSFERS.**

30.10 (a) The deposits in each year of the biennium into the contingent account created
30.11 under Minnesota Statutes, section 268.199, estimated to be \$7,500,000 each year, shall be
30.12 transferred before the closing of each fiscal year to the general fund.

30.13 (b) By June 30, 2014, the commissioner of management and budget shall transfer
30.14 \$10,000,000 in assets of the workers' compensation assigned risk plan created under
30.15 Minnesota Statutes, section 79.252, to the general fund.

30.16 **ARTICLE 2**

30.17 **LABOR AND INDUSTRY**

30.18 Section 1. Minnesota Statutes 2012, section 116J.70, subdivision 2a, is amended to read:

30.19 Subd. 2a. **License; exceptions.** "Business license" or "license" does not include
30.20 the following:

30.21 (1) any occupational license or registration issued by a licensing board listed in
30.22 section 214.01 or any occupational registration issued by the commissioner of health
30.23 pursuant to section 214.13;

30.24 (2) any license issued by a county, home rule charter city, statutory city, township, or
30.25 other political subdivision;

30.26 (3) any license required to practice the following occupation regulated by the
30.27 following sections:

30.28 (i) abstracters regulated pursuant to chapter 386;

30.29 (ii) accountants regulated pursuant to chapter 326A;

30.30 (iii) adjusters regulated pursuant to chapter 72B;

30.31 (iv) architects regulated pursuant to chapter 326;

30.32 (v) assessors regulated pursuant to chapter 270;

30.33 (vi) athletic trainers regulated pursuant to chapter 148;

- 31.1 (vii) attorneys regulated pursuant to chapter 481;
- 31.2 (viii) auctioneers regulated pursuant to chapter 330;
- 31.3 (ix) barbers and cosmetologists regulated pursuant to chapter 154;
- 31.4 (x) boiler operators regulated pursuant to chapter ~~183~~ 326B;
- 31.5 (xi) chiropractors regulated pursuant to chapter 148;
- 31.6 (xii) collection agencies regulated pursuant to chapter 332;
- 31.7 (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant
- 31.8 to chapter 150A;
- 31.9 (xiv) detectives regulated pursuant to chapter 326;
- 31.10 (xv) electricians regulated pursuant to chapter ~~326~~ 326B;
- 31.11 (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
- 31.12 (xvii) engineers regulated pursuant to chapter 326;
- 31.13 (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
- 31.14 (xix) certified interior designers regulated pursuant to chapter 326;
- 31.15 (xx) midwives regulated pursuant to chapter 147D;
- 31.16 (xxi) nursing home administrators regulated pursuant to chapter 144A;
- 31.17 (xxii) optometrists regulated pursuant to chapter 148;
- 31.18 (xxiii) osteopathic physicians regulated pursuant to chapter 147;
- 31.19 (xxiv) pharmacists regulated pursuant to chapter 151;
- 31.20 (xxv) physical therapists regulated pursuant to chapter 148;
- 31.21 (xxvi) physician assistants regulated pursuant to chapter 147A;
- 31.22 (xxvii) physicians and surgeons regulated pursuant to chapter 147;
- 31.23 (xxviii) plumbers regulated pursuant to chapter ~~326~~ 326B;
- 31.24 (xxix) podiatrists regulated pursuant to chapter 153;
- 31.25 (xxx) practical nurses regulated pursuant to chapter 148;
- 31.26 (xxxii) professional fund-raisers regulated pursuant to chapter 309;
- 31.27 (xxxii) psychologists regulated pursuant to chapter 148;
- 31.28 (xxxiii) real estate brokers, salespersons, and others regulated pursuant to chapters
- 31.29 82 and 83;
- 31.30 (xxxiv) registered nurses regulated pursuant to chapter 148;
- 31.31 (xxxv) securities brokers, dealers, agents, and investment advisers regulated
- 31.32 pursuant to chapter 80A;
- 31.33 (xxxvi) steamfitters regulated pursuant to chapter ~~326~~ 326B;
- 31.34 (xxxvii) teachers and supervisory and support personnel regulated pursuant to
- 31.35 chapter 125;
- 31.36 (xxxviii) veterinarians regulated pursuant to chapter 156;

- 32.1 (xxxix) water conditioning contractors and installers regulated pursuant to chapter
32.2 ~~326~~ 326B;
- 32.3 (xl) water well contractors regulated pursuant to chapter 103I;
- 32.4 (xli) water and waste treatment operators regulated pursuant to chapter 115;
- 32.5 (xlii) motor carriers regulated pursuant to chapter 221;
- 32.6 (xliii) professional firms regulated under chapter 319B;
- 32.7 (xliv) real estate appraisers regulated pursuant to chapter 82B;
- 32.8 (xlv) residential building contractors, residential remodelers, residential roofers,
32.9 manufactured home installers, and specialty contractors regulated pursuant to chapter
32.10 ~~326~~ 326B;
- 32.11 (xlvi) licensed professional counselors regulated pursuant to chapter 148B;
- 32.12 (4) any driver's license required pursuant to chapter 171;
- 32.13 (5) any aircraft license required pursuant to chapter 360;
- 32.14 (6) any watercraft license required pursuant to chapter 86B;
- 32.15 (7) any license, permit, registration, certification, or other approval pertaining to a
32.16 regulatory or management program related to the protection, conservation, or use of or
32.17 interference with the resources of land, air, or water, which is required to be obtained
32.18 from a state agency or instrumentality; and
- 32.19 (8) any pollution control rule or standard established by the Pollution Control
32.20 Agency or any health rule or standard established by the commissioner of health or any
32.21 licensing rule or standard established by the commissioner of human services.

32.22 Sec. 2. Minnesota Statutes 2012, section 177.27, subdivision 4, is amended to read:

32.23 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring
32.24 an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031,
32.25 181.032, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.275, subdivision
32.26 2a, 181.722, and 181.79, or with any rule promulgated under section 177.28. The
32.27 commissioner shall issue an order requiring an employer to comply with sections 177.41
32.28 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation
32.29 is repeated if at any time during the two years that preceded the date of violation, the
32.30 commissioner issued an order to the employer for violation of sections 177.41 to 177.435
32.31 and the order is final or the commissioner and the employer have entered into a settlement
32.32 agreement that required the employer to pay back wages that were required by sections
32.33 177.41 to 177.435. The department shall serve the order upon the employer or the
32.34 employer's authorized representative in person or by certified mail at the employer's place
32.35 of business. An employer who wishes to contest the order must file written notice of

33.1 objection to the order with the commissioner within 15 calendar days after being served
33.2 with the order. A contested case proceeding must then be held in accordance with sections
33.3 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer
33.4 fails to file a written notice of objection with the commissioner, the order becomes a
33.5 final order of the commissioner.

33.6 Sec. 3. Minnesota Statutes 2012, section 326.02, subdivision 5, is amended to read:

33.7 Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply
33.8 to the preparation of plans and specifications for the erection, enlargement, or alteration
33.9 of any building or other structure by any person, for that person's exclusive occupancy
33.10 or use, unless such occupancy or use involves the public health or safety or the health
33.11 or safety of the employees of said person, or of the buildings listed in section 326.03,
33.12 subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor
33.13 to a registered engineer, landscape architect, architect, or certified interior designer,
33.14 nor to any standardized manufactured product, nor to any construction superintendent
33.15 supervising the execution of work designed by an architect, landscape architect, engineer,
33.16 or certified interior designer licensed or certified in accordance with section 326.03, nor
33.17 to the planning for and supervision of the construction and installation of work by an
33.18 electrical or elevator contractor or master plumber as defined in and licensed pursuant to
33.19 chapter 326B, where such work is within the scope of such licensed activity and not
33.20 within the practice of professional engineering, or architecture, or where the person does
33.21 not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.

33.22 Sec. 4. Minnesota Statutes 2012, section 326B.081, subdivision 3, is amended to read:

33.23 Subd. 3. **Applicable law.** "Applicable law" means the provisions of sections
33.24 181.723, 325E.66, 327.31 to 327.36, ~~and~~ this chapter, and chapter 341, and all rules,
33.25 orders, stipulation agreements, settlements, compliance agreements, licenses, registrations,
33.26 certificates, and permits adopted, issued, or enforced by the department under sections
33.27 181.723, 325E.66, 327.31 to 327.36, ~~or~~ this chapter, or chapter 341.

33.28 Sec. 5. Minnesota Statutes 2012, section 326B.082, subdivision 11, is amended to read:

33.29 Subd. 11. **Licensing orders; grounds; reapplication.** (a) The commissioner may
33.30 deny an application for a permit, license, registration, or certificate if the applicant does
33.31 not meet or fails to maintain the minimum qualifications for holding the permit, license,
33.32 registration, or certificate, or has any unresolved violations or unpaid fees or monetary

34.1 penalties related to the activity for which the permit, license, registration, or certificate has
34.2 been applied for or was issued.

34.3 (b) The commissioner may deny, suspend, limit, place conditions on, or revoke a
34.4 person's permit, license, registration, or certificate, or censure the person holding the
34.5 permit, license, registration, or certificate, if the commissioner finds that the person:

34.6 (1) committed one or more violations of the applicable law;

34.7 (2) submitted false or misleading information to the state in connection with
34.8 activities for which the permit, license, registration, or certificate was issued, or in
34.9 connection with the application for the permit, license, registration, or certificate;

34.10 (3) allowed the alteration or use of the person's own permit, license, registration,
34.11 or certificate by another person;

34.12 (4) within the previous five years, was convicted of a crime in connection with
34.13 activities for which the permit, license, registration, or certificate was issued;

34.14 (5) violated: (i) a final administrative order issued under subdivision 7 or, (ii) a final
34.15 stop order issued under subdivision 10, or (iii) injunctive relief issued under subdivision 9,
34.16 or (iv) a consent order or final order of the commissioner;

34.17 (6) failed to cooperate with a commissioner's request to give testimony, to produce
34.18 documents, things, apparatus, devices, equipment, or materials, or to access property
34.19 under subdivision 2;

34.20 (7) retaliated in any manner against any employee or person who is questioned by,
34.21 cooperates with, or provides information to the commissioner or an employee or agent
34.22 authorized by the commissioner who seeks access to property or things under subdivision 2;

34.23 (8) engaged in any fraudulent, deceptive, or dishonest act or practice; or

34.24 (9) performed work in connection with the permit, license, registration, or
34.25 certificate or conducted the person's affairs in a manner that demonstrates incompetence,
34.26 untrustworthiness, or financial irresponsibility.

34.27 (c) If the commissioner revokes or denies a person's permit, license, registration,
34.28 or certificate under paragraph (b), the person is prohibited from reapplying for the same
34.29 type of permit, license, registration, or certificate for at least two years after the effective
34.30 date of the revocation or denial. The commissioner may, as a condition of reapplication,
34.31 require the person to obtain a bond or comply with additional reasonable conditions the
34.32 commissioner considers necessary to protect the public.

34.33 (d) If a permit, license, registration, or certificate expires, or is surrendered,
34.34 withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may
34.35 institute a proceeding under this subdivision within two years after the permit, license,

35.1 registration, or certificate was last effective and enter a revocation or suspension order as
35.2 of the last date on which the permit, license, registration, or certificate was in effect.

35.3 Sec. 6. Minnesota Statutes 2012, section 326B.093, subdivision 4, is amended to read:

35.4 Subd. 4. **Examination results.** If the applicant receives a passing score on the
35.5 examination and meets all other requirements for licensure, the commissioner must
35.6 approve the application and notify the applicant of the approval within 60 days of the
35.7 date of the passing score. The applicant must, within ~~90~~ 180 days after the notification
35.8 of approval, pay the license fee. Upon receipt of the license fee, the commissioner must
35.9 issue the license. If the applicant does not pay the license fee within ~~90~~ 180 days after
35.10 the notification of approval, the commissioner will rescind the approval and must deny
35.11 the application. If the applicant does not receive a passing score on the examination,
35.12 the commissioner must deny the application. If the application is denied because of the
35.13 applicant's failure to receive a passing score on the examination, then the applicant cannot
35.14 submit a new application for the license until at least 30 days after the notification of denial.

35.15 Sec. 7. Minnesota Statutes 2012, section 326B.101, is amended to read:

35.16 **326B.101 POLICY AND PURPOSE.**

35.17 The State Building Code governs the construction, reconstruction, alteration, ~~and~~
35.18 repair, and use of buildings and other structures to which the code is applicable. The
35.19 commissioner shall administer and amend a state code of building construction which will
35.20 provide basic and uniform performance standards, establish reasonable safeguards for
35.21 health, safety, welfare, comfort, and security of the residents of this state and provide for
35.22 the use of modern methods, devices, materials, and techniques which will in part tend to
35.23 lower construction costs. The construction of buildings should be permitted at the least
35.24 possible cost consistent with recognized standards of health and safety.

35.25 Sec. 8. Minnesota Statutes 2012, section 326B.103, subdivision 11, is amended to read:

35.26 Subd. 11. **Public building.** "Public building" means a building and its grounds the
35.27 cost of which is paid for by the state or a state agency regardless of its cost, and a school
35.28 district building project or charter school building project the cost of which is \$100,000
35.29 or more.

35.30 Sec. 9. Minnesota Statutes 2012, section 326B.121, subdivision 1, is amended to read:

36.1 Subdivision 1. **Application.** (a) The State Building Code is the standard that applies
36.2 statewide for the construction, reconstruction, alteration, ~~and repair~~, and use of buildings
36.3 and other structures of the type governed by the code.

36.4 (b) The State Building Code supersedes the building code of any municipality.

36.5 (c) The State Building Code does not apply to agricultural buildings except:

36.6 (1) with respect to state inspections required or rulemaking authorized by sections
36.7 103F.141; 216C.19, subdivision 9; and 326B.36; and

36.8 (2) translucent panels or other skylights without raised curbs shall be supported to
36.9 have equivalent load-bearing capacity as the surrounding roof.

36.10 Sec. 10. Minnesota Statutes 2012, section 326B.163, is amended by adding a
36.11 subdivision to read:

36.12 Subd. 9. **Direct supervision.** "Direct supervision" means:

36.13 (1) an unlicensed individual is being directly supervised by an individual licensed
36.14 to perform the elevator work being supervised during the entire time the unlicensed
36.15 individual is performing elevator work;

36.16 (2) the licensed individual is physically present at the location where the unlicensed
36.17 individual is performing elevator work and immediately available to the unlicensed
36.18 individual at all times for assistance and direction;

36.19 (3) the licensed individual shall review the elevator work performed by the
36.20 unlicensed individual before the elevator work is operated; and

36.21 (4) the licensed individual is able to and does determine that all elevator work
36.22 performed by the unlicensed individual is performed in compliance with the elevator code.

36.23 Sec. 11. Minnesota Statutes 2012, section 326B.163, is amended by adding a
36.24 subdivision to read:

36.25 Subd. 10. **Elevator contractor.** "Elevator contractor" means a licensed contractor
36.26 whose responsible licensed individual is a master elevator constructor. An elevator
36.27 contractor license does not itself qualify its holder to perform or supervise elevator work
36.28 authorized by holding a personal license issued by the commissioner.

36.29 Sec. 12. Minnesota Statutes 2012, section 326B.163, is amended by adding a
36.30 subdivision to read:

36.31 Subd. 11. **Limited elevator contractor.** "Limited elevator contractor" means a
36.32 licensed contractor whose responsible licensed individual is a limited master elevator
36.33 constructor. A limited elevator contractor or its employees may only install, test, or alter

37.1 residential elevators, platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited
37.2 use or limited application elevator equipment, conveyors, and special purpose personnel
37.3 elevators.

37.4 Sec. 13. Minnesota Statutes 2012, section 326B.163, is amended by adding a
37.5 subdivision to read:

37.6 Subd. 11a. **Limited elevator work.** "Limited elevator work" means the installing,
37.7 maintaining, altering, repairing, testing, planning, or laying out of residential elevators,
37.8 platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
37.9 application elevator equipment, conveyors, and special purpose personnel elevators
37.10 as covered by Minnesota Rules, chapters 1307 and 1315. Limited elevator work also
37.11 includes electrical wiring on the load side of the elevator equipment disconnect and the
37.12 decommissioning of elevator equipment to enable safe removal.

37.13 Sec. 14. Minnesota Statutes 2012, section 326B.163, is amended by adding a
37.14 subdivision to read:

37.15 Subd. 12. **Elevator work.** "Elevator work" means the installing, maintaining,
37.16 altering, repairing, testing, planning, or laying out of elevator apparatus or equipment as
37.17 covered by Minnesota Rules, chapters 1307 and 1315. Elevator work also includes the
37.18 disconnection of electrical wiring on the load side of the elevator equipment disconnect
37.19 and the decommissioning of elevator equipment to enable safe removal.

37.20 Sec. 15. Minnesota Statutes 2012, section 326B.163, is amended by adding a
37.21 subdivision to read:

37.22 Subd. 13. **Master elevator constructor.** "Master elevator constructor" means
37.23 an individual having the necessary qualifications, training, experience, and technical
37.24 knowledge to properly plan, lay out, supervise, and perform the installation, maintenance,
37.25 altering, testing, wiring, and repair of apparatus and equipment for elevators, including
37.26 electrical wiring on the load side of the elevator equipment disconnect and who is licensed
37.27 as a master elevator constructor by the commissioner.

37.28 Sec. 16. Minnesota Statutes 2012, section 326B.163, is amended by adding a
37.29 subdivision to read:

37.30 Subd. 14. **Limited master elevator constructor.** "Limited master elevator
37.31 constructor" means an individual having the necessary qualifications, training, experience,
37.32 and technical knowledge to properly plan, lay out, supervise, and perform the testing,

38.1 altering, installation, maintenance, and repair of wiring, apparatus, and equipment for
38.2 residential elevators, platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited
38.3 use or limited application elevator equipment, conveyors, and special purpose personnel
38.4 elevators, including wiring on the load side of the elevator equipment disconnect and who
38.5 is licensed as a limited master elevator constructor by the commissioner.

38.6 Sec. 17. Minnesota Statutes 2012, section 326B.163, is amended by adding a
38.7 subdivision to read:

38.8 Subd. 14a. **Limited journeyman elevator constructor.** "Limited journeyman
38.9 elevator constructor" means an individual having the necessary qualifications, training,
38.10 experience, and technical knowledge to install, maintain, alter, test, and repair apparatus
38.11 and equipment for residential elevators, platform lifts, stairway chairlifts, dumbwaiters,
38.12 material lifts, limited use or limited application elevator equipment, conveyors, and
38.13 special purpose personnel elevators, including electrical wiring on the load side of the
38.14 elevator equipment disconnect and who is licensed as a limited journeyman elevator
38.15 constructor by the commissioner.

38.16 Sec. 18. Minnesota Statutes 2012, section 326B.163, is amended by adding a
38.17 subdivision to read:

38.18 Subd. 15. **Journeyman elevator constructor.** "Journeyman elevator constructor"
38.19 means an individual having the necessary qualifications, training, experience, and
38.20 technical knowledge to install, maintain, alter, test, and repair apparatus and equipment for
38.21 elevators, including electrical wiring on the load side of the elevator equipment disconnect
38.22 and who is licensed as a journeyman elevator constructor by the commissioner.

38.23 Sec. 19. Minnesota Statutes 2012, section 326B.163, is amended by adding a
38.24 subdivision to read:

38.25 Subd. 16. **Registered unlicensed elevator constructor.** "Registered unlicensed
38.26 elevator constructor" means an individual who has registered with the department but is
38.27 not licensed by the commissioner to perform elevator work.

38.28 Sec. 20. Minnesota Statutes 2012, section 326B.163, is amended by adding a
38.29 subdivision to read:

38.30 Subd. 17. **Residential dwelling.** "Residential dwelling" is a single dwelling unit
38.31 that is contained in a one-family, two-family, or multifamily dwelling. A residential
38.32 dwelling also includes outdoor space at a one-family dwelling.

39.1 Sec. 21. Minnesota Statutes 2012, section 326B.163, is amended by adding a
39.2 subdivision to read:

39.3 Subd. 18. **Responsible licensed individual.** "Responsible licensed individual"
39.4 means an individual licensed as a master elevator constructor or limited master elevator
39.5 constructor who is identified as the responsible licensed individual on an elevator
39.6 contractor license application.

39.7 Sec. 22. **[326B.164] LICENSES.**

39.8 Subdivision 1. **Master elevator constructor.** (a) Except as otherwise provided by
39.9 law, no individual shall perform or supervise elevator work, unless:

39.10 (1) the individual is licensed by the commissioner as a master elevator constructor;
39.11 and

39.12 (2) the elevator work is for a licensed elevator contractor and the individual is an
39.13 employee, partner, or officer of, or is the licensed contractor.

39.14 (b) An applicant for a master elevator constructor license shall:

39.15 (1) have at least one year of experience, acceptable to the commissioner, as a
39.16 licensed journeyman elevator constructor; or

39.17 (2) have at least six years' experience, acceptable to the commissioner, in planning
39.18 for, laying out, supervising, and installing apparatus, equipment, and wiring for elevators.

39.19 (c) Individuals licensed as master elevator constructors under section 326B.33,
39.20 subdivision 11, as of December 31, 2013, shall not be required to pass an examination
39.21 under this section but, effective January 1, 2014, shall be subject to the requirements of
39.22 sections 326B.163 to 326B.191.

39.23 (d) Except for the initial license term, as a condition of license renewal, master
39.24 elevator constructors must attain a minimum of 16 hours of continuing education credit
39.25 approved by the commissioner every renewal period. Not less than 12 hours shall be based
39.26 on the Minnesota Elevator Code or elevator technology, and not less than four hours shall
39.27 be based on the National Electrical Code.

39.28 Subd. 2. **Limited master elevator constructor.** (a) Except as otherwise provided
39.29 by law, no individual shall perform or supervise elevator work on residential elevators,
39.30 platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
39.31 application elevator equipment, conveyors, and special purpose personnel elevators, unless:

39.32 (1) the individual is licensed by the commissioner as a limited master elevator
39.33 constructor; and

39.34 (2) the elevator work is for a limited elevator contractor and the individual is an
39.35 employee, partner, or officer of, or is the licensed contractor.

40.1 (b) An applicant for a limited master elevator constructor license shall have at
40.2 least three years of experience, acceptable to the commissioner, in installing apparatus,
40.3 equipment, and wiring for elevators.

40.4 (c) Except for the initial license term, as a condition of license renewal, limited
40.5 master elevator constructors must attain a minimum of eight hours of continuing education
40.6 credit approved by the commissioner every renewal period. Not less than six hours shall
40.7 be based on the Minnesota Elevator Code or elevator technology, and not less than two
40.8 hours on the National Electrical Code.

40.9 Subd. 3. **Journeyman elevator constructor.** (a) Except as otherwise provided
40.10 by law, no individual shall perform and supervise elevator work except for planning or
40.11 laying out of elevator work, unless:

40.12 (1) the individual is licensed by the commissioner as a journeyman elevator
40.13 constructor; and

40.14 (2) the elevator work is for an elevator contractor, and the individual is an employee,
40.15 partner, or officer of the licensed elevator contractor.

40.16 (b) An applicant for a journeyman elevator constructor license shall have completed
40.17 a four-year elevator mechanics apprenticeship registered with the United States
40.18 Department of Labor or worked at least 9,000 hours in five consecutive years for a
40.19 licensed elevator contractor, acceptable to the commissioner, installing, maintaining,
40.20 modernizing, testing, wiring, and repairing elevators.

40.21 (c) Individuals licensed as journeyman elevator constructors under section 326B.33,
40.22 subdivision 8, as of December 31, 2013, shall not be required to pass an examination
40.23 under this section but, effective January 1, 2014, shall be subject to the requirements of
40.24 sections 326B.163 to 326B.191.

40.25 (d) As a condition of license renewal, journeyman elevator constructors must attain
40.26 a minimum of 16 hours of continuing education credit approved by the commissioner
40.27 every renewal period. Not less than 12 hours shall be based on the Minnesota Elevator
40.28 Code or elevator technology, and not less than four hours shall be based on the National
40.29 Electrical Code.

40.30 Subd. 3a. **Limited journeyman elevator constructor.** (a) Except as otherwise
40.31 provided by law, no individual shall perform or supervise elevator work on residential
40.32 elevators, platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use
40.33 or limited application elevator equipment, conveyors, and special purpose personnel
40.34 elevators, except for planning or laying out of elevator work, unless:

40.35 (1) the individual is licensed by the commissioner as a limited journeyman elevator
40.36 constructor; and

41.1 (2) the elevator work is for a limited elevator contractor or an elevator contractor,
41.2 and the individual is an employee, partner, or officer of the licensed limited elevator
41.3 contractor or licensed elevator contractor.

41.4 (b) An applicant for a limited journeyman elevator constructor license shall have
41.5 at least two years of experience, acceptable to the commissioner, in installing apparatus,
41.6 equipment, and wiring for elevators.

41.7 (c) Except for the initial license term, as a condition of license renewal, limited
41.8 journeyman elevator constructors must attain a minimum of eight hours of continuing
41.9 education credit approved by the commissioner every renewal period. Not less than six
41.10 hours shall be based on the Minnesota Elevator Code or elevator technology, and not less
41.11 than two hours on the National Electrical Code.

41.12 Subd. 4. **Registered unlicensed elevator constructor.** (a) An unlicensed individual
41.13 shall not perform elevator work, unless the individual has first registered with the
41.14 department as an unlicensed elevator constructor. Except as allowed by subdivision 12, a
41.15 registered unlicensed elevator constructor shall not perform elevator work unless the work
41.16 is performed under the direct supervision of an individual actually licensed to perform
41.17 such work. The licensed elevator constructor and the registered unlicensed elevator
41.18 constructor must be employed by the same employer. Unlicensed individuals shall not
41.19 supervise the performance of elevator work or make assignments of elevator work to
41.20 unlicensed individuals. Licensed elevator constructors shall provide direct supervision for
41.21 no more than two registered unlicensed elevator constructors.

41.22 (b) Notwithstanding any other provision of this section, no individual other than a
41.23 master elevator constructor or limited master elevator constructor shall plan or lay out
41.24 elevator wiring, apparatus, or equipment.

41.25 (c) Contractors employing registered unlicensed elevator constructors performing
41.26 elevator work shall maintain records establishing compliance with this subdivision that
41.27 shall identify all unlicensed individuals performing elevator work and shall permit the
41.28 department to examine and copy all such records.

41.29 (d) When a licensed elevator constructor supervises the elevator work of an
41.30 unlicensed individual, the licensed elevator constructor is responsible for ensuring that the
41.31 elevator work complies with this section and the Minnesota Elevator Code.

41.32 (e) A registered unlicensed elevator constructor with a minimum of one year
41.33 experience may perform the following maintenance tasks for elevator equipment without
41.34 being provided with direct supervision: oiling, cleaning, greasing, painting, relamping,
41.35 and replacing of escalator and moving walk comb teeth.

42.1 Subd. 5. **Registration of unlicensed individuals.** (a) Unlicensed individuals
42.2 performing elevator work for a contractor shall register with the department in the manner
42.3 prescribed by the commissioner. Experience credit for elevator work performed in
42.4 Minnesota after January 1, 2009, by an applicant for a license identified in this section
42.5 shall not be granted where the applicant has not registered with the department or is
42.6 not licensed by the department.

42.7 (b) As a condition of renewal of registration, unlicensed individuals shall attain a
42.8 minimum of two hours of continuing education credit, approved by the commissioner,
42.9 every renewal period. The continuing education course shall be based on the Minnesota
42.10 Elevator Code or elevator technology.

42.11 (c) Individuals registered under section 326B.33, subdivision 13, whose registration
42.12 expires after July 31, 2013, shall be subject to the registration requirements of this
42.13 subdivision and the requirements of sections 326B.163 to 326B.191.

42.14 Subd. 6. **Contractor's license required.** (a) No individual, other than an employee,
42.15 partner, or officer of a licensed contractor, as defined by section 326B.163, subdivision
42.16 10, shall perform or offer to perform elevator work with or without compensation, unless
42.17 the individual obtains a contractor's license. A contractor's license does not of itself
42.18 qualify its holder to perform or supervise the elevator work authorized by holding any
42.19 class of personal license.

42.20 (b) Companies licensed under section 326B.33, subdivision 14, as of July 31, 2013,
42.21 shall not be required to comply with this subdivision.

42.22 Subd. 7. **Bond required.** As a condition of licensing, each contractor shall give
42.23 and maintain bond to the state in the sum of \$25,000, conditioned upon the faithful and
42.24 lawful performance of all work contracted for or performed by the contractor within the
42.25 state of Minnesota, and such bond shall be for the benefit of persons injured or suffering
42.26 financial loss by reason of failure of such performance. The bond shall be filed with
42.27 the commissioner and shall be in lieu of all other license bonds to any other political
42.28 subdivision. The bond shall be written by a corporate surety licensed to do business
42.29 in the state of Minnesota.

42.30 Subd. 8. **Insurance required.** Each elevator contractor shall have and maintain
42.31 in effect general liability insurance, which includes premises and operations insurance
42.32 and products and completed operations insurance, with limits of at least \$100,000 per
42.33 occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance
42.34 with limits of at least \$50,000, or a policy with a single limit for bodily injury and property
42.35 damage of \$300,000 per occurrence and \$300,000 aggregate limits. The insurance shall be
42.36 written by an insurer licensed to do business in the state of Minnesota, and each contractor

43.1 shall maintain on file with the commissioner a certificate evidencing such insurance. In the
43.2 event of a policy cancellation, the insurer shall send written notice to the commissioner at
43.3 the same time that a cancellation request is received from or a notice is sent to the insured.

43.4 Subd. 9. **Employment of responsible individual.** (a) Each elevator contractor
43.5 must designate a responsible master elevator constructor or limited master elevator
43.6 constructor who shall be the responsible individual for the performance of all elevator
43.7 work in accordance with the requirements of sections 326B.163 to 326B.191, all rules
43.8 adopted under these sections, and all orders issued under section 326B.082. The classes of
43.9 work that a licensed contractor is authorized to perform shall be limited to the classes of
43.10 work that the responsible individual is allowed to perform.

43.11 (b) When a contractor's license is held by an individual, sole proprietorship,
43.12 partnership, limited liability company, or corporation, and the individual, proprietor, one
43.13 of the partners, one of the members, or an officer of the corporation, respectively, is not the
43.14 responsible master elevator constructor or limited master elevator constructor, all elevator
43.15 permits shall be submitted by the responsible master elevator constructor or limited
43.16 master elevator constructor. If the contractor is an individual or a sole proprietorship,
43.17 the responsible master or limited master elevator constructor must be the individual,
43.18 proprietor, or managing employee. If the contractor is a partnership, the responsible
43.19 master or limited master elevator constructor must be a general partner or managing
43.20 employee. If the licensed contractor is a limited liability company, the responsible master
43.21 or limited master elevator constructor must be a chief manager or managing employee.
43.22 If the contractor is a corporation, the responsible master or limited master elevator
43.23 constructor must be an officer or managing employee. If the responsible master or limited
43.24 master elevator constructor is a managing employee, the responsible individual must be
43.25 actively engaged in performing elevator work on behalf of the contractor and cannot be
43.26 employed in any capacity performing elevator work for any other elevator contractor or
43.27 employer. An individual may be the responsible individual for only one contractor.

43.28 (c) All applications and renewals for contractor licenses shall include a verified
43.29 statement that the applicant and responsible individual are in compliance with this
43.30 subdivision.

43.31 Subd. 10. **Examination.** In addition to the other requirements described in this
43.32 section and sections 326B.091 to 326B.098, as a precondition to issuance of a personal
43.33 license, each applicant must pass a written or oral examination developed and administered
43.34 by the commissioner to ensure the competence of each applicant for license. An oral
43.35 examination shall be administered only to an applicant who furnishes a written statement
43.36 from a certified teacher or other professional, trained in the area of reading disabilities,

44.1 stating that the applicant has a specific reading disability that would prevent the applicant
44.2 from performing satisfactorily on a written test. The oral examination shall be structured
44.3 so that an applicant who passes the examination will not impair the applicant's own safety
44.4 or that of others while acting as a licensed individual.

44.5 Subd. 11. **License, registration, and renewal fees; expiration.** (a) Unless revoked
44.6 or suspended under this chapter, all licenses issued or renewed under this section expire on
44.7 the following schedule:

44.8 (1) master licenses expire March 1 of each odd-numbered year after issuance or
44.9 renewal;

44.10 (2) elevator contractor licenses expire March 1 of each even-numbered year after
44.11 issuance or renewal;

44.12 (3) journeyman elevator constructor licenses expire two years from the date of
44.13 original issuance and every two years thereafter; and

44.14 (4) registrations of unlicensed individuals expire one year from the date of original
44.15 issuance and every year thereafter.

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

44.18 (1) the registration of an unlicensed individual under subdivision 5 shall be
44.19 considered an entry-level license;

44.20 (2) the journeyman elevator constructor and the limited journeyman elevator
44.21 constructor shall be considered a journeyman license;

44.22 (3) the master elevator constructor and limited master elevator constructor licenses
44.23 shall be considered master licenses; and

44.24 (4) an elevator contractor license shall be considered a business license.

44.25 Subd. 12. **Exemption from licensing.** Employees of a licensed elevator contractor
44.26 or licensed limited elevator contractor are not required to hold or obtain a license
44.27 under this section or be provided with direct supervision by a licensed master elevator
44.28 constructor, licensed limited master elevator constructor, licensed elevator constructor,
44.29 or licensed limited elevator constructor to install, maintain, or repair platform lifts and
44.30 stairway chairlifts. Unlicensed employees performing elevator work under this exemption
44.31 must comply with subdivision 5. This exemption does not include the installation,
44.32 maintenance, repair, or replacement of electrical wiring for elevator equipment.

44.33 Subd. 13. **Reciprocity.** (a) The commissioner may enter into reciprocity agreements
44.34 for personal licenses with another state and issue a personal license without requiring the
44.35 applicant to pass an examination provided the applicant:

44.36 (1) submits an application under this section;

45.1 (2) pays the application and examination fee and license fee required under section
45.2 326B.092; and

45.3 (3) holds a valid comparable license in the state participating in the agreement.

45.4 (b) Reciprocity agreements are subject to the following:

45.5 (1) the parties to the agreement must administer a statewide licensing program that
45.6 includes examination and qualifying experience or training comparable to Minnesota's;

45.7 (2) the experience and training requirements under which an individual applicant
45.8 qualified for examination in the qualifying state must be deemed equal to or greater than
45.9 required for an applicant making application in Minnesota at the time the applicant
45.10 acquired the license in the qualifying state;

45.11 (3) the applicant must have acquired the license in the qualifying state through an
45.12 examination deemed equivalent to the same class of license examination in Minnesota.

45.13 A lesser class of license may be granted where the applicant has acquired a greater
45.14 class of license in the qualifying state, and the applicant otherwise meets the conditions
45.15 of this subdivision;

45.16 (4) at the time of application, the applicant must hold a valid license in the qualifying
45.17 state and have held the license continuously for at least one year before making application
45.18 in Minnesota;

45.19 (5) an applicant is not eligible for a license under this subdivision if the applicant has
45.20 failed the same or greater class of license examination in Minnesota, or if the applicant's
45.21 license of the same or greater class has been revoked or suspended; and

45.22 (6) an applicant who has failed to renew a personal license for two years or more
45.23 after its expiration is not eligible for a license under this subdivision.

45.24 Sec. 23. Minnesota Statutes 2012, section 326B.184, subdivision 1, is amended to read:

45.25 Subdivision 1. **Permits.** No person may construct, install, alter, repair, or remove
45.26 an elevator without first filing an application for a permit with the department or a
45.27 municipality authorized by subdivision 4 to inspect elevators. A permit issued by the
45.28 department is valid for work commenced within 12 months of application and completed
45.29 within two years of application. Where no work is commenced within 12 months of
45.30 application, an applicant may cancel the permit and request a refund of inspection fees.

45.31 Sec. 24. Minnesota Statutes 2012, section 326B.184, is amended by adding a
45.32 subdivision to read:

45.33 Subd. 1a. **Department permit and inspection fees.** (a) The department permit and
45.34 inspection fees to construct, install, alter, repair, or remove an elevator are as follows:

46.1 (1) the permit fee is \$100;

46.2 (2) the inspection fee is 0.015 of the total cost of the permitted work for labor and
46.3 materials, including related electrical and mechanical equipment. The inspection fee
46.4 covers two inspections. The inspection fee for additional inspections is \$80 per hour;

46.5 (3) when inspections scheduled by the permit submitter are not able to be completed
46.6 because the work is not complete, a fee equal to two hours at the hourly rate of \$80 must
46.7 be paid by the permit submitter; and

46.8 (4) when the owner or permit holder requests inspections be performed outside of
46.9 normal work hours or on weekends or holidays, an hourly rate of \$120 in addition to
46.10 the inspection fee must be paid.

46.11 (b) The department fees for inspection of existing elevators when requested by the
46.12 elevator owner or as a result of an accident resulting in personal injury are at an hourly rate
46.13 of \$80 during normal work hours or \$120 outside of normal work hours or on weekends or
46.14 holidays, with a one-hour minimum.

46.15 **EFFECTIVE DATE.** This section is effective January 1, 2014.

46.16 Sec. 25. Minnesota Statutes 2012, section 326B.184, subdivision 2, is amended to read:

46.17 Subd. 2. **Operating permits and fees; periodic inspections.** (a) No person may
46.18 operate an elevator without first obtaining an annual operating permit from the department
46.19 or a municipality authorized by subdivision 4 to issue annual operating permits. A \$100
46.20 annual operating permit fee must be paid to the department for each annual operating
46.21 permit issued by the department, except that the original annual operating permit must
46.22 be included in the permit fee for the initial installation of the elevator. Annual operating
46.23 permits must be issued at 12-month intervals from the date of the initial annual operating
46.24 permit. For each subsequent year, an owner must be granted an annual operating permit
46.25 for the elevator upon the owner's or owner's agent's submission of a form prescribed by
46.26 the commissioner and payment of the \$100 fee. Each form must include the location of
46.27 the elevator, the results of any periodic test required by the code, and any other criteria
46.28 established by rule. An annual operating permit may be revoked by the commissioner upon
46.29 an audit of the periodic testing results submitted with the application or a failure to comply
46.30 with elevator code requirements, inspections, or any other law related to elevators. Except
46.31 for an initial operating permit fee, hand-powered manlifts and electric endless belt manlifts,
46.32 and vertical reciprocating conveyors are not subject to a subsequent operating permit fee.

46.33 (b) All elevators are subject to periodic inspections by the department or a
46.34 municipality authorized by subdivision 4 to perform periodic inspections, except that
46.35 hand-powered manlifts and electric endless belt manlifts are exempt from periodic

47.1 inspections. Periodic inspections by the department shall be performed at the following
47.2 intervals:

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

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

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

47.8 Sec. 26. Minnesota Statutes 2012, section 326B.187, is amended to read:

47.9 **326B.187 RULES.**

47.10 The commissioner may adopt rules for the following purposes:

47.11 (1) to establish minimum qualifications for elevator inspectors that must include
47.12 possession of a current elevator constructor electrician's license issued by the department
47.13 and proof of successful completion of the national elevator industry education program
47.14 examination or equivalent experience;

47.15 (2) to establish minimum qualifications for limited elevator inspectors;

47.16 (3) to establish criteria for the qualifications of elevator contractors;

47.17 (4) to establish elevator standards under sections 326B.106, subdivisions 1 and 3,
47.18 and 326B.13;

47.19 (5) to establish procedures for appeals of decisions of the commissioner under
47.20 chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek
47.21 advice from the elevator trade, building owners or managers, and others knowledgeable in
47.22 the installation, construction, and repair of elevators; and

47.23 (6) to establish requirements for the registration of all elevators.

47.24 Sec. 27. Minnesota Statutes 2012, section 326B.31, is amended by adding a
47.25 subdivision to read:

47.26 Subd. 26a. **Request for inspection.** "Request for inspection" means the application
47.27 for and issuance of a permit for an electrical installation that is required to be inspected
47.28 under section 326B.36.

47.29 Sec. 28. Minnesota Statutes 2012, section 326B.33, subdivision 19, is amended to read:

47.30 Subd. 19. **License, registration, and renewal fees; expiration.** (a) Unless
47.31 revoked or suspended under this chapter, all licenses issued or renewed under this section
47.32 expire on the date specified in this subdivision. Master licenses expire March 1 of each
47.33 odd-numbered year after issuance or renewal. Electrical contractor licenses expire March

48.1 1 of each even-numbered year after issuance or renewal. Technology system contractor
48.2 and satellite system contractor licenses expire August 1 of each even-numbered year after
48.3 issuance or renewal. All other personal licenses expire two years from the date of original
48.4 issuance and every two years thereafter. Registrations of unlicensed individuals expire
48.5 one year from the date of original issuance and every year thereafter.

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

48.8 (1) the registration of an unlicensed individual under subdivision 12 shall be
48.9 considered an entry level license;

48.10 (2) the following licenses shall be considered journeyman licenses: Class A
48.11 journeyman electrician, Class B journeyman electrician, Class A installer, Class B
48.12 installer, ~~elevator constructor~~, lineman, maintenance electrician, satellite system installer,
48.13 and power limited technician;

48.14 (3) the following licenses shall be considered master licenses: Class A master
48.15 electrician, and Class B master electrician, ~~and master elevator constructor~~; and

48.16 (4) the following licenses shall be considered business licenses: Class A electrical
48.17 contractor, Class B electrical contractor, ~~elevator contractor~~, satellite system contractor,
48.18 and technology systems contractor.

48.19 (c) For each filing of a certificate of responsible person by an employer, the fee is
48.20 \$100.

48.21 Sec. 29. Minnesota Statutes 2012, section 326B.33, subdivision 21, is amended to read:

48.22 Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance
48.23 electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

48.24 (1) the individual is engaged in the maintenance and repair of electrical equipment,
48.25 apparatus, and facilities that are owned or leased by the individual's employer and that are
48.26 located within the limits of property operated, maintained, and either owned or leased by
48.27 the individual's employer;

48.28 (2) the individual is supervised by:

48.29 (i) the responsible master electrician for a contractor who has contracted with the
48.30 individual's employer to provide services for which a contractor's license is required; or

48.31 (ii) a licensed master electrician, a licensed maintenance electrician, an electrical
48.32 engineer, or, if the maintenance and repair work is limited to technology circuits or
48.33 systems work, a licensed power limited technician; and

48.34 (3) the individual's employer has on file with the commissioner a current certificate
48.35 of responsible person, signed by the responsible master electrician of the contractor, the

49.1 licensed master electrician, the licensed maintenance electrician, the electrical engineer, or
49.2 the licensed power limited technician, and stating that the person signing the certificate
49.3 is responsible for ensuring that the maintenance and repair work performed by the
49.4 employer's employees complies with the Minnesota Electrical Act and the rules adopted
49.5 under that act. The employer must pay a filing fee to file a certificate of responsible person
49.6 with the commissioner. The certificate shall expire two years from the date of filing. In
49.7 order to maintain a current certificate of responsible person, the employer must resubmit a
49.8 certificate of responsible person, with a filing fee, no later than two years from the date
49.9 of the previous submittal.

49.10 (b) Employees of a licensed electrical or technology systems contractor or other
49.11 employer where provided with supervision by a master electrician in accordance with
49.12 subdivision 1, or power limited technician in accordance with subdivision 7, paragraph
49.13 (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399
49.14 for the planning, laying out, installing, altering, and repairing of technology circuits or
49.15 systems except planning, laying out, or installing:

49.16 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that
49.17 control circuits or systems other than class 2 or class 3, except circuits that interconnect
49.18 these systems through communication, alarm, and security systems are exempted from
49.19 this paragraph;

49.20 (2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing
49.21 physically unprotected circuits other than class 2 or class 3; or

49.22 (3) technology circuits or systems in hazardous classified locations as covered by
49.23 chapter 5 of the National Electrical Code.

49.24 (c) Companies and their employees that plan, lay out, install, alter, or repair class
49.25 2 and class 3 remote control wiring associated with plug or cord and plug connected
49.26 appliances other than security or fire alarm systems installed in a residential dwelling are
49.27 not required to hold a license under sections 326B.31 to 326B.399.

49.28 (d) Heating, ventilating, air conditioning, and refrigeration contractors and their
49.29 employees are not required to hold or obtain a license under sections 326B.31 to 326B.399
49.30 when performing heating, ventilating, air conditioning, or refrigeration work as described
49.31 in section 326B.38.

49.32 (e) Employees of any electrical, communications, or railway utility, cable
49.33 communications company as defined in section 238.02, or a telephone company as defined
49.34 under section 237.01 or its employees, or of any independent contractor performing work
49.35 on behalf of any such utility, cable communications company, or telephone company, shall
49.36 not be required to hold a license under sections 326B.31 to 326B.399:

50.1 (1) while performing work on installations, materials, or equipment which are owned
50.2 or leased, and operated and maintained by such utility, cable communications company, or
50.3 telephone company in the exercise of its utility, antenna, or telephone function, and which

50.4 (i) are used exclusively for the generation, transformation, distribution, transmission,
50.5 or metering of electric current, or the operation of railway signals, or the transmission
50.6 of intelligence and do not have as a principal function the consumption or use of electric
50.7 current or provided service by or for the benefit of any person other than such utility, cable
50.8 communications company, or telephone company, and

50.9 (ii) are generally accessible only to employees of such utility, cable communications
50.10 company, or telephone company or persons acting under its control or direction, and

50.11 (iii) are not on the load side of the service point or point of entrance for
50.12 communication systems;

50.13 (2) while performing work on installations, materials, or equipment which are a part
50.14 of the street lighting operations of such utility; or

50.15 (3) while installing or performing work on outdoor area lights which are directly
50.16 connected to a utility's distribution system and located upon the utility's distribution poles,
50.17 and which are generally accessible only to employees of such utility or persons acting
50.18 under its control or direction.

50.19 (f) An owner shall not be required to hold or obtain a license under sections 326B.31
50.20 to 326B.399.

50.21 (g) Companies and their employees licensed under section 326B.164 shall not be
50.22 required to hold or obtain a license under sections 326B.31 to 326B.399 while performing
50.23 elevator work.

50.24 Sec. 30. Minnesota Statutes 2012, section 326B.36, subdivision 7, is amended to read:

50.25 Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment shall
50.26 not be subject to inspection under sections 326B.31 to 326B.399:

50.27 (1) when owned or leased, operated and maintained by any employer whose
50.28 maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399,
50.29 while performing electrical maintenance work only as defined by rule;

50.30 (2) when owned or leased, and operated and maintained by any electrical,
50.31 communications, or railway utility, cable communications company as defined in section
50.32 238.02, or telephone company as defined under section 237.01, in the exercise of its
50.33 utility, antenna, or telephone function; and

50.34 (i) are used exclusively for the generations, transformation, distribution,
50.35 transmission, or metering of electric current, or the operation of railway signals, or the

51.1 transmission of intelligence, and do not have as a principal function the consumption or
51.2 use of electric current by or for the benefit of any person other than such utility, cable
51.3 communications company, or telephone company; and

51.4 (ii) are generally accessible only to employees of such utility, cable communications
51.5 company, or telephone company or persons acting under its control or direction; and

51.6 (iii) are not on the load side of the service point or point of entrance for
51.7 communication systems;

51.8 (3) when used in the street lighting operations of an electrical utility;

51.9 (4) when used as outdoor area lights which are owned and operated by an electrical
51.10 utility and which are connected directly to its distribution system and located upon the
51.11 utility's distribution poles, and which are generally accessible only to employees of such
51.12 utility or persons acting under its control or direction;

51.13 (5) when the installation, material, and equipment are in facilities subject to the
51.14 jurisdiction of the federal Mine Safety and Health Act; or

51.15 (6) when the installation, material, and equipment is part of an elevator installation
51.16 for which the elevator contractor, licensed under section ~~326B.33~~ 326B.164, is required to
51.17 obtain a permit from the authority having jurisdiction as provided by section 326B.184,
51.18 and the inspection has been or will be performed by an elevator inspector certified and
51.19 licensed by the department. This exemption shall apply only to installations, material, and
51.20 equipment permitted or required to be connected on the load side of the disconnecting
51.21 means required for elevator equipment under National Electrical Code Article 620, and
51.22 elevator communications and alarm systems within the machine room, car, hoistway, or
51.23 elevator lobby.

51.24 Sec. 31. Minnesota Statutes 2012, section 326B.37, is amended by adding a
51.25 subdivision to read:

51.26 Subd. 15. Utility interconnected wind generation installations. (a) Fees
51.27 associated with utility interconnected generation installations consisting of one or more
51.28 generator sources interconnected with a utility power system and not supplying other
51.29 premises loads are calculated according to paragraph (b) or (c).

51.30 (b) The inspection fee is calculated according to subdivisions 2, 3, 4, and 6,
51.31 paragraphs (d), (f), (j), and (k). A fee must be included for the generators and utility
51.32 interconnect feeders, but not for a utility service.

51.33 (c) There is a plan review fee and an inspection fee for the entire electrical
51.34 installation. The plan review fee is based on the valuation of the electrical installation
51.35 related to one of the generator systems that is part of the overall installation, not to include

52.1 the supporting tower or other nonelectrical equipment or structures, calculated according
52.2 to section 326B.153, subdivision 2. The inspection fee is \$80 for each individual tower,
52.3 including any voltage matching transformers located at the tower, and the fee for the
52.4 feeders interconnecting the individual towers to the utility power system is calculated
52.5 according to subdivisions 4 and 6, paragraph (k).

52.6 Sec. 32. Minnesota Statutes 2012, section 326B.43, subdivision 2, is amended to read:

52.7 Subd. 2. **Agreement with municipality.** The commissioner may enter into an
52.8 agreement with a municipality, in which the municipality agrees to perform plan and
52.9 specification reviews required to be performed by the commissioner under Minnesota
52.10 Rules, part 4715.3130, if:

52.11 (a) the municipality has adopted:

52.12 (1) the plumbing code;

52.13 (2) an ordinance that requires plumbing plans and specifications to be submitted to,
52.14 reviewed, and approved by the municipality, except as provided in paragraph (n);

52.15 (3) an ordinance that authorizes the municipality to perform inspections required by
52.16 the plumbing code; and

52.17 (4) an ordinance that authorizes the municipality to enforce the plumbing code in its
52.18 entirety, except as provided in paragraph (p);

52.19 (b) the municipality agrees to review plumbing plans and specifications for all
52.20 construction for which the plumbing code requires the review of plumbing plans and
52.21 specifications, except as provided in paragraph (n);

52.22 (c) the municipality agrees that, when it reviews plumbing plans and specifications
52.23 under paragraph (b), the review will:

52.24 (1) reflect the degree to which the plans and specifications affect the public health
52.25 and conform to the provisions of the plumbing code;

52.26 (2) ensure that there is no physical connection between water supply systems that
52.27 are safe for domestic use and those that are unsafe for domestic use; and

52.28 (3) ensure that there is no apparatus through which unsafe water may be discharged
52.29 or drawn into a safe water supply system;

52.30 (d) the municipality agrees to perform all inspections required by the plumbing
52.31 code in connection with projects for which the municipality reviews plumbing plans and
52.32 specifications under paragraph (b);

52.33 (e) the commissioner determines that the individuals who will conduct the inspections
52.34 and the plumbing plan and specification reviews for the municipality do not have any
52.35 conflict of interest in conducting the inspections and the plan and specification reviews;

53.1 (f) individuals who will conduct the plumbing plan and specification reviews for
53.2 the municipality are:

53.3 (1) licensed master plumbers;

53.4 (2) licensed professional engineers; or

53.5 (3) individuals who are working under the supervision of a licensed professional
53.6 engineer or licensed master plumber and who are licensed master or journeyman plumbers
53.7 or hold a postsecondary degree in engineering;

53.8 (g) individuals who will conduct the plumbing plan and specification reviews for
53.9 the municipality have passed a competency assessment required by the commissioner to
53.10 assess the individual's competency at reviewing plumbing plans and specifications;

53.11 (h) individuals who will conduct the plumbing inspections for the municipality
53.12 are licensed master or journeyman plumbers, or inspectors meeting the competency
53.13 requirements established in rules adopted under section 326B.135;

53.14 (i) the municipality agrees to enforce in its entirety the plumbing code on all
53.15 projects, except as provided in paragraph (p);

53.16 (j) the municipality agrees to keep official records of all documents received,
53.17 including plans, specifications, surveys, and plot plans, and of all plan reviews, permits
53.18 and certificates issued, reports of inspections, and notices issued in connection with
53.19 plumbing inspections and the review of plumbing plans and specifications;

53.20 (k) the municipality agrees to maintain the records described in paragraph (j) in the
53.21 official records of the municipality for the period required for the retention of public
53.22 records under section 138.17, and shall make these records readily available for review at
53.23 the request of the commissioner;

53.24 (l) the municipality and the commissioner agree that if at any time during the
53.25 agreement the municipality does not have in effect the plumbing code or any of ordinances
53.26 described in paragraph (a), or if the commissioner determines that the municipality is not
53.27 properly administering and enforcing the plumbing code or is otherwise not complying
53.28 with the agreement:

53.29 (1) the commissioner may, effective 14 days after the municipality's receipt of
53.30 written notice, terminate the agreement;

53.31 (2) the municipality may challenge the termination in a contested case before the
53.32 commissioner pursuant to the Administrative Procedure Act; and

53.33 (3) while any challenge is pending under clause (2), the commissioner shall perform
53.34 plan and specification reviews within the municipality under Minnesota Rules, part
53.35 4715.3130;

54.1 (m) the municipality and the commissioner agree that the municipality may terminate
54.2 the agreement with or without cause on 90 days' written notice to the commissioner;

54.3 (n) the municipality and the commissioner agree that the municipality shall forward
54.4 to the state for review all plumbing plans and specifications for the following types of
54.5 projects within the municipality:

54.6 (1) ~~hospitals, nursing homes, supervised living facilities licensed for eight or~~
54.7 ~~more individuals, and similar health-care-related facilities regulated by the Minnesota~~
54.8 ~~Department of Health~~ state-licensed facilities as defined in section 326B.103, subdivision
54.9 13;

54.10 (2) ~~buildings owned by the federal or state government~~ public buildings as defined
54.11 in section 326B.103, subdivision 11; and

54.12 (3) projects of a special nature for which department review is requested by either
54.13 the municipality or the state;

54.14 (o) where the municipality forwards to the state for review plumbing plans and
54.15 specifications, as provided in paragraph (n), the municipality shall not collect any fee for
54.16 plan review, and the commissioner shall collect all applicable fees for plan review; and

54.17 (p) no municipality shall revoke, suspend, or place restrictions on any plumbing
54.18 license issued by the state.

54.19 Sec. 33. Minnesota Statutes 2012, section 326B.49, subdivision 2, is amended to read:

54.20 Subd. 2. **Fees for plan reviews and audits.** Plumbing system plans and
54.21 specifications that are submitted to the commissioner for review shall be accompanied by
54.22 the appropriate plan examination fees. If the commissioner determines, upon review of
54.23 the plans, that inadequate fees were paid, the necessary additional fees shall be paid prior
54.24 to plan approval. The commissioner shall charge the following fees for plan reviews and
54.25 audits of plumbing installations for public, commercial, and industrial buildings:

54.26 (1) systems with both water distribution and drain, waste, and vent systems and
54.27 having:

54.28 (i) 25 or fewer drainage fixture units, \$150;

54.29 (ii) 26 to 50 drainage fixture units, \$250;

54.30 (iii) 51 to 150 drainage fixture units, \$350;

54.31 (iv) 151 to 249 drainage fixture units, \$500;

54.32 (v) 250 or more drainage fixture units, \$3 per drainage fixture unit to a maximum
54.33 of \$4,000; and

54.34 (vi) interceptors, separators, or catch basins, \$70 per interceptor, separator, or catch
54.35 basin design;

- 55.1 (2) building sewer service only, \$150;
- 55.2 (3) building water service only, \$150;
- 55.3 (4) building water distribution system only, no drainage system, \$5 per supply
- 55.4 fixture unit or \$150, whichever is greater;
- 55.5 (5) storm drainage system, a minimum fee of \$150 or:
- 55.6 (i) \$50 per drain opening, up to a maximum of \$500; and
- 55.7 (ii) \$70 per interceptor, separator, or catch basin design;
- 55.8 (6) manufactured home park or campground, one to 25 sites, \$300;
- 55.9 (7) manufactured home park or campground, 26 to 50 sites, \$350;
- 55.10 (8) manufactured home park or campground, 51 to 125 sites, \$400;
- 55.11 (9) manufactured home park or campground, more than 125 sites, \$500; and
- 55.12 ~~(10) accelerated review, double the regular fee, one-half to be refunded if no~~
- 55.13 ~~response from the commissioner within 15 business days; and~~
- 55.14 ~~(11)~~ (10) revision to previously reviewed or incomplete plans:
- 55.15 (i) review of plans for which the commissioner has issued two or more requests for
- 55.16 additional information, per review, \$100 or ten percent of the original fee, whichever
- 55.17 is greater;
- 55.18 (ii) proposer-requested revision with no increase in project scope, \$50 or ten percent
- 55.19 of original fee, whichever is greater; and
- 55.20 (iii) proposer-requested revision with an increase in project scope, \$50 plus the
- 55.21 difference between the original project fee and the revised project fee.

55.22 **EFFECTIVE DATE.** This section is effective January 1, 2014.

55.23 Sec. 34. Minnesota Statutes 2012, section 326B.49, subdivision 3, is amended to read:

55.24 Subd. 3. **Inspection Permits; fees.** ~~The commissioner shall charge the following~~

55.25 ~~fees for inspections under sections 326B.42 to 326B.49:~~

55.26 Residential inspection fee (each visit)	\$ 50
55.27 Public, Commercial, and Industrial Inspections	Inspection Fee
55.28 25 or fewer drainage fixture units	\$ 300
55.29 26 to 50 drainage fixture units	\$ 900
55.30 51 to 150 drainage fixture units	\$ 1,200
55.31 151 to 249 drainage fixture units	\$ 1,500
55.32 250 or more drainage fixture units	\$ 1,800
55.33 Callback fee (each visit)	\$ 100

55.34 (a) Before commencement of a plumbing installation to be inspected by the

55.35 commissioner, the plumbing contractor or registered plumbing employer performing the

56.1 plumbing work must submit to the commissioner an application for a permit and the
56.2 permit and inspection fees in paragraphs (b) to (f).

56.3 (b) The permit fee is \$100.

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

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

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

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

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

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

56.11 (2) roof drains, \$25 for each drain;

56.12 (3) building sewer service only, \$100;

56.13 (4) building water service only, \$100;

56.14 (5) building water distribution system only, no drainage system, \$5 for each fixture
56.15 supplied;

56.16 (6) storm drainage system, a minimum fee of \$25 for each drain opening, interceptor,
56.17 separator, or catch basin;

56.18 (7) manufactured home park or campground, \$25 for each site;

56.19 (8) reinspection fee to verify corrections, regardless of the total fee submitted, \$100
56.20 for each reinspection; and

56.21 (9) each \$100 in fees paid covers one inspection trip.

56.22 (e) In addition to the fees in paragraph (c), the fee submitter must pay an hourly rate of
56.23 \$80 during regular business hours, or \$120 when inspections are requested to be performed
56.24 outside of normal work hours or on weekends and holidays, with a two-hour minimum
56.25 where the fee submitter requests inspections of installations as systems are being installed.

56.26 (f) The fee submitter must pay a fee equal to two hours at the hourly rate of \$80
56.27 when inspections scheduled by the submitter are not able to be completed because the
56.28 work is not complete.

56.29 Sec. 35. Minnesota Statutes 2012, section 326B.89, subdivision 1, is amended to read:

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

56.32 (b) "Gross annual receipts" means the total amount derived from residential
56.33 contracting or residential remodeling activities, regardless of where the activities are
56.34 performed, and must not be reduced by costs of goods sold, expenses, losses, or any
56.35 other amount.

57.1 (c) "Licensee" means a person licensed as a residential contractor or residential
57.2 remodeler.

57.3 (d) "Residential real estate" means a new or existing building constructed for
57.4 habitation by one to four families, and includes detached garages.

57.5 (e) "Fund" means the contractor recovery fund.

57.6 (f) "Owner" when used in connection with real property, means a person who has
57.7 any legal or equitable interest in real property and includes a condominium or townhome
57.8 association that owns common property located in a condominium building or townhome
57.9 building or an associated detached garage. Owner does not include any real estate
57.10 developer or any owner using, or intending to use, the property for a business purpose and
57.11 not as owner-occupied residential real estate.

57.12 Sec. 36. Minnesota Statutes 2012, section 327B.04, subdivision 4, is amended to read:

57.13 Subd. 4. **License prerequisites.** No application shall be granted nor license issued
57.14 until the applicant proves to the commissioner that:

57.15 (a) the applicant has a permanent, established place of business at each licensed
57.16 location. An "established place of business" means a permanent enclosed building other
57.17 than a residence, or a commercial office space, either owned by the applicant or leased by
57.18 the applicant for a term of at least one year, located in an area where zoning regulations
57.19 allow commercial activity, and where the books, records and files necessary to conduct
57.20 the business are kept and maintained. The owner of a licensed manufactured home park
57.21 who resides in or adjacent to the park may use the residence as the established place of
57.22 business required by this subdivision, unless prohibited by local zoning ordinance.

57.23 If a license is granted, the licensee may use unimproved lots and premises for sale,
57.24 storage, and display of manufactured homes, if the licensee first notifies the commissioner
57.25 in writing;

57.26 (b) if the applicant desires to sell, solicit or advertise the sale of new manufactured
57.27 homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor
57.28 of the new manufactured home it proposes to deal in;

57.29 (c) the applicant has secured: (1) a surety bond in the amount of \$20,000 for each
57.30 agency and each subagency location that bears the applicant's name and the name under
57.31 which the applicant will be licensed and do business in this state. Each bond is for the
57.32 protection of consumer customers, and must be executed by the applicant as principal and
57.33 issued by a surety company admitted to do business in this state. Each bond shall be
57.34 exclusively for the purpose of reimbursing consumer customers and shall be conditioned
57.35 upon the faithful compliance by the applicant with all of the laws and rules of this state

58.1 pertaining to the applicant's business as a dealer or manufacturer, including sections
58.2 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its
58.3 legal obligations to consumer customers; and (2) a certificate of liability insurance in
58.4 the amount of \$1,000,000 that provides aggregate coverage for the agency and each
58.5 subagency location. In the event of a policy cancellation, the insurer shall send written
58.6 notice to the commissioner at the same time that a cancellation request is received from
58.7 or a notice is sent to the insured;

58.8 (d) the applicant has established a trust account as required by section 327B.08,
58.9 subdivision 3, unless the applicant states in writing its intention to limit its business to
58.10 selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

58.11 (e) the applicant has provided evidence of having had at least two years' prior
58.12 experience in the sale of manufactured homes, working for a licensed dealer. The
58.13 applicant does not have to satisfy the two-year prior experience requirement if:

58.14 (1) the applicant sells or brokers used manufactured homes as permitted under
58.15 section 327B.01, subdivision 7; or

58.16 (2) the applicant:

58.17 (i) has met all other licensing requirements;

58.18 (ii) is the owner of a manufactured home park; and

58.19 (iii) is selling new manufactured homes installed in the manufactured home park
58.20 that the applicant owns.

58.21 Sec. 37. Minnesota Statutes 2012, section 341.21, subdivision 3a, is amended to read:

58.22 Subd. 3a. **Commissioner.** "Commissioner" means the commissioner of labor
58.23 and industry or a duly designated representative of the commissioner who is either an
58.24 employee of the Department of Labor and Industry or a person working under contract
58.25 with the department.

58.26 Sec. 38. Minnesota Statutes 2012, section 341.221, is amended to read:

58.27 **341.221 ADVISORY COUNCIL.**

58.28 (a) The commissioner must appoint a Combative Sports Advisory Council to advise
58.29 the commissioner on the administration of duties under this chapter.

58.30 (b) The council shall have nine members appointed by the commissioner. One
58.31 member must be a retired judge of the Minnesota District Court, Minnesota Court of
58.32 Appeals, Minnesota Supreme Court, the United States District Court for the District of
58.33 Minnesota, or the Eighth Circuit Court of Appeals. At least four members must have
58.34 knowledge of the boxing industry. At least four members must have knowledge of the

59.1 mixed martial arts industry. The commissioner shall make serious efforts to appoint
59.2 qualified women to serve on the council.

59.3 (c) Council members shall serve terms of four years with the terms ending on the
59.4 first Monday in January.

59.5 (d) The council shall annually elect from its membership a chair.

59.6 (e) ~~The commissioner shall convene the first meeting of the council by July 1, 2012.~~
59.7 ~~The council shall elect a chair at its first meeting.~~ Thereafter, Meetings shall be convened
59.8 by the commissioner, or by the chair with the approval of the commissioner.

59.9 (f) ~~For the first appointments to the council, the commissioner shall appoint the~~
59.10 ~~members currently serving on the Combative Sports Commission established under~~
59.11 ~~section 341.22, to the council.~~ The commissioner shall designate two of the members to
59.12 serve until the first Monday in January 2013; two members to serve until the first Monday
59.13 in January 2014; two members to serve until the first Monday in January 2015; and three
59.14 members to serve until the first Monday in January 2016.

59.15 (g) Removal of members, filling of vacancies, and compensation of members shall
59.16 be as provided in section 15.059.

59.17 Sec. 39. Minnesota Statutes 2012, section 341.27, is amended to read:

59.18 **341.27 COMMISSIONER DUTIES.**

59.19 The commissioner shall:

59.20 (1) issue, deny, renew, suspend, or revoke licenses;

59.21 (2) make and maintain records of its acts and proceedings including the issuance,
59.22 denial, renewal, suspension, or revocation of licenses;

59.23 (3) keep public records of the council open to inspection at all reasonable times;

59.24 (4) develop rules to be implemented under this chapter;

59.25 (5) conform to the rules adopted under this chapter;

59.26 (6) develop policies and procedures for regulating boxing and mixed martial arts; ~~and~~

59.27 (7) immediately suspend an individual license for a medical condition, including but
59.28 not limited to a medical condition resulting from an injury sustained during a match, bout,
59.29 or contest that has been confirmed by the ringside physician. The medical suspension must
59.30 be lifted after the commissioner receives written information from a physician licensed in
59.31 the home state of the licensee indicating that the combatant may resume competition, and
59.32 any other information that the commissioner may by rule require. Medical suspensions
59.33 are not subject to section ~~214.10~~. 326B.082 or the contested case procedures provided
59.34 in sections 14.57 to 14.69; and

60.1 (8) immediately suspend an individual combatant license for a mandatory rest period,
60.2 which must commence at the conclusion of every combative sports contest in which the
60.3 license holder competes and does not receive a medical suspension. A rest suspension
60.4 must automatically lift after seven calendar days from the date the combative sports
60.5 contest passed without notice or additional proceedings. Rest suspensions are not subject
60.6 to section 326B.082 or the contested case procedures provided in sections 14.57 to 14.69.

60.7 Sec. 40. Minnesota Statutes 2012, section 341.29, is amended to read:

60.8 **341.29 JURISDICTION OF COMMISSIONER.**

60.9 The commissioner shall:

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

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

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

60.19 (4) deny, suspend, or revoke a license using the enforcement provisions of section
60.20 326B.082.

60.21 Sec. 41. Minnesota Statutes 2012, section 341.30, subdivision 4, is amended to read:

60.22 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a license
60.23 to a promoter, corporation, or other business entity, the applicant shall:

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

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

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

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

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

61.8 (c) Before the commissioner issues a license to a combatant, the applicant shall
61.9 submit to the commissioner:

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

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

61.24 Sec. 42. Minnesota Statutes 2012, section 341.32, subdivision 2, is amended to read:

61.25 Subd. 2. **Expiration and renewal.** ~~A license issued after July 1, 2007, is valid for~~
61.26 ~~one year from the date it is issued and~~ Licenses expire annually on December 31, and may
61.27 be renewed by filing an application for renewal with the commissioner and payment of the
61.28 license fees established in section 341.321. An application for a license and renewal of a
61.29 license must be on a form provided by the commissioner. There is a 30-day grace period
61.30 during which a license may be renewed if a late filing penalty fee equal to the license fee
61.31 is submitted with the regular license fee. A licensee that files late shall not conduct any
61.32 activity regulated by this chapter until the commissioner has renewed the license. If the
61.33 licensee fails to apply to the commissioner within the 30-day grace period, the licensee
61.34 must apply for a new license under subdivision 1.

62.1 Sec. 43. Minnesota Statutes 2012, section 341.321, is amended to read:

62.2 **341.321 FEE SCHEDULE.**

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

- 62.5 (1) referees, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.6 (2) promoters, ~~\$400~~ \$700 for each initial license and each renewal;
- 62.7 (3) judges and knockdown judges, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.8 (4) trainers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.9 (5) ring announcers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.10 (6) seconds, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.11 (7) timekeepers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.12 (8) combatants, ~~\$45~~ \$100 for each initial license and each renewal;
- 62.13 (9) managers, ~~\$45~~ \$80 for each initial license and each renewal; and
- 62.14 (10) ringside physicians, ~~\$45~~ \$80 for each initial license and each renewal.

62.15 In addition to the license fee and the late filing penalty fee in section 341.32, subdivision
62.16 2, if applicable, an individual who applies for a professional license on the same day the
62.17 combative sporting event is held shall pay a late fee of \$100 plus the original license fee of
62.18 ~~\$45~~ \$120 at the time the application is submitted.

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

- 62.20 (1) referees, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.21 (2) promoters, ~~\$400~~ \$700 for each initial license and each renewal;
- 62.22 (3) judges and knockdown judges, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.23 (4) trainers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.24 (5) ring announcers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.25 (6) seconds, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.26 (7) timekeepers, ~~\$45~~ \$80 for each initial license and each renewal;
- 62.27 (8) combatant, ~~\$25~~ \$60 for each initial license and each renewal;
- 62.28 (9) managers, ~~\$45~~ \$80 for each initial license and each renewal; and
- 62.29 (10) ringside physicians, ~~\$45~~ \$80 for each initial license and each renewal.

62.30 (c) The commissioner shall establish a contest fee for each combative sport contest.
62.31 The professional combative sport contest fee is \$1,500 per event or not more than four
62.32 percent of the gross ticket sales, whichever is greater, as determined by the commissioner
62.33 when the combative sport contest is scheduled, ~~except that~~ the amateur combative sport
62.34 contest fee shall be ~~\$500~~ \$1,500 or not more than four percent of the gross ticket sales,
62.35 whichever is greater. The commissioner shall consider the size and type of venue when
62.36 establishing a contest fee. The commissioner may establish the maximum number

63.1 of complimentary tickets allowed for each event by rule. A professional or amateur
63.2 combative sport contest fee is nonrefundable.

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

63.5 Sec. 44. **REPEALER.**

63.6 (a) Minnesota Statutes 2012, sections 326B.31, subdivisions 18, 19, and 22; and
63.7 326B.978, subdivision 4, are repealed.

63.8 (b) Minnesota Rules, part 1307.0032, is repealed effective December 31, 2013.

63.9 (c) Minnesota Rules, parts 3800.3520, subpart 5, items C and D; and 3800.3602,
63.10 subpart 2, item B, subitems (5) and (6), are repealed.

63.11 **ARTICLE 3**

63.12 **EMPLOYMENT, ECONOMIC DEVELOPMENT, AND**
63.13 **WORKFORCE DEVELOPMENT**

63.14 Section 1. **[116J.013] COST-OF-LIVING STUDY; ANNUAL REPORT.**

63.15 (a) The commissioner shall conduct an annual cost-of-living study in Minnesota.

63.16 The study shall include:

63.17 (1) a calculation of the statewide basic needs cost of living, adjusted for family size;

63.18 (2) a calculation of the basic needs cost of living, adjusted for family size, for each
63.19 county;

63.20 (3) an analysis of statewide and county cost-of-living data, employment data, and
63.21 job vacancy data; and

63.22 (4) recommendations to aid in the assessment of employment and economic
63.23 development planning needs throughout the state.

63.24 (b) The commissioner shall report on the cost-of-living study and recommendations
63.25 by February 1 of each year to the governor and to the chairs of the standing committees
63.26 of the house of representatives and the senate having jurisdiction over employment and
63.27 economic development issues.

63.28 Sec. 2. **[116J.4011] LABOR MARKET INFORMATION DATA PRODUCTION**
63.29 **REQUIREMENT.**

63.30 (a) As part of the commissioner's obligation under section 116J.401, the
63.31 commissioner must, in collaboration with the Office of Higher Education and local
63.32 workforce councils, produce and publish labor market analysis describing the alignment
63.33 between employer requirements and workforce qualifications.

64.1 (b) The analysis must include a description of job trends that supports career choice
64.2 and job seeking including:

64.3 (1) measures of current job growth, projected future job growth, and current job
64.4 vacancies;

64.5 (2) a breakdown of these measures, whenever feasible, by industry, occupation,
64.6 statewide and substate region, by educational requirement, state employee retirement
64.7 trends, and by racial trends;

64.8 (3) a description of industry- or occupation-based credentials and minimum
64.9 educational standards necessary for successful employment in each area; and

64.10 (4) a designation of areas of opportunity based on high growth, high vacancy, and
64.11 high pay conditions.

64.12 (c) The analysis must include a description of workforce supply and quality,
64.13 including:

64.14 (1) a description of the current educational attainment of the workforce and its
64.15 distribution across industries, occupations, and regions;

64.16 (2) the number and distribution of recent graduates of and current enrollees in
64.17 postsecondary institutions by academic concentration or major and by credential type; and

64.18 (3) the completion rate, employment outcome, and average debt for recent
64.19 postsecondary graduates by program of study, institution type, and credential.

64.20 (d) The analysis must be reviewed on a regular basis by representatives from the
64.21 business and postsecondary sectors, and any feedback should be incorporated into data
64.22 collection and presentation where feasible. This feedback may also include surveys of
64.23 employers on their skill, credential, and other workforce requirements when necessary.

64.24 (e) Analysis, data, and reports required by this section must be easily accessible, easily
64.25 readable, and prominently presented on the Department of Employment and Economic
64.26 Development Web site and Web sites of workforce centers. Information on job vacancies
64.27 and areas of potential employment opportunities should link to educational or credential
64.28 requirements, appropriate training or educational offerings, prevailing wages, and other
64.29 indicators of market conditions deemed important to career choosers and job seekers.

64.30 **Sec. 3. [116J.548] HOST COMMUNITY ECONOMIC DEVELOPMENT**
64.31 **GRANTS.**

64.32 **Subdivision 1. Creation of account.** A host community economic development
64.33 grant program is created in the Department of Employment and Economic Development.
64.34 Grants awarded under this section may only be spent for capital costs of an eligible project.

64.35 **Subd. 2. Definitions.** For purposes of this section:

65.1 (1) "Capital costs" means expenditures for the acquisition and betterment of public
65.2 lands and buildings, and for other publicly owned capital improvements. Capital costs
65.3 also include expenditures for predesign, design, engineering, and similar activities for
65.4 specifically identified eligible projects.

65.5 (2) "Eligible project" means a development or redevelopment project that will
65.6 generate economic development within a host community.

65.7 (3) "Economic development" means job creation, an increase in the tax base, the
65.8 capacity of the eligible project to attract private investment, and other objective criteria
65.9 established by the commissioner that demonstrate a public benefit to the host community.

65.10 (4) "Host community" means a city located within the seven-county metropolitan
65.11 area, as defined in section 473.121, subdivision 2, that is the site of a waste disposal
65.12 facility that meets the standards in section 473.849, that accepts unprocessed mixed
65.13 municipal solid waste generated in the metropolitan area.

65.14 Subd. 3. **Application.** Host communities may apply for a grant under this section
65.15 on a form and in a manner prescribed by the commissioner. In awarding grants under
65.16 this section, the commissioner shall give priority to eligible projects that, based on a
65.17 cost-benefit analysis, provide the highest return on public investment. The commissioner
65.18 must allocate available money between host communities as evenly as practicable.

65.19 Subd. 4. **No match required.** Notwithstanding section 16A.86 or any other law to
65.20 the contrary, the state share of a project covered by this section shall cover 100 percent of
65.21 the total cost of the project.

65.22 Subd. 5. **Report.** The commissioner must report to committees of the legislature
65.23 with jurisdiction over economic development by February 15 of each year on grants
65.24 awarded under this section.

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

65.26 Sec. 4. Minnesota Statutes 2012, section 116J.8731, subdivision 2, is amended to read:

65.27 Subd. 2. **Administration.** Except as otherwise provided in this section, the
65.28 commissioner shall administer the fund as part of the Small Cities Development Block
65.29 Grant Program; and funds shall be made available to local communities and recognized
65.30 Indian tribal governments in accordance with the rules adopted for economic development
65.31 grants in the small cities community development block grant program, ~~except that,~~

65.32 All units of general purpose local government are eligible applicants for Minnesota
65.33 investment funds. The commissioner may provide forgivable loans directly to a private
65.34 enterprise and not require a local community or recognized Indian tribal government
65.35 application other than a resolution supporting the assistance. Eligible applicants for the

66.1 state-funded portion of the fund also include development authorities as defined in section
66.2 116J.552, subdivision 4, provided that the governing body of the municipality approves,
66.3 by resolution, the application of the development authority. The commissioner may also
66.4 make funds available within the department for eligible expenditures under subdivision 3,
66.5 clause (2). A home rule charter or statutory city, county, or town may loan or grant money
66.6 received from repayment of funds awarded under this section to a regional development
66.7 commission, other regional entity, or statewide community capital fund as determined by
66.8 the commissioner, to capitalize or to provide the local match required for capitalization of
66.9 a regional or statewide revolving loan fund.

66.10 Sec. 5. Minnesota Statutes 2012, section 116J.8731, subdivision 3, is amended to read:

66.11 Subd. 3. **Eligible expenditures.** The money appropriated for this section may
66.12 be used to:

66.13 (1) fund loans or grants for infrastructure, loans, loan guarantees, interest buy-downs,
66.14 and other forms of participation with private sources of financing, provided that a loan to
66.15 a private enterprise must be for a principal amount not to exceed one-half of the cost of
66.16 the project for which financing is sought;

66.17 (2) fund strategic investments in renewable energy market development, such as
66.18 low interest loans for renewable energy equipment manufacturing, training grants to
66.19 support renewable energy workforce, development of a renewable energy supply chain
66.20 that represents and strengthens the industry throughout the state, and external marketing
66.21 to garner more national and international investment into Minnesota's renewable sector.
66.22 Expenditures in external marketing for renewable energy market development are not
66.23 subject to the limitations in clause (1); and

66.24 (3) provide private entrepreneurs with training, other technical assistance, and
66.25 financial assistance, as provided in the small cities development block grant program.

66.26 Sec. 6. Minnesota Statutes 2012, section 116J.8731, subdivision 8, is amended to read:

66.27 Subd. 8. **Disaster contingency account; repayments.** There is created a Minnesota
66.28 investment fund disaster contingency account in the special revenue fund. Repayment of
66.29 loan amounts to the local government unit or development authority under this section
66.30 shall be forwarded to the commissioner and deposited in the disaster contingency account
66.31 in the Minnesota investment fund to be appropriated by law for future disaster relief.

66.32 Sec. 7. Minnesota Statutes 2012, section 116J.8731, subdivision 9, is amended to read:

67.1 Subd. 9. **Requirements for assistance.** (a) All awards under section 12A.07 are
67.2 subject to the ~~following~~ requirements in this subdivision.

67.3 ~~(a) Eligible applicants include the following:~~

67.4 (b) Eligible applicants are subject to the following requirements:

67.5 (1) Applicants may be any business or nonprofit organization in the area included
67.6 in the disaster declaration that was directly and adversely affected by the disaster. This
67.7 includes: businesses, cooperatives, utilities, industrial, commercial, retail, and nonprofit
67.8 organizations, including those nonprofits that provide residential, health care, child care,
67.9 social, or other services on behalf of the Department of Human Services to residents
67.10 included in the disaster area.

67.11 (2) Business applicants must be organized as a proprietorship, partnership, LLC, or
67.12 a corporation.

67.13 (3) Applicants must have been in operation before the date of the disaster.

67.14 ~~(b) Eligible activities:~~ (c) Loan funds may be used to assist businesses only in their
67.15 recovery efforts but are not available to provide relief from economic losses.

67.16 ~~(e) Eligible costs:~~ (d) Eligible costs may include the following: repair of buildings,
67.17 leasehold improvements, fixtures and/or equipment, loss of inventory, and cleanup costs.

67.18 ~~(d) (e) Ineligible activities include all of the following:~~

67.19 (1) ~~Ineligible applicants:~~ Any applicants not meeting the eligibility requirements
67.20 outlined in this subdivision are ineligible to receive recovery loan funds.

67.21 (2) ~~Ineligible activities:~~ Funds may not be used for lending or investment operations,
67.22 land speculation, or any activity deemed illegal by federal, state, or local law or ordinance.

67.23 (3) ~~Ineligible costs:~~ Ineligible costs include but are not limited to: economic injury
67.24 losses, relocation, management fees, financing costs, franchise fees, debt consolidation,
67.25 moving costs, refinancing debt existing prior to the date of the disaster, and operating costs.

67.26 ~~(e) (f) Loan application:~~

67.27 ~~(f) Application process:~~ All parties seeking recovery loan funds must file an
67.28 application with the local unit of government or development authority. Small Business
67.29 Administration (SBA) application forms may be used. Applications must be transmitted
67.30 in the form and manner prescribed by the commissioner.

67.31 ~~(f) Application information:~~ (g) Only completed applications will be reviewed for
67.32 consideration. Submittal of the following information constitutes a complete application:

67.33 (1) Minnesota investment fund recovery loan fund application;

67.34 (2) business SBA disaster application, if applicable;

67.35 (3) regional development organization or responsible local government application,
67.36 if applicable;

- 68.1 (4) administrative contact;
- 68.2 (5) business release for local government to review SBA damage assessment/loss
- 68.3 verification, if applicable;
- 68.4 (6) proof of loss statement from insurer;
- 68.5 (7) construction cost estimates;
- 68.6 (8) invoices for work completed;
- 68.7 (9) quotes for equipment;
- 68.8 (10) proposed security;
- 68.9 (11) company historical financial statements for the 24 months immediately prior to
- 68.10 the application date;
- 68.11 (12) credit check release;
- 68.12 (13) number of jobs to be retained;
- 68.13 (14) wages paid;
- 68.14 (15) amount of loan request;
- 68.15 (16) documentation of damages incurred;
- 68.16 (17) property taxes paid and current;
- 68.17 (18) judgments, liens, agreements, consent decrees, stipulations for settlements, or
- 68.18 other such actions which would prevent the applicant from participating in any program
- 68.19 administered by the responsible local, state, or regional government;
- 68.20 (19) compliance with all applicable local ordinances and plans;
- 68.21 (20) documentation through financial and tax records that the business was a viable
- 68.22 operating entity at the time of the flood;
- 68.23 (21) business tax identification number; and
- 68.24 (22) other documentation as requested.

68.25 ~~(g)~~ (h) Incomplete applications will be assigned pending status and the applicant

68.26 will be informed in writing of the missing documentation.

68.27 ~~(h) Determination of eligibility.~~ (i) Applicant eligibility will be determined using

68.28 criteria enumerated in paragraph ~~(a)~~ (b). A credit check for the company and each of its

68.29 principal owners may be conducted. An owner's encumbrance report will be completed

68.30 by the Recorder's Office.

68.31 (j) A grant recipient is eligible for assistance provided under this section only after the

68.32 recipient has claimed all applicable private insurance and the recipient has utilized all other

68.33 sources of applicable assistance available under the act appropriating funding for the grant.

68.34 Sec. 8. [116J.8748] MINNESOTA JOB CREATION FUND.

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

69.3 (b) "Agreement" or "business subsidy agreement" means a business subsidy
69.4 agreement under section 116J.994 that must include, but is not limited to: specification
69.5 of the duration of the agreement, job goals and a timeline for achieving those goals over
69.6 the duration of the agreement, construction and other investment goals and a timeline for
69.7 achieving those goals over the duration of the agreement, and the value of benefits the
69.8 firm may receive following achievement of capital investment and employment goals.
69.9 The local government and business must report to the commissioner on the business
69.10 performance using the forms developed by the commissioner.

69.11 (c) "Business" means an individual, corporation, partnership, limited liability
69.12 company, association, or other entity.

69.13 (d) "Capital investment" means money that is expended for the purpose of building
69.14 or improving real fixed property where employees under paragraphs (g) and (h) are or
69.15 will be employed and also includes construction materials, services, and supplies, and the
69.16 purchase and installation of equipment and machinery as provided under subdivision 4,
69.17 paragraph (b), clause (5).

69.18 (e) "Commissioner" means the commissioner of employment and economic
69.19 development.

69.20 (f) "Minnesota job creation fund business" means a business that is designated
69.21 by the commissioner under subdivision 3.

69.22 (g) "New full-time employee" means an employee who:

69.23 (1) begins work at a Minnesota job creation fund business facility noted in a business
69.24 subsidy agreement and following the designation as a job creation fund business; and
69.25 (2) has expected work hours of at least 2,080 hours annually.

69.26 (h) "Retained job" means a full-time position:

69.27 (1) that existed at the facility prior to the designation as a job creation fund business;
69.28 and

69.29 (2) has expected work hours of at least 2,080 hours annually.

69.30 (i) "Wages" has the meaning given in section 290.92, subdivision 1, clause (1).

69.31 Subd. 2. **Application.** (a) In order to qualify for designation as a Minnesota job
69.32 creation fund business under subdivision 3, a business must submit an application to the
69.33 local government entity where the facility is or will be located.

69.34 (b) A local government must submit the business application along with other
69.35 application materials to the commissioner for approval.

70.1 (c) The applications required under paragraphs (a) and (b) must be in the form and
70.2 be made under the procedures specified by the commissioner.

70.3 Subd. 3. **Minnesota job creation fund business designation; requirements.** (a)
70.4 To receive designation as a Minnesota job creation fund business, a business must satisfy
70.5 all of the following conditions:

70.6 (1) the business is or will be engaged in, within Minnesota, one of the following
70.7 as its primary business activity:

70.8 (i) manufacturing;

70.9 (ii) warehousing;

70.10 (iii) distribution;

70.11 (iv) information technology;

70.12 (v) finance;

70.13 (vi) insurance; or

70.14 (vii) professional or technical services;

70.15 (2) the business must not be primarily engaged in lobbying; gambling; entertainment;
70.16 professional sports; political consulting; leisure; hospitality; or professional services
70.17 provided by attorneys, accountants, business consultants, physicians, or health care
70.18 consultants, or primarily engaged in making retail sales to purchasers who are physically
70.19 present at the business's location;

70.20 (3) the business must enter into a binding construction and job creation business
70.21 subsidy agreement with the commissioner to expend at least \$500,000 in capital investment
70.22 in a capital investment project that includes a new, expanded, or remodeled facility within
70.23 one year following designation as a Minnesota job creation fund business and:

70.24 (i) create at least ten new full-time employee positions within two years of the
70.25 benefit date following the designation as a Minnesota job creation fund business; or

70.26 (ii) expend at least \$25,000,000, which may include the installation and purchase
70.27 of machinery and equipment, in capital investment and retain at least 200 employees for
70.28 projects located in the metropolitan area as defined in section 200.02, subdivision 24, and
70.29 75 employees for projects located outside the metropolitan area;

70.30 (4) positions or employees moved or relocated from another Minnesota location
70.31 of the Minnesota job creation fund business must not be included in any calculation or
70.32 determination of job creation or new positions under this paragraph; and

70.33 (5) a Minnesota job creation fund business must not terminate, lay off, or reduce
70.34 the working hours of an employee for the purpose of hiring an individual to satisfy job
70.35 creation goals under this subdivision.

71.1 (b) Prior to approving the proposed designation of a business under this subdivision,
71.2 the commissioner shall consider the following:

71.3 (1) the economic outlook of the industry in which the business engages;

71.4 (2) the projected sales of the business that will be generated from outside the state
71.5 of Minnesota;

71.6 (3) how the business will build on existing regional, national, and international
71.7 strengths to diversify the state's economy;

71.8 (4) whether the business activity would occur without financial assistance;

71.9 (5) whether the business is unable to expand at an existing Minnesota operation
71.10 due to facility or land limitations;

71.11 (6) whether the business has viable location options outside Minnesota;

71.12 (7) the effect of financial assistance on industry competitors in Minnesota;

71.13 (8) financial contributions to the project made by local governments; and

71.14 (9) any other criteria the commissioner deems necessary.

71.15 (c) Upon receiving notification of local approval under subdivision 2, the
71.16 commissioner shall review the determination by the local government and consider the
71.17 conditions listed in paragraphs (a) and (b) to determine whether it is in the best interests of
71.18 the state and local area to designate a business as a Minnesota job creation fund business.

71.19 (d) If the commissioner designates a business as a Minnesota job creation fund
71.20 business, the business subsidy agreement shall include the performance outcome
71.21 commitments and the expected financial value of any Minnesota job creation fund benefits.

71.22 (e) The commissioner may amend an agreement once, upon request of a local
71.23 government on behalf of a business, only if the performance is expected to exceed
71.24 thresholds stated in the original agreement.

71.25 (f) A business may apply to be designated as a Minnesota job creation fund business
71.26 at the same location more than once only if all goals under a previous Minnesota job
71.27 creation fund agreement have been met and the agreement is completed.

71.28 Subd. 4. **Certification; benefits.** (a) The commissioner may certify a Minnesota job
71.29 creation fund business as eligible to receive a specific value of benefit under paragraphs
71.30 (b) and (c) when the business has achieved its job creation and capital investment goals
71.31 noted in its agreement under subdivision 3.

71.32 (b) A qualified Minnesota job creation fund business may be certified eligible for the
71.33 benefits in this paragraph for up to five years for projects located in the metropolitan area
71.34 as defined in section 200.02, subdivision 24, and seven years for projects located outside
71.35 the metropolitan area, as determined by the commissioner when considering the best
71.36 interests of the state and local area. The eligibility for the following benefits begins the

72.1 date the commissioner certifies the business as a qualified Minnesota job creation fund
72.2 business under this subdivision:

72.3 (1) up to five percent rebate for projects located in the metropolitan area as
72.4 defined in section 200.02, subdivision 24, and 7.5 percent for projects located outside
72.5 the metropolitan area, on capital investment on qualifying purchases as provided in
72.6 subdivision 5 with the total rebate for a project not to exceed \$500,000;

72.7 (2) an award of up to \$500,000 based on full-time job creation and wages paid as
72.8 provided in subdivision 6 with the total award not to exceed \$500,000;

72.9 (3) up to \$1,000,000 in capital investment rebates and \$1,000,000 in job creation
72.10 awards are allowable for projects that have at least \$25,000,000 in capital investment
72.11 and 200 new employees;

72.12 (4) up to \$1,000,000 in capital investment rebates are allowable for projects that
72.13 have at least \$25,000,000 in capital investment and 200 retained employees for projects
72.14 located in the metropolitan area as defined in section 200.02, subdivision 24, and 75
72.15 employees for projects located outside the metropolitan area; and

72.16 (5) for clauses (3) and (4) only, the capital investment expenditure requirements may
72.17 include the installation and purchases of machinery and equipment. These expenditures
72.18 are not eligible for the capital investment rebate provided under subdivision 5.

72.19 (c) The job creation award may be provided in multiple years as long as the qualified
72.20 Minnesota job creation fund business continues to meet the job creation goals provided
72.21 for in its agreement under subdivision 3 and the total award does not exceed \$500,000
72.22 except as provided under paragraph (b), clauses (3) and (4).

72.23 (d) No rebates or award may be provided until the Minnesota job creation fund
72.24 business has at least \$500,000 in capital investment in the project and at least ten full-time
72.25 jobs have been created and maintained for at least one year or the retained employees, as
72.26 provided in paragraph (b), clause (4), remain for at least one year. The agreement may
72.27 require additional performance outcomes that need to be achieved before rebates and
72.28 awards are provided. If fewer retained jobs are maintained, but still above the minimum
72.29 under this subdivision, the capital investment award shall be reduced on a proportionate
72.30 basis.

72.31 (e) The forms needed to be submitted to document performance by the Minnesota
72.32 job creation fund business must be in the form and be made under the procedures specified
72.33 by the commissioner. The forms shall include documentation and certification by the
72.34 business that it is in compliance with the business subsidy agreement, sections 116J.871
72.35 and 116L.66, and other provisions as specified by the commissioner.

73.1 (f) Minnesota job creation fund businesses must pay each new full-time employee
73.2 added pursuant to the agreement total compensation, including benefits not mandated by
73.3 law, that on an annualized basis is equal to at least 110 percent of the federal poverty
73.4 level for a family of four.

73.5 (g) A Minnesota job creation fund business must demonstrate reasonable progress on
73.6 its capital investment expenditures within six months following designation as a Minnesota
73.7 job creation fund business to ensure that the capital investment goal in the agreement
73.8 under subdivision 1 will be met. Businesses not making reasonable progress will not be
73.9 eligible for benefits under the submitted application and will need to work with the local
73.10 government unit to resubmit a new application and request to be a Minnesota job creation
73.11 fund business. Notwithstanding the goals noted in its agreement under subdivision 1, this
73.12 action shall not be considered a default of the business subsidy agreement.

73.13 Subd. 5. **Capital investment rebate.** (a) A qualified Minnesota job creation fund
73.14 business is eligible for a rebate on the purchase and use of construction materials, services,
73.15 and supplies used for or consumed in the construction project as described in the goals
73.16 under the agreement provided under subdivision 1, paragraph (b).

73.17 (b) The rebate under this subdivision applies regardless of whether the purchases are
73.18 made by the qualified Minnesota job creation fund business or a contractor hired to perform
73.19 work or provide services at the qualified Minnesota job creation fund business location.

73.20 (c) Minnesota job creation fund businesses seeking the rebate for capital investment
73.21 provided under subdivision 4 must submit forms and applications to the Department of
73.22 Employment and Economic Development as prescribed by the commissioner of each
73.23 department.

73.24 Subd. 6. **Job creation award.** (a) A qualified Minnesota job creation fund business
73.25 is eligible for an annual award for each new job created and maintained by the business
73.26 using the following schedule: \$1,000 for each job position paying annual wages at least
73.27 \$26,000 but less than \$35,000; \$2,000 for each job position paying at least \$35,000 but
73.28 less than \$45,000; and \$3,000 for each job position paying at least \$45,000; and as noted
73.29 in the goals under the agreement provided under subdivision 1.

73.30 (b) The job creation award schedule must be adjusted annually using the percentage
73.31 increase in the federal poverty level for a family of four.

73.32 (c) Minnesota job creation fund businesses seeking an award credit provided under
73.33 subdivision 4 must submit forms and applications to the Department of Employment and
73.34 Economic Development as prescribed by the commissioner.

74.1 Subd. 7. **Rulemaking.** (a) If the commissioner's policies, procedures, or other
74.2 statements are rules, as defined in section 14.02, subdivision 4, the requirements in either
74.3 paragraph (b) or (c) apply, as applicable.

74.4 (b) Effective upon enactment until January 1, 2015:

74.5 (1) the commissioner shall publish notice of proposed rules in the State Register
74.6 after complying with section 14.07, subdivision 2;

74.7 (2) interested parties have 21 days to comment on the proposed rules. The
74.8 commissioner must consider comments it receives. After the commissioner has considered
74.9 all comments and has complied with section 14.07, subdivision 2, the commissioner shall
74.10 publish notice of the final rule in the State Register;

74.11 (3) if the adopted rules are the same as the proposed rules, the notice shall state that
74.12 the rules have been adopted as proposed and shall cite the prior publication. If the adopted
74.13 rules differ from the proposed rules, the portions of the adopted rules that differ from the
74.14 proposed rules shall be included in the notice of adoption, together with a citation to the
74.15 prior State Register that contained the notice of the proposed rules; and

74.16 (4) rules published in the State Register before January 1, 2014, take effect upon
74.17 publication of the notice. Rules published in the State Register on and after January 1,
74.18 2014, take effect 30 days after publication of the notice.

74.19 (c) Beginning January 1, 2015, the commissioner may adopt rules to implement any
74.20 provisions in this section using the expedited rulemaking process in section 14.389.

74.21 (d) The notice of proposed rules required in paragraph (b) must provide information
74.22 as to where the public may obtain a copy of the rules. The commissioner shall post the
74.23 proposed rules on the department Web site at the same time the notice is published in
74.24 the State Register.

74.25 **EFFECTIVE DATE.** This section is effective January 1, 2014.

74.26 Sec. 9. **[116J.9661] TRADE POLICY ADVISORY COUNCIL.**

74.27 Subdivision 1. **Establishment.** The Trade Policy Advisory Council is established to
74.28 advise and assist the governor and the legislature regarding United States trade agreements.

74.29 Subd. 2. **Membership.** (a) The Trade Policy Advisory Council shall have 15
74.30 members, as follows:

74.31 (1) the commissioner of employment and economic development or designee;

74.32 (2) the commissioner of agriculture or designee;

74.33 (3) the commissioner of administration or designee;

74.34 (4) two senators, including one appointed by the Subcommittee on Committees of
74.35 the Committee on Rules and Administration, and one appointed by the minority leader;

75.1 (5) two members of the house of representatives, including one member appointed
75.2 by the speaker of the house and one member appointed by the minority leader; and

75.3 (6) eight members appointed by the governor. The governor's appointees shall
75.4 represent specified interests, including organized labor, environmental interests, family
75.5 farmers, business and industry, and international trade and development.

75.6 (b) The Trade Policy Advisory Council may invite representatives from other state
75.7 agencies, industries, trade and labor organizations, nongovernmental organizations, and
75.8 local governments to join the council as nonvoting ex officio members.

75.9 (c) Except for initial appointments, the appointing authorities shall make
75.10 appointments by the first Monday in January of each odd-numbered year.

75.11 Subd. 3. **Term.** Except for the initial appointees, members of the Trade Policy
75.12 Advisory Council shall serve for a term of two years and may be reappointed. Members
75.13 shall serve until their successors have been appointed.

75.14 Subd. 4. **Administration.** The commissioner of employment and economic
75.15 development or the commissioner's designee shall provide meeting space and
75.16 administrative services for the council.

75.17 Subd. 5. **Initial appointments and first meeting.** The appointing authorities shall
75.18 appoint the first members of the council by January 15, 2014. The first appointees shall
75.19 serve until the first Monday in January 2015. The commissioner of the Department of
75.20 Employment and Economic Development shall convene the first meeting by February 15,
75.21 2014, and shall act as chair until the council elects a chair at its first meeting.

75.22 Subd. 6. **Chair.** The members shall elect a chair from the legislative members
75.23 of the advisory council.

75.24 Subd. 7. **No compensation.** Public members of the advisory council serve without
75.25 compensation or payment of expenses.

75.26 Subd. 8. **Duties.** The Trade Policy Advisory Council shall:

75.27 (1) advise the governor and the legislature on matters relating to United States
75.28 trade agreements;

75.29 (2) assess the potential impact of federal trade agreements on the state's economy;

75.30 (3) advise the governor and the legislature of the group's findings and make
75.31 recommendations, including any draft legislation necessary to implement the
75.32 recommendations, to the governor and the legislature;

75.33 (4) determine, on a case-by-case basis, the impact of a specific federal trade
75.34 agreement by requesting input from state agencies, seeking expert advice, convening
75.35 public hearings, and taking other reasonable and appropriate actions;

76.1 (5) request information from the Office of the United States Trade Representative
76.2 necessary to conduct an appropriate review of government procurement agreements or
76.3 other trade issues; and

76.4 (6) receive information obtained by the United States Trade Representative's single
76.5 point of contact for Minnesota.

76.6 Subd. 9. **Meeting.** The Trade Policy Advisory Council shall meet at least once
76.7 per fiscal year.

76.8 Subd. 10. **Sunset.** The council shall sunset January 1, 2020.

76.9 **Sec. 10. [116J.978] MINNESOTA TRADE OFFICES IN FOREIGN MARKETS.**

76.10 (a) The commissioner of employment and economic development shall establish
76.11 three new Minnesota Trade Offices in key foreign markets selected for their potential to
76.12 increase Minnesota exports and attract foreign direct investment.

76.13 (b) The commissioner shall establish a performance rating system for the new offices
76.14 established under this section and create specific annual goals for the offices to meet. The
76.15 commissioner shall monitor activities of the office, including, but not limited to, the number
76.16 of inquiries and projects received and completed, meetings arranged between Minnesota
76.17 companies and potential investors, distributors, or customers, and agreements signed.

76.18 **Sec. 11. [116J.979] MINNESOTA STEP GRANTS.**

76.19 Subdivision 1. **Establishment.** The commissioner of employment and economic
76.20 development shall create a State Trade and Export Promotion grants program, hereafter
76.21 STEP grants, to provide financial and technical assistance to eligible Minnesota small
76.22 businesses with an active interest in exporting products or services to foreign markets.

76.23 Subd. 2. **Grants.** Recipients may apply, on an application devised by the
76.24 commissioner, for up to \$7,500 in reimbursement for approved export-development
76.25 activities, including, but not limited to:

76.26 (1) participation in trade missions;

76.27 (2) export training;

76.28 (3) exhibition at trade shows or industry-specific events;

76.29 (4) translation of marketing materials;

76.30 (5) development of foreign language Web sites, Gold Key, or other business
76.31 matchmaking services;

76.32 (6) company-specific international sales activities; and

76.33 (7) testing and certification required to sell products in foreign markets.

77.1 Sec. 12. **[116J.9801] INVEST MINNESOTA.**

77.2 The commissioner shall establish the Invest Minnesota marketing initiative. This
77.3 initiative must focus on branding the state's economic development initiatives and
77.4 promoting Minnesota business opportunities. The initiative may include measures to
77.5 communicate the benefits of doing business in Minnesota to companies considering
77.6 relocating, establishing a United States presence, or expanding.

77.7 Sec. 13. **[116J.998] OFFICE OF BROADBAND DEVELOPMENT.**

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

77.10 (b) "Broadband" or "broadband service" means any service providing advanced
77.11 telecommunications capability and Internet access with transmission speeds that, at a
77.12 minimum, meet the Federal Communications Commission definition for broadband.

77.13 (c) "Local unit of government" has the meaning given in section 116G.03,
77.14 subdivision 3.

77.15 (d) "Office" means the Office of Broadband Development established in subdivision
77.16 2, paragraph (a).

77.17 Subd. 2. **Office established; purpose.** (a) An Office of Broadband Development is
77.18 established within the Department of Employment and Economic Development and shall
77.19 remain in existence until the commissioner certifies that the state has met the broadband
77.20 goals established in section 237.012. The director shall be appointed by the governor and
77.21 shall serve in the unclassified service. The director must be qualified by experience and
77.22 training in broadband. The office may employ staff necessary to carry out the office's
77.23 duties under subdivision 4.

77.24 (b) The purpose of the office is to encourage, foster, develop, and improve broadband
77.25 within the state in order to:

77.26 (1) drive job creation, promote innovation, and expand markets for Minnesota
77.27 businesses;

77.28 (2) serve the ongoing and growing needs of Minnesota's education systems, health
77.29 care system, public safety system, industries and businesses, governmental operations,
77.30 and citizens; and

77.31 (3) improve accessibility for underserved communities and populations.

77.32 Subd. 3. **Organization.** The office shall consist of a director of the Office of
77.33 Broadband Development, as well as any staff necessary to carry out the office's duties
77.34 under subdivision 4.

77.35 Subd. 4. **Duties.** (a) The office shall have the power and duty to:

- 78.1 (1) serve as the central broadband planning body for the state of Minnesota;
78.2 (2) coordinate with state, regional, local, and private entities to develop, to the
78.3 maximum extent practicable, a uniform statewide broadband access and usage policy;
78.4 (3) develop, recommend, and implement a statewide plan to encourage cost-effective
78.5 broadband access, and to make recommendations for increased usage, particularly in
78.6 rural and other underserved areas;
78.7 (4) coordinate efforts, in consultation and cooperation with the commissioner of
78.8 commerce, local units of government, and private entities, to meet the state's broadband
78.9 goals in section 237.012;
78.10 (5) develop, coordinate, and implement the state's broadband infrastructure
78.11 development program under section 116J.999;
78.12 (6) provide consultation services to local units of government or other project
78.13 sponsors in connection with the planning, acquisition, improvement, construction, or
78.14 development of any broadband deployment project;
78.15 (7) encourage public-private partnerships to increase deployment and adoption
78.16 of broadband services and applications, including recommending funding options and
78.17 possible incentives to encourage investment in broadband expansion;
78.18 (8) monitor the broadband development efforts of other states and nations in areas
78.19 such as business, education, public safety, and health;
78.20 (9) consult with the commissioner of commerce to monitor broadband-related
78.21 activities at the federal level, including regulatory and policy changes and the potential
78.22 impact on broadband deployment and sustainability in the state;
78.23 (10) serve as an information clearinghouse for federal programs providing financial
78.24 assistance to institutions located in rural areas seeking to obtain access to high-speed
78.25 broadband service, and use this information as an outreach tool to make institutions
78.26 located in rural areas that are unserved or underserved with respect to broadband service
78.27 aware of the existence of federal assistance;
78.28 (11) provide logistical and administrative support for the Governor's Broadband
78.29 Task Force;
78.30 (12) provide an annual report, as required by subdivision 5;
78.31 (13) coordinate an ongoing collaborative effort of stakeholders to evaluate and
78.32 address security, vulnerability, and redundancy issues in order to ensure the reliability of
78.33 broadband networks; and
78.34 (14) perform any other activities consistent with the office's purpose.

79.1 (b) In carrying out its duties under this subdivision, the Office of Broadband
79.2 Development shall have no authority to regulate or compel action on the part of any
79.3 provider of broadband service.

79.4 Subd. 5. **Reporting.** (a) Beginning January 15, 2014, and each year thereafter,
79.5 the Office of Broadband Development shall report to the legislative committees with
79.6 jurisdiction over broadband policy and finance on the office's activities during the previous
79.7 year.

79.8 (b) The report shall contain, at a minimum:

79.9 (1) an analysis of the current availability and use of broadband, including average
79.10 broadband speeds, within the state;

79.11 (2) information gathered from schools, libraries, hospitals, and public safety facilities
79.12 across the state, determining the actual speed and capacity of broadband currently in use
79.13 and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

79.14 (3) an analysis of incumbent broadband infrastructure within the state and its ability
79.15 to spur economic development;

79.16 (4) an analysis of the degree to which new, additional, or improved broadband
79.17 infrastructure would spur economic development in the state;

79.18 (5) a summary of the office's activities in coordinating broadband infrastructure
79.19 development under section 116J.999;

79.20 (6) suggested policies, incentives, and legislation designed to accelerate the
79.21 achievement of the goals under section 237.012, subdivisions 1 and 2;

79.22 (7) any proposed legislative and policy initiatives; and

79.23 (8) any other information requested by the legislative committees with jurisdiction
79.24 over broadband policy and finance, or that the office deems necessary.

79.25 (c) The report may be submitted electronically and is subject to section 3.195,
79.26 subdivision 1.

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

79.28 Sec. 14. **[116J.999] COORDINATION OF BROADBAND INFRASTRUCTURE**
79.29 **DEVELOPMENT.**

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

79.32 (b) "Broadband" or "broadband service" has the meaning given in section 116J.998,
79.33 subdivision 1, paragraph (b).

79.34 (c) "Broadband conduit" means a conduit, pipe, innerduct, or microduct for fiber
79.35 optic or other cables that support broadband and wireless facilities for broadband service.

80.1 (d) "Local unit of government" has the meaning given in section 116G.03,
80.2 subdivision 3.

80.3 (e) "Office" means the Office of Broadband Development established in section
80.4 116J.998.

80.5 Subd. 2. **Broadband infrastructure development.** (a) The office shall, in
80.6 collaboration with the Department of Transportation and private entities, encourage and
80.7 coordinate "dig once" efforts for the planning, relocation, installation, or improvement of
80.8 broadband conduit within the right-of-way in conjunction with any current or planned
80.9 construction, including, but not limited to, trunk highways and bridges. To the extent
80.10 necessary, the office shall, in collaboration with the Department of Transportation,
80.11 evaluate engineering and design standards, procedures and criteria for contracts or lease
80.12 agreements with private entities, and pricing requirements, and provide for allocation
80.13 of risk, costs, and any revenue generated.

80.14 (b) The office shall, in collaboration with other state departments and agencies as the
80.15 office deems necessary, develop a strategy to facilitate the timely and efficient deployment
80.16 of broadband conduit or other broadband facilities on state-owned lands and buildings.

80.17 (c) To the extent practicable, the office shall encourage and assist local units of
80.18 government to adopt and implement policies similar to those under paragraphs (a) and (b)
80.19 for construction or other improvements to county state-aid highways, municipal state-aid
80.20 roads, and any other rights-of-way under the local unit of government's jurisdiction, and to
80.21 other lands or buildings owned by the local unit of government.

80.22 (d) Special consideration must be paid to projects under this subdivision that will
80.23 likely improve access to broadband by rural or underserved communities.

80.24 Subd. 3. **Reporting.** As part of its annual report under section 116J.998, subdivision
80.25 5, the office shall report on activities taken under this section, including, but not limited to,
80.26 the number of current and planned projects using the "dig once" approach, any gains in
80.27 broadband speed or access associated with the project, and any costs or cost savings to
80.28 the state, private entity, or end user of broadband services.

80.29 Subd. 4. **No right of action.** Nothing in this section shall be construed to create
80.30 any right or benefit, substantive or procedural, enforceable at law or in equity by any
80.31 party against the state of Minnesota; its departments, agencies, or entities; its officers,
80.32 employees, or agents; or any other person.

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

80.34 Sec. 15. **[116L.191] WORKFORCE CENTER; CREDENTIAL ASSISTANCE.**

81.1 (a) The commissioner shall provide at local workforce centers services that
81.2 assist individuals in identifying and obtaining industry-recognized credentials for jobs,
81.3 particularly jobs in high demand. The workforce centers must consult and cooperate
81.4 with training institutions, particularly postsecondary institutions, to identify credential
81.5 programs to individuals.

81.6 (b) Each workforce center shall provide information under section 116J.4011,
81.7 paragraph (b), clause (3), linked as a shortcut from the desktop of each workforce center
81.8 computer and available in hard copy. Prominent signs should be posted in workforce
81.9 centers directing individuals to where they can find a list of top job vacancies and related
81.10 credential information.

81.11 Sec. 16. Minnesota Statutes 2012, section 116U.26, is amended to read:

81.12 **116U.26 FILM PRODUCTION JOBS PROGRAM.**

81.13 (a) The film production jobs program is created. The program shall be operated
81.14 by the Minnesota Film and TV Board with administrative oversight and control by the
81.15 commissioner of ~~administration~~ employment and economic development. The program
81.16 shall make payment to producers of feature films, national television or Internet programs,
81.17 documentaries, music videos, and commercials that directly create new film jobs in
81.18 Minnesota. To be eligible for a payment, a producer must submit documentation to the
81.19 Minnesota Film and TV Board of expenditures for production costs incurred in Minnesota
81.20 that are directly attributable to the production in Minnesota of a film product.

81.21 The Minnesota Film and TV Board shall make recommendations to the
81.22 commissioner of ~~administration~~ employment and economic development about program
81.23 payment, but the commissioner has the authority to make the final determination on
81.24 payments. The commissioner's determination must be based on proper documentation of
81.25 eligible production costs submitted for payments. No more than five percent of the funds
81.26 appropriated for the program in any year may be expended for administration, including
81.27 costs for independent audits and financial reviews of projects.

81.28 (b) For the purposes of this section:

81.29 (1) "production costs" means the cost of the following:

81.30 (i) a story and scenario to be used for a film;

81.31 (ii) salaries of talent, management, and labor, including payments to personal
81.32 services corporations for the services of a performing artist;

81.33 (iii) set construction and operations, wardrobe, accessories, and related services;

81.34 (iv) photography, sound synchronization, lighting, and related services;

81.35 (v) editing and related services;

82.1 (vi) rental of facilities and equipment; ~~or~~
82.2 (vii) other direct costs of producing the film in accordance with generally accepted
82.3 entertainment industry practice; ~~and~~

82.4 (viii) above-the-line talent fees for nonresident talent; or

82.5 (ix) costs incurred during postproduction; and

82.6 (2) "film" means a feature film, television or Internet ~~show~~, pilot, program, series,
82.7 documentary, music video, or television commercial, whether on film, video, or digital
82.8 media. Film does not include news, current events, public programming, or a program
82.9 that includes weather or market reports; a talk show; a production with respect to a
82.10 questionnaire or contest; a sports event or sports activity; a gala presentation or awards
82.11 show; a finished production that solicits funds; or a production for which the production
82.12 company is required under United States Code, title 18, section 2257, to maintain records
82.13 with respect to a performer portrayed in a single-media or multimedia program.

82.14 (c) Notwithstanding any other law to the contrary, the Minnesota Film and TV Board
82.15 may make reimbursements of: (1) up to ~~20~~ 25 percent of ~~film~~ production costs for films that
82.16 locate production outside the metropolitan area, as defined in section 473.121, subdivision
82.17 2, or that incur ~~production costs in excess of \$5,000,000~~ a minimum Minnesota expenditure
82.18 of \$1,000,000 in the metropolitan area within a 12-month period; or (2) up to ~~15~~ 20
82.19 percent of ~~film~~ production costs for films that incur less than \$1,000,000 in Minnesota
82.20 production costs of \$5,000,000 or less in the metropolitan area within a 12-month period.

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

82.22 Sec. 17. Minnesota Statutes 2012, section 136F.37, is amended to read:

82.23 **136F.37 JOB PLACEMENT IMPACT ON PROGRAM REVIEW;**

82.24 **INFORMATION TO STUDENTS.**

82.25 Subdivision 1. **Colleges; technical occupational program.** The board must
82.26 assess labor market data when conducting college program reviews. Colleges must
82.27 provide prospective students with the job placement rate for graduates of technical and
82.28 occupational programs offered at the colleges.

82.29 Subd. 2. **DEED labor market survey; MnSCU usage and disclosure.** The data
82.30 assessed under subdivision 1 must include labor market data compiled by the Department
82.31 of Employment and Economic Development under section 116J.4011. The board and its
82.32 colleges and universities must use this market data when deciding upon course and program
82.33 offerings. The board must provide a link to this labor market data on its Internet portal.

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

83.1 Sec. 18. **[161.462] FIBER COLLABORATION DATABASE.**

83.2 Subdivision 1. Purpose. The purpose of the fiber collaboration database is
83.3 to provide broadband providers with advance notice of upcoming Department of
83.4 Transportation construction projects so that they may notify the department of their
83.5 interest in installing broadband infrastructure within the right-of-way during construction
83.6 in order to minimize installation costs.

83.7 Subd. 2. Database. (a) The Department of Transportation shall post on its Web site,
83.8 and update annually, the list of upcoming construction projects contained in its statewide
83.9 transportation improvement program, including, for each project:

83.10 (1) the geographical location where construction will occur;

83.11 (2) the estimated start and end dates of construction; and

83.12 (3) a description of the nature of the construction project.

83.13 (b) The commissioner shall post the information required in paragraph (a) as far in
83.14 advance of the beginning of construction as is feasible.

83.15 (c) The department's Web site must allow a provider of broadband service to register
83.16 to receive from the department electronic information on proposed construction projects
83.17 added to the database in specific geographical areas of the state as soon as it is updated.

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

83.19 Sec. 19. Minnesota Statutes 2012, section 245.4712, subdivision 1, is amended to read:

83.20 **Subdivision 1. Availability of community support services.** (a) County boards
83.21 must provide or contract for sufficient community support services within the county to
83.22 meet the needs of adults with serious and persistent mental illness who are residents of the
83.23 county. Adults may be required to pay a fee according to section 245.481. The community
83.24 support services program must be designed to improve the ability of adults with serious
83.25 and persistent mental illness to:

83.26 (1) ~~work in a regular or supported work environment~~ find and maintain competitive
83.27 employment;

83.28 (2) handle basic activities of daily living;

83.29 (3) participate in leisure time activities;

83.30 (4) set goals and plans; and

83.31 (5) obtain and maintain appropriate living arrangements.

83.32 The community support services program must also be designed to reduce the
83.33 need for and use of more intensive, costly, or restrictive placements both in number of
83.34 admissions and length of stay.

84.1 (b) Community support services are those services that are supportive in nature and
84.2 not necessarily treatment oriented, and include:

84.3 (1) conducting outreach activities such as home visits, health and wellness checks,
84.4 and problem solving;

84.5 (2) connecting people to resources to meet their basic needs;

84.6 (3) finding, securing, and supporting people in their housing;

84.7 (4) attaining and maintaining health insurance benefits;

84.8 (5) assisting with job applications, finding and maintaining employment, and
84.9 securing a stable financial situation;

84.10 (6) fostering social support, including support groups, mentoring, peer support, and
84.11 other efforts to prevent isolation and promote recovery; and

84.12 (7) educating about mental illness, treatment, and recovery.

84.13 (c) Community support services shall use all available funding streams. The county
84.14 shall maintain the level of expenditures for this program, as required under section
84.15 245.4835. County boards must continue to provide funds for those services not covered
84.16 by other funding streams and to maintain an infrastructure to carry out these services. The
84.17 county is encouraged to fund evidence-based practices such as Individual Placement and
84.18 Supported Employment and Illness Management and Recovery.

84.19 (d) The commissioner shall collect data on community support services programs,
84.20 including, but not limited to, demographic information such as age, sex, race, the number
84.21 of people served, and information related to housing, employment, hospitalization,
84.22 symptoms, and satisfaction with services.

84.23 Sec. 20. Minnesota Statutes 2012, section 268A.13, is amended to read:

84.24 **268A.13 EMPLOYMENT SUPPORT SERVICES FOR PERSONS WITH**
84.25 **MENTAL ILLNESS.**

84.26 The commissioner of employment and economic development, in cooperation
84.27 with the commissioner of human services, shall develop a statewide program of grants
84.28 as outlined in section 268A.14 to provide services for persons with mental illness who
84.29 want to work in supported employment. Projects funded under this section must: (1)
84.30 assist persons with mental illness in obtaining and retaining competitive employment; (2)
84.31 emphasize individual ~~community placements for clients~~ client preferences; (3) ensure
84.32 interagency collaboration at the local level between vocational rehabilitation field offices,
84.33 county service agencies, community support programs operating under the authority of
84.34 section 245.4712, and community rehabilitation providers, in assisting clients; (4) ensure
84.35 services are integrated with mental health treatment; (5) provide benefits counseling;

85.1 (6) conduct rapid job search; and ~~(4)~~ (7) involve clients in the planning, development,
85.2 oversight, and delivery of support services. Project funds may not be used to provide
85.3 services in segregated settings such as the center-based employment subprograms as
85.4 defined in section 268A.01.

85.5 The commissioner of employment and economic development, in consultation
85.6 with the commissioner of human services, shall develop a request for proposals which is
85.7 consistent with the requirements of this section and section 268A.14 and which specifies
85.8 the types of services that must be provided by grantees. Priority for funding shall be given
85.9 to organizations ~~with experience in developing innovative employment support services~~
85.10 ~~for persons with mental illness~~ carrying out evidence-based practices. Each applicant for
85.11 funds under this section shall submit an evaluation protocol as part of the grant application.

85.12 Sec. 21. Minnesota Statutes 2012, section 268A.14, subdivision 1, is amended to read:

85.13 Subdivision 1. **Employment support services and programs.** The commissioner
85.14 of employment and economic development, in cooperation with the commissioner of
85.15 human services, shall operate a statewide system to reimburse providers for employment
85.16 support services for persons with mental illness. The system shall be operated to support
85.17 employment programs and services where:

85.18 (1) services provided are readily accessible to all persons with mental illness who
85.19 want to work, including rapid competitive job search, so they can make progress toward
85.20 economic self-sufficiency;

85.21 (2) services provided are made an integral part of all mental health treatment and
85.22 rehabilitation programs for persons with mental illness to ensure that they have the ability
85.23 and opportunity to consider a variety of work options;

85.24 (3) programs help persons with mental illness form long-range plans for employment
85.25 that fit their skills and abilities by ensuring that ongoing time-unlimited support, crisis
85.26 management, placement, and career planning services are available;

85.27 (4) services provided give persons with mental illness the information needed
85.28 to make informed choices about employment expectations and options, including
85.29 information on the types of employment available in the local community, the types of
85.30 employment services available, the impact of employment on eligibility for governmental
85.31 benefits, and career options;

85.32 (5) programs assess whether persons with mental illness being serviced are satisfied
85.33 with the services and outcomes. Satisfaction assessments shall address at least whether
85.34 persons like their jobs, whether quality of life is improved, whether potential for
85.35 advancement exists, and whether there are adequate support services in place;

86.1 (6) programs encourage persons with mental illness being served to be involved in
86.2 employment support services issues by allowing them to participate in the development of
86.3 individual rehabilitation plans and to serve on boards, committees, task forces, and review
86.4 bodies that shape employment services policies and that award grants, and by encouraging
86.5 and helping them to establish and participate in self-help and consumer advocacy groups;

86.6 (7) programs encourage employers to expand employment opportunities for
86.7 persons with mental illness and, to maximize the hiring of persons with mental illness,
86.8 educate employers about the needs and abilities of persons with mental illness and the
86.9 requirements of the Americans with Disabilities Act;

86.10 (8) programs encourage persons with mental illness, vocational rehabilitation
86.11 professionals, and mental health professionals to learn more about current work incentive
86.12 provisions in governmental benefits programs;

86.13 (9) programs establish and maintain linkages with a wide range of other programs
86.14 and services, including educational programs, housing programs, economic assistance
86.15 services, community support services, and clinical services to ensure that persons with
86.16 mental illness can obtain and maintain employment;

86.17 (10) programs participate in ongoing training across agencies and service delivery
86.18 systems so that providers in human services systems understand their respective roles,
86.19 rules, and responsibilities and understand the options that exist for providing employment
86.20 and community support services to persons with mental illness; and

86.21 (11) programs work with local communities to expand system capacity to provide
86.22 access to employment services to all persons with mental illness who want them.

86.23 Sec. 22. **[383D.412] DAKOTA COUNTY COMMUNITY DEVELOPMENT**
86.24 **AGENCY; MINNESOTA INVESTMENT FUND.**

86.25 Subdivision 1. **Treatment.** As long as the conditions set forth in subdivision 2 are met
86.26 and notwithstanding the provisions of section 116J.8731, the Dakota County Community
86.27 Development Agency will be treated as if it were a general purpose local governmental unit
86.28 and may apply for and receive state-funded money from the Minnesota investment fund.

86.29 Subd. 2. **Conditions precedent.** Conditions precedent to the treatment of the
86.30 Dakota County Community Development Agency as a general purpose local governmental
86.31 unit as described in subdivision 1 are:

86.32 (a) the board of commissioners of Dakota County shall have adopted a resolution
86.33 approving such treatment of the Dakota County Community Development Agency, and
86.34 such resolution shall be in full force and effect and shall not have been revoked by
86.35 Dakota County; and

87.1 (b) the members of the board of commissioners of Dakota County shall be the same
87.2 persons as the members of the board of commissioners of the Dakota County Community
87.3 Development Agency.

87.4 Sec. 23. **EMPLOYMENT SUPPORT AND INDEPENDENT LIVING SERVICES**
87.5 **FOR INDIVIDUALS WITH HIGH-FUNCTIONING AUTISM, ASPERGER'S**
87.6 **SYNDROME, NONVERBAL LEARNING DISORDERS, AND PERVASIVE**
87.7 **DEVELOPMENT DISORDER, NOT OTHERWISE SPECIFIED; PILOT**
87.8 **PROGRAM.**

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

87.11 (b) "Communication" means the ability to effectively give and receive information
87.12 through spoken words, writing, speaking, listening, or other means of communication,
87.13 including but not limited to nonverbal expressions, gestures, or other adaptive methods.

87.14 (c) "Functional areas" means communication, interpersonal skills, mobility, self-care,
87.15 self-direction, preemployment skills, work tolerance, and independent living skills.

87.16 (d) "Independent living assessment" means an active, performance-based skill
87.17 assessment in the functional areas of communication, interpersonal skills, mobility,
87.18 self-care, self-direction, preemployment skills, and independent living skills, that provides
87.19 an analysis of the individual's ability to independently achieve certain skills and which
87.20 is performed through direct observation.

87.21 (e) "Interpersonal skills" means the ability to establish and maintain personal,
87.22 family, work, and community relationships.

87.23 (f) "Mobility" means the physical and psychological ability to move about from
87.24 place to place, including travel to and from destinations in the community for activities
87.25 of daily living, training, or work.

87.26 (g) "Natural supports" means the process of assisting an employer to expand its
87.27 capacity for training, supervising, and supporting workers with disabilities.

87.28 (h) "Ongoing employment support services" means any of the following services:

87.29 (1) facilitation of natural supports at the work site;

87.30 (2) disability awareness training for the worker, the worker's employer, supervisor,
87.31 or coworkers;

87.32 (3) services necessary to increase the worker's inclusion at the work site;

87.33 (4) job skills training at the work site;

87.34 (5) regular observation or supervision of the worker;

87.35 (6) coordination of support services;

- 88.1 (7) job-related safety training;
88.2 (8) job-related advocacy skills training to advance employment;
88.3 (9) training in independent living skills and support including self-advocacy, money
88.4 management and organization, grooming and personal care, communication, interpersonal
88.5 skills, problem solving, orientation and mobility, and using public transportation or
88.6 driver's training;
88.7 (10) follow-up services necessary to reinforce and stabilize employment, including
88.8 regular contact with the worker's employer, supervisor or coworkers, parents, family
88.9 members, advocates, legal representatives, other suitable professionals, and informed
88.10 advisors;
88.11 (11) training in job seeking skills; and
88.12 (12) internships or career planning to assist the individual's advancement in
88.13 meaningful employment.
88.14 (i) "Preemployment skills" means the abilities and skills to successfully apply for,
88.15 secure, and maintain competitive employment.
88.16 (j) "Self-care" means skills needed to manage one's self or living environment,
88.17 including but not limited to money management, personal health care, personal hygiene,
88.18 and safety needs, including medication management.
88.19 (k) "Self-direction" means the ability to plan, initiate, organize, or carry out
88.20 goal-directed activities or solve problems related to self-care, socialization, recreation, and
88.21 working independently.
88.22 (l) "Severe impairment to employment" means limitations experienced by persons
88.23 diagnosed with high-functioning autism, Asperger's syndrome, nonverbal learning
88.24 disorders, or pervasive development disorder, not otherwise specified, due to an extended
88.25 history of unemployment or underemployment; limited education, training, or job skills;
88.26 and physical, intellectual, or emotional characteristics that seriously impair the individual's
88.27 ability to obtain and retain permanent employment.
88.28 (m) "Work tolerance" means the ability to effectively and efficiently perform jobs
88.29 with various levels of sensory and environmental components including scent, noise,
88.30 visual stimuli, physical space, and psychological demands.

88.31 Subd. 2. **Employment support plan and outcomes.** An individual participating in
88.32 the program under this section must develop an employment support plan that includes:

- 88.33 (1) employment goals;
88.34 (2) ongoing support services;
88.35 (3) program outcomes that focus on competitive employment in the community; and

89.1 (4) ongoing independent living services and employment supports necessary for the
89.2 individual to secure, maintain, and advance in employment that best fits the individual's
89.3 strengths and career goals.

89.4 Sec. 24. **CUSTOMIZED TRAINING PILOT PROGRAM FOR SKILLED**
89.5 **MANUFACTURING INDUSTRIES.**

89.6 Subdivision 1. **Program.** The commissioner of employment and economic
89.7 development in consultation with the commissioner of labor and industry shall collaborate
89.8 with Minnesota State Colleges and Universities (MnSCU) institutions and employers,
89.9 to develop a customized training program for skilled manufacturing industries that
89.10 integrates academic instruction and job-related learning in the workplace and MnSCU
89.11 institutions. The commissioner shall actively recruit participants in a customized training
89.12 program for skilled manufacturing industries from the following groups: secondary and
89.13 postsecondary school systems; individuals with disabilities; dislocated workers; retired
89.14 and disabled veterans; individuals enrolled in MFIP under Minnesota Statutes, chapter
89.15 256J; minorities; previously incarcerated individuals; individuals residing in labor surplus
89.16 areas as defined by the United States Department of Labor; and any other disadvantaged
89.17 group as determined by the commissioner.

89.18 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
89.19 subdivision have the meanings given them.

89.20 (b) "Commissioner" means the commissioner of employment and economic
89.21 development.

89.22 (c) "Employer" means a skilled manufacturing industry employer within the state
89.23 who enters into the agreements with MnSCU institutions and the commissioner under
89.24 subdivisions 3 to 5.

89.25 (d) "MnSCU institution" means Alexandria Technical and Community College,
89.26 Century College, Hennepin Technical College, and Central Lakes College.

89.27 (e) "Participant" means an employee who enters into a customized training program
89.28 for skilled manufacturing industries participation agreement under subdivision 4.

89.29 (f) "Related instruction" means classroom instruction or technical or vocational
89.30 training required to perform the duties of the skilled manufacturing job.

89.31 (g) "Skilled manufacturing" means occupations in manufacturing industry sectors 31
89.32 to 33 as defined by the North American Industry Classification System (NAICS).

89.33 Subd. 3. **Skilled manufacturing customized training program employer**
89.34 **agreement.** (a) The commissioner, employer, and MnSCU institution shall enter into a

90.1 skilled manufacturing customized training program employer agreement that is specific to
90.2 the identified skilled manufacturing training needs of an employer.

90.3 (b) The agreement must contain the following:

90.4 (1) the name of the employer;

90.5 (2) a statement showing the number of hours to be spent by a participant in work and
90.6 the number of hours to be spent, if any, in concurrent, supplementary instruction in related
90.7 subjects. The maximum number of hours of work per week, not including time spent in
90.8 related instruction, for any participant shall not exceed either the number prescribed by
90.9 law or the customary regular number of hours per week for the employees of the employer.

90.10 A participant may be allowed to work overtime provided that the overtime work does not
90.11 conflict with supplementary instruction course attendance. All time spent by the participant
90.12 in excess of the number of hours of work per week as specified in the skilled manufacturing
90.13 customized training program participation agreement shall be considered overtime;

90.14 (3) the hourly wage to be paid to the participant and requirements for reporting to
90.15 the commissioner on actual wages paid to the participant;

90.16 (4) an explanation of how the employer agreement or participant agreement may
90.17 be terminated;

90.18 (5) a statement setting forth a schedule of the processes in the occupation in which
90.19 the participant is to be trained and the approximate time to be spent at each process;

90.20 (6) a statement by the MnSCU institution and the employer describing the related
90.21 instruction that will be offered, if any, under subdivision 5, paragraph (c); and

90.22 (7) any other provision the commissioner deems necessary to carry out the purposes
90.23 of this section.

90.24 (c) The commissioner may periodically review the adherence to the terms of the
90.25 customized training program employer agreement. If the commissioner determines that
90.26 an employer or employee has failed to comply with the terms of the agreement, the
90.27 commissioner shall terminate the agreement. An employer must report to the commissioner
90.28 any change in status for the participant within 30 days of the change in status.

90.29 Subd. 4. **Skilled manufacturing customized training program participation**
90.30 **agreement.** (a) The commissioner, the prospective participant, and the employer shall
90.31 enter into a skilled manufacturing customized training program participation agreement
90.32 that is specific to the training to be provided to the participant.

90.33 (b) The participation agreement must contain the following:

90.34 (1) the name of the employer;

90.35 (2) the name of the participant;

91.1 (3) a statement setting forth a schedule of the processes of the occupation in which
91.2 the participant is to be trained and the approximate time to be spent at each process;

91.3 (4) a description of any related instruction;

91.4 (5) a statement showing the number of hours to be spent by a participant in work and
91.5 the number of hours to be spent, if any, in concurrent, supplementary instruction in related
91.6 subjects. The maximum number of hours of work per week, not including time spent in
91.7 related instruction, for any participant shall not exceed either the number prescribed
91.8 by law or the customary regular number of hours per week for the employees of the
91.9 employer. A participant may be allowed to work overtime provided that the overtime
91.10 work does not conflict with supplementary instruction course attendance. All time spent
91.11 by the participant in excess of the number of hours of work per week as specified in the
91.12 customized training program participation agreement shall be considered overtime;

91.13 (6) the hourly wage to be paid to the participant; and

91.14 (7) an explanation of how the parties may terminate the participation agreement.

91.15 (c) The commissioner may periodically review the adherence to the terms of the
91.16 customized training program participation agreement. If the commissioner determines
91.17 that an employer or participant has failed to comply with the terms of the agreement, the
91.18 commissioner shall terminate the agreement. An employer must report to the commissioner
91.19 any change in status for the participant within 30 days of the change in status.

91.20 Subd. 5. **MnSCU instruction.** (a) MnSCU institutions shall collaborate with
91.21 an employer to provide related instruction which the employer deems necessary to
91.22 instruct participants of a skilled manufacturing customized training program. The related
91.23 instruction provided must be, for the purposes of this section, career-level, as negotiated
91.24 by the commissioner and the MnSCU institution. The related instruction may be for credit
91.25 or noncredit, and credit earned may be transferable to a degree program, as determined by
91.26 the MnSCU institution.

91.27 (b) The commissioner, in conjunction with the MnSCU institution, shall issue a
91.28 certificate of completion to a participant who completes all required components of the
91.29 skilled manufacturing customized training program participation agreement.

91.30 (c) As part of the skilled manufacturing customized training program, an employer
91.31 shall collaborate with a MnSCU institution for any related instruction required to perform
91.32 the skilled manufacturing job. The agreement shall include:

91.33 (1) a detailed explanation of the related instruction; and

91.34 (2) the number of hours of related instruction needed to receive a certificate of
91.35 completion.

92.1 Sec. 25. **SKILLED MANUFACTURING REPORTS.**

92.2 (a) The commissioner of employment and economic development shall study the
92.3 training needs of skilled manufacturing industry employers in the state and report study
92.4 findings and recommendations to the standing committees of the house of representatives
92.5 and the senate having jurisdiction over employment and workforce development by
92.6 March 1, 2014.

92.7 (b) The commissioner of employment and economic development shall coordinate
92.8 and monitor customized training programs for skilled manufacturing industries at Century
92.9 College, Alexandria Technical and Community College, Hennepin Technical College, and
92.10 Central Lakes College. By January 15, 2015, the commissioner, in conjunction with
92.11 each MnSCU institution listed in this section, shall report to the standing committees
92.12 of the house of representatives and the senate having jurisdiction over employment
92.13 and workforce development. The report must address the progress and success of the
92.14 implementation of a customized training program for skilled manufacturing industries
92.15 at each MnSCU institution. The report must give recommendations on where a skilled
92.16 manufacturing customized training program should next be implemented, taking into
92.17 consideration all current and potential skilled manufacturing training providers available.

92.18 Sec. 26. **STATE BROADBAND STRATEGY; REPORT.**

92.19 The Office of Broadband Development shall conduct research and produce a report
92.20 recommending a set of programs and strategies the state can pursue to promote the
92.21 improvement, more efficient and effective use, and expansion of broadband services in
92.22 ways that will have the greatest impact on the state's economic development, by which is
92.23 meant enhancing the ability of Minnesota citizens and businesses to develop their skills,
92.24 to expand businesses to new markets, develop new products, reach more customers, and
92.25 lower costs. While the state's broadband goals in Minnesota Statutes, section 237.012,
92.26 address the universal provision of greater broadband access and speed statewide, this report
92.27 must consider broadband as an economic development tool and must examine and analyze:

92.28 (1) how the state can best use its limited resources to adopt strategies and make
92.29 investments to improve the use of broadband services by subgroups of broadband users,
92.30 including mobile broadband users, that promise to deliver the greatest economic impact
92.31 per dollar of state investment;

92.32 (2) roles the state can play in addition to financial assistance for broadband
92.33 infrastructure, including supporting education and training for Minnesotans to enable
92.34 them to use broadband more effectively; and

93.1 (3) strategies and opportunities for state investment to leverage additional amounts
93.2 of private capital and financial assistance from the federal government in order to achieve
93.3 these goals.

93.4 By January 15, 2014, the office shall submit the report to the chairs and ranking minority
93.5 members of the senate and house of representatives committees with jurisdiction over
93.6 broadband issues.

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

93.8 Sec. 27. **PILOT PROGRAMS; COMBINING CAREER AND HIGHER**
93.9 **EDUCATION ADVISING.**

93.10 The workforce council in each of the workforce service areas of Hennepin/Carver,
93.11 Northeast Minnesota, Stearns/Benton, and rural Minnesota CEP must with at least one
93.12 public school district in its service area, cooperate in operating a program to assist high
93.13 school students in selecting careers of interest to a student and a postsecondary path to
93.14 prepare for that career. The local workforce council shall individually advise a student on
93.15 jobs in high demand in areas of interest to a student. Advising must include information
93.16 on various career paths and associated jobs, the salary profile of those jobs, and the
93.17 credentials and other training desired by employers for those jobs. A district may assist
93.18 the local workforce council by, among other activities:

93.19 (1) describing to the local workforce council what kind of vocational exploration the
93.20 student already received;

93.21 (2) identifying opportunities for the council to assist students by providing office
93.22 space at school to meet with students, access to assemblies and other groups for testing
93.23 and career exploration, access to teachers through in-service and in other manners, to
93.24 support students to use a pilot program; and

93.25 (3) working with students after testing and advising by the local workforce council.

93.26 Sec. 28. **REPEALER.**

93.27 Minnesota Statutes 2012, section 237.012, subdivision 3, is repealed.

93.28 **ARTICLE 4**

93.29 **UNEMPLOYMENT INSURANCE**

93.30 Section 1. Minnesota Statutes 2012, section 116L.17, subdivision 4, is amended to read:

93.31 Subd. 4. **Use of funds.** Funds granted by the board under this section may be used
93.32 for any combination of the following, except as otherwise provided in this section:

94.1 (1) employment transition services such as developing readjustment plans for
94.2 individuals; outreach and intake; early readjustment; job or career counseling; testing;
94.3 orientation; assessment of skills and aptitudes; provision of occupational and labor market
94.4 information; job placement assistance; job search; job development; prelayoff assistance;
94.5 relocation assistance; ~~and~~ programs provided in cooperation with employers or labor
94.6 organizations to provide early intervention in the event of plant closings or substantial
94.7 layoffs; and entrepreneurial training and business consulting;

94.8 (2) support services, including assistance to help the participant relocate to employ
94.9 existing skills; out-of-area job search assistance; family care assistance, including child
94.10 care; commuting assistance; emergency housing and rental assistance; counseling
94.11 assistance, including personal and financial; health care; emergency health assistance;
94.12 emergency financial assistance; work-related tools and clothing; and other appropriate
94.13 support services that enable a person to participate in an employment and training program
94.14 with the goal of reemployment;

94.15 (3) specific, short-term training to help the participant enhance current skills
94.16 in a similar occupation or industry; entrepreneurial training, customized training, or
94.17 on-the-job training; basic and remedial education to enhance current skills; and literacy
94.18 and work-related English training for non-English speakers; and

94.19 (4) long-term training in a new occupation or industry, including occupational skills
94.20 training or customized training in an accredited program recognized by one or more
94.21 relevant industries. Long-term training shall only be provided to dislocated workers
94.22 whose skills are obsolete and who have no other transferable skills likely to result in
94.23 employment at a comparable wage rate. Training shall only be provided for occupations or
94.24 industries with reasonable expectations of job availability based on the service provider's
94.25 thorough assessment of local labor market information where the individual currently
94.26 resides or is willing to relocate. This clause shall not restrict training in personal services
94.27 or other such industries.

94.28 Sec. 2. Minnesota Statutes 2012, section 116L.17, is amended by adding a subdivision
94.29 to read:

94.30 Subd. 11. **Converting layoffs into Minnesota businesses (CLIMB).** Converting
94.31 layoffs into Minnesota businesses (CLIMB) is created to assist dislocated workers in
94.32 starting or growing a business. CLIMB must offer entrepreneurial training, business
94.33 consulting, and technical assistance to dislocated workers seeking to start or grow a
94.34 business. The commissioner, in cooperation with local workforce councils, must provide
94.35 the assistance in this subdivision by:

95.1 (1) encouraging closer ties between the Small Business Development Center
95.2 network, Small Business Development Center training providers, and workforce centers,
95.3 as well as other dislocated worker program service providers; and

95.4 (2) eliminating grantee performance data disincentives that would otherwise prevent
95.5 enrollment of dislocated workers in entrepreneurship-related training.

95.6 Sec. 3. Minnesota Statutes 2012, section 268.051, subdivision 5, is amended to read:

95.7 Subd. 5. **Tax rate for new employers.** (a) Each new taxpaying employer that does
95.8 not qualify for an experience rating under subdivision 3, except new employers in a high
95.9 experience rating industry, must be assigned, for a calendar year, a tax rate the higher of
95.10 (1) one percent, or (2) the tax rate computed, to the nearest 1/100 of a percent, by dividing
95.11 the total amount of unemployment benefits paid all applicants during the 48 calendar
95.12 months ending on June 30 of the prior calendar year by the total taxable wages of all
95.13 taxpaying employers during the same period, plus the applicable base tax rate and any
95.14 additional assessments under subdivision 2, paragraph (c).

95.15 (b) Each new taxpaying employer in a high experience rating industry that does not
95.16 qualify for an experience rating under subdivision 3, must be assigned, for a calendar year,
95.17 a tax rate the higher of (1) that assigned under paragraph (a), or (2) the tax rate, computed
95.18 to the nearest 1/100 of a percent, by dividing the total amount of unemployment benefits
95.19 paid to all applicants from high experience rating industry employers during the 48
95.20 calendar months ending on June 30 of the prior calendar year by the total taxable wages
95.21 of all high experience rating industry employers during the same period, to a maximum
95.22 provided for under subdivision 3, paragraph (b), plus the applicable base tax rate and any
95.23 additional assessments under subdivision 2, paragraph (c).

95.24 (c) An employer is considered to be in a high experience rating industry if:

95.25 (1) the employer is engaged in residential, commercial, or industrial construction,
95.26 including general contractors;

95.27 (2) the employer is engaged in sand, gravel, or limestone mining;

95.28 (3) the employer is engaged in the manufacturing of concrete, concrete products,
95.29 or asphalt; or

95.30 (4) the employer is engaged in road building, repair, or resurfacing, including bridge
95.31 and tunnels and residential and commercial driveways and parking lots.

95.32 (d) Regardless of any law to the contrary, a taxpaying employer must be assigned a
95.33 tax rate under this subdivision if:

95.34 ~~(1) the employer registers for a tax account under section 268.042 and for each of~~
95.35 ~~the five calendar quarters after registering files a "no wages paid" report on wage detail~~

96.1 ~~under section 268.044; or~~ had no taxable wages during the experience rating period under
96.2 subdivision 3.

96.3 ~~(2) the employer has filed 14 consecutive quarterly "no wages paid" reports on~~
96.4 ~~wage detail under section 268.044.~~

96.5 (e) The commissioner must send to the new employer, by mail or electronic
96.6 transmission, a determination of tax rate. An employer may appeal the determination of
96.7 tax rate in accordance with the procedures in subdivision 6, paragraph (c).

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

96.9 Sec. 4. Minnesota Statutes 2012, section 268.07, subdivision 3b, is amended to read:

96.10 Subd. 3b. **Limitations on applications and benefit accounts.** (a) An application for
96.11 unemployment benefits is effective the Sunday of the calendar week that the application
96.12 was filed. An application for unemployment benefits may be backdated one calendar week
96.13 before the Sunday of the week the application was actually filed if the applicant requests
96.14 the backdating at the time the application is filed. An application may be backdated only if
96.15 the applicant ~~had no employment~~ was unemployed during the period of the backdating.
96.16 If an individual attempted to file an application for unemployment benefits, but was
96.17 prevented from filing an application by the department, the application is effective the
96.18 Sunday of the calendar week the individual first attempted to file an application.

96.19 (b) A benefit account established under subdivision 2 is effective the date the
96.20 application for unemployment benefits was effective.

96.21 (c) A benefit account, once established, may later be withdrawn only if:

96.22 (1) the applicant has not been paid any unemployment benefits on that benefit
96.23 account; and

96.24 (2) a new application for unemployment benefits is filed and a new benefit account is
96.25 established at the time of the withdrawal.

96.26 A determination or amended determination of eligibility or ineligibility issued under
96.27 section 268.101, that was sent before the withdrawal of the benefit account, remains in
96.28 effect and is not voided by the withdrawal of the benefit account.

96.29 (d) An application for unemployment benefits is not allowed before the Sunday
96.30 following the expiration of the benefit year on a prior benefit account. Except as allowed
96.31 under paragraph (c), an applicant may establish only one benefit account each 52 calendar
96.32 weeks.

96.33 Sec. 5. Minnesota Statutes 2012, section 268.125, subdivision 1, is amended to read:

97.1 Subdivision 1. **Additional unemployment benefits; when available.** Additional
97.2 unemployment benefits are available if:

97.3 (1) MS 2008 [Expired, 2008 c 300 s 15]

97.4 (2)(i) at a facility that had 100 or more employees, the employer reduced operations,
97.5 resulting within a one-month period in the layoff of 50 percent or more of the facility's
97.6 work force, including reductions caused as a result of a major natural disaster declared by
97.7 the president;

97.8 (ii) the employer has no expressed plan to resume operations that would lead to the
97.9 reemployment of those employees in the immediate future; and

97.10 (iii) the seasonally adjusted unemployment rate in the county that the facility is
97.11 located was ten percent or more during the month of the reduction or any of the three
97.12 months before or after the month of the reduction; or

97.13 (3) the applicant stopped working because of a lockout. The term "lockout" has the
97.14 meaning given in section 179.01, subdivision 9. This clause does not apply to professional
97.15 athletes who are locked out by a professional sports team.

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

97.17 Sec. 6. Minnesota Statutes 2012, section 268.125, subdivision 3, is amended to read:

97.18 Subd. 3. **Eligibility conditions.** (a) An applicant is eligible to receive additional
97.19 unemployment benefits for any week during the applicant's benefit year if:

97.20 ~~(1) for any week during which benefits are available under subdivision 1, clause (1):~~

97.21 ~~(i) the applicant resides in a county that meets the requirements of subdivision 1,~~
97.22 ~~clause (1), and resided in that county each week that regular unemployment benefits~~
97.23 ~~were paid;~~

97.24 ~~(ii) the applicant was not paid unemployment benefits for any week in the 12 months~~
97.25 ~~before the effective date of the applicant's benefit account;~~

97.26 ~~(iii) the applicant meets the same eligibility requirements that are required for~~
97.27 ~~regular unemployment benefits under section 268.069; and~~

97.28 ~~(iv) MS 2008 [Expired, 2008 c 300 s 17]~~

97.29 ~~(2)~~ (1) the applicant was laid off from employment as a result of a reduction under
97.30 subdivision 1, clause (2), or was laid off because of lack of work from that employer
97.31 during the three-month period before, or the three-month period after, the month of the
97.32 reduction under subdivision 1, clause (2);

97.33 ~~(3)~~ (2) the applicant meets the same eligibility requirements that are required for
97.34 regular unemployment benefits under section 268.069;

98.1 ~~(4)~~ (3) the applicant has exhausted regular unemployment benefits under section
98.2 268.07, is not entitled to receive extended unemployment benefits under section 268.115,
98.3 and is not entitled to receive unemployment benefits under any other state or federal law
98.4 for that week; and

98.5 ~~(5)~~ (4) a majority of the applicant's wage credits were from the employer that had a
98.6 reduction in operations under subdivision 1, clause (2).

98.7 (b) An applicant who stopped working because of a lockout is eligible to receive
98.8 additional unemployment benefits for any week if:

98.9 (1) the applicant meets the eligibility requirements under section 268.069;

98.10 (2) the applicant has exhausted regular unemployment benefits under section 268.07
98.11 or the law of another state;

98.12 (3) the applicant is not eligible for extended unemployment benefits or
98.13 unemployment benefits under any federal law; and

98.14 (4) the lockout is in active progress.

98.15 Section 268.085, subdivision 1, clause (2), does not apply to this paragraph.

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

98.17 Sec. 7. Minnesota Statutes 2012, section 268.125, subdivision 4, is amended to read:

98.18 Subd. 4. **Weekly unemployment benefit amount.** An applicant's weekly additional
98.19 unemployment benefit amount is the same as the applicant's weekly regular unemployment
98.20 benefit amount ~~during the current benefit year~~ under section 268.07.

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

98.22 Sec. 8. Minnesota Statutes 2012, section 268.125, subdivision 5, is amended to read:

98.23 Subd. 5. **Maximum amount of unemployment benefits.** (a) For an applicant
98.24 who qualifies for additional unemployment benefits under subdivision 1, clause (2), the
98.25 maximum amount of additional unemployment benefits available in the applicant's benefit
98.26 year is one-half of the applicant's maximum amount of regular unemployment benefits
98.27 available under section 268.07, subdivision 2. Extended unemployment benefits paid and
98.28 unemployment benefits paid under any federal law other than regular unemployment
98.29 benefits must be deducted from the maximum amount of additional unemployment
98.30 benefits available.

98.31 (b) For an applicant who qualifies for additional unemployment benefits under
98.32 subdivision 1, clause (3), the applicant may receive additional unemployment benefits for
98.33 up to 26 weeks so long as the lockout is in active progress.

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

99.2 Sec. 9. **[268.133] UNEMPLOYMENT BENEFITS WHILE IN**
99.3 **ENTREPRENEURIAL TRAINING.**

99.4 Unemployment benefits are available to dislocated workers participating in the
99.5 converting layoffs into Minnesota businesses (CLIMB) program under section 116L.17,
99.6 subdivision 11. Applicants participating in CLIMB are considered in reemployment
99.7 assistance training under section 268.035, subdivision 21c. All requirements under section
99.8 268.069, subdivision 1, must be met, except the commissioner may waive:

- 99.9 (1) the deductible earnings provisions in section 268.085, subdivision 5; and
99.10 (2) the 32 hours of work limitation in section 268.085, subdivision 2, clause (6). A
99.11 maximum of 500 applicants may receive a waiver at any given time.

99.12 Sec. 10. Minnesota Statutes 2012, section 268.136, subdivision 1, is amended to read:

99.13 Subdivision 1. **Shared work agreement plan requirements.** (a) An employer
99.14 may submit a proposed shared work plan for an employee group to the commissioner
99.15 for approval in a manner and format set by the commissioner. The proposed ~~agreement~~
99.16 shared work plan must include:

99.17 (1) a certified statement that the normal weekly hours of work of all of the proposed
99.18 participating employees were full time or regular part time but are now reduced, or will be
99.19 reduced, with a corresponding reduction in pay, in order to prevent layoffs;

99.20 (2) the name and Social Security number of each participating employee;

99.21 (3) the number of layoffs that would have occurred absent the employer's ability to
99.22 participate in a shared work plan;

99.23 (4) a certified statement of ~~when~~ that each participating employee was first hired by
99.24 the employer, ~~which must be~~ at least one year before the proposed ~~agreement~~ shared work
99.25 plan is submitted and is not a seasonal, temporary, or intermittent worker;

99.26 ~~(4)~~ (5) the hours of work each participating employee will work each week for
99.27 the duration of the ~~agreement~~ shared work plan, which must be at least ~~20~~ 50 percent
99.28 of the normal weekly hours ~~and but no more than 32 hours per week~~ 90 percent of the
99.29 normal weekly hours, except that the ~~agreement~~ plan may provide for a uniform vacation
99.30 shutdown of up to two weeks;

99.31 (6) a certified statement that any health benefits and pension benefits provided by
99.32 the employer to participating employees will continue to be provided under the same
99.33 terms and conditions as though the participating employees' hours of work each week had
99.34 not been reduced;

100.1 (7) a certified statement that the terms and implementation of the shared work plan is
100.2 consistent with the employer's obligations under state and federal law;

100.3 (8) an acknowledgement that the employer understands that unemployment benefits
100.4 paid under a shared work plan will be used in computing the future tax rate of a taxpaying
100.5 employer or charged to the reimbursable account of a nonprofit or government employer;

100.6 ~~(5)~~ (9) the proposed duration of the agreement shared work plan, which must be
100.7 at least two months and not more than one year, although ~~an agreement~~ a plan may be
100.8 extended for up to an additional year upon approval of the commissioner;

100.9 ~~(6)~~ (10) a starting date beginning on a Sunday at least 15 calendar days after the date
100.10 the proposed ~~agreement~~ shared work plan is submitted; and

100.11 ~~(7)~~ (11) a signature of an owner or officer of the employer who is listed as an owner
100.12 or officer on the employer's account under section 268.045.

100.13 ~~(b) An agreement may not be approved for an employer that:~~

100.14 ~~(1) has any unemployment tax or reimbursements, including any interest, fees,~~
100.15 ~~or penalties, due but unpaid; or~~

100.16 ~~(2) has the maximum experience rating provided for under section 268.051,~~
100.17 ~~subdivision 3.~~

100.18 Sec. 11. Minnesota Statutes 2012, section 268.136, subdivision 2, is amended to read:

100.19 Subd. 2. **Agreement Approval by commissioner.** (a) The commissioner must
100.20 promptly review a proposed ~~agreement~~ shared work plan and notify the employer, by mail
100.21 or electronic transmission, within 15 days of receipt, whether the proposal satisfies the
100.22 requirements of this section and has been approved. If the proposal does not comply
100.23 with this section, the commissioner must specifically state why the proposal is not in
100.24 compliance. If a proposed ~~agreement complies with this section~~ shared work plan has
100.25 been approved, it must be implemented according to its terms.

100.26 (b) The commissioner may ~~reject an agreement~~ not approve a proposed shared work
100.27 plan if the commissioner has cause to believe the proposal ~~is not~~ was submitted for the a
100.28 purpose of ~~other than~~ preventing layoffs due to lack of work.

100.29 (c) The commissioner may not approve a proposed shared work plan if the employer
100.30 has any unemployment tax or reimbursements, including any interest, fees, or penalties,
100.31 due but unpaid.

100.32 (d) A shared work plan that has been approved by the commissioner is considered
100.33 a contract that is binding on the employer and the department. This contract may be
100.34 canceled or modified under subdivision 5.

101.1 Sec. 12. Minnesota Statutes 2012, section 268.136, is amended by adding a subdivision
101.2 to read:

101.3 Subd. 2a. **Notice to participating employee.** The employer must provide written
101.4 notification to each participating employee that the employer has submitted a proposed
101.5 shared work plan. The notification must be provided to the employee no later than the
101.6 time the commissioner notifies the employer that a proposed shared work plan has been
101.7 approved. The notification must inform the employee of the proposed terms of the
101.8 shared work plan along with notice to the employee of the employee's right to apply for
101.9 unemployment benefits.

101.10 Sec. 13. Minnesota Statutes 2012, section 268.136, subdivision 3, is amended to read:

101.11 Subd. 3. **Applicant requirements.** (a) An applicant, in order to be paid
101.12 unemployment benefits under this section, must meet all of the requirements under section
101.13 268.069, subdivision 1. The following provisions of section 268.085 do not apply to an
101.14 applicant ~~under this section~~ in an approved shared work plan:

101.15 (1) ~~the deductible earnings provision of section 268.085, under~~ subdivision 5;

101.16 (2) ~~the restriction under section 268.085, subdivision 6 2, clause (6), if the applicant~~
101.17 works exactly 32 hours in a week;

101.18 (3) ~~the requirement of being available for suitable employment under subdivision 1,~~
101.19 clause (4), but only if the applicant is (i) available for the normal hours of work per week
101.20 with the shared work employer, or (ii) is in a training program when not working; and

101.21 (4) ~~the requirement of actively seeking suitable employment under subdivision~~
101.22 1, clause (5).

101.23 (b) An applicant is ineligible for unemployment benefits under this section for
101.24 any week, if:

101.25 ~~(1) the applicant works more than 32 hours in a week in employment with one or~~
101.26 ~~more employer; or~~

101.27 ~~(2) the applicant works more hours in a week for the shared work employer than~~
101.28 ~~the reduced weekly hours provided for in the agreement.~~

101.29 Sec. 14. Minnesota Statutes 2012, section 268.136, subdivision 4, is amended to read:

101.30 Subd. 4. **Amount of unemployment benefits available.** (a) The weekly benefit
101.31 amount and maximum amount of unemployment benefits available are computed
101.32 according to section 268.07, except that an applicant is paid the amount of benefits
101.33 available is a reduced amount in direct proportion to the reduction in hours set out in the
101.34 shared work plan from the lesser of (1) 40 hours per week; or (2) the normal weekly hours.

102.1 (b) Regardless of paragraph (a), if the applicant works more hours or less hours in a
102.2 week for the shared work employer than provided for in the shared work plan, the amount
102.3 of unemployment benefits available is in direct proportion to the reduction in hours
102.4 actually worked from the lesser of (1) 40 hours per week; or (2) the normal weekly hours.

102.5 Sec. 15. Minnesota Statutes 2012, section 268.136, subdivision 5, is amended to read:

102.6 Subd. 5. **Cancellation; modification.** (a) An employer may cancel ~~an agreement a~~
102.7 shared work plan at any time upon seven calendar days' notice to the commissioner in a
102.8 manner and format prescribed by the commissioner. The cancellation must be signed by
102.9 an owner or officer of the employer.

102.10 (b) An employer may request that the commissioner allow modification of the shared
102.11 work plan as to the hours of work each participating employee will work each week. The
102.12 request must be sent in a manner and form prescribed by the commissioner. The request
102.13 must be signed by an owner or officer of the employer. The commissioner must notify the
102.14 employer as soon as possible if the modification is allowed.

102.15 ~~(b) (c)~~ (c) An employer that cancels ~~an agreement~~ or requests modification of a shared
102.16 work plan must provide written notice to each participating employee ~~in the group~~ of the
102.17 cancellation or requested modification at the time notice is sent to the commissioner.

102.18 ~~(e) (d)~~ (d) If an employer cancels ~~an agreement~~ a shared work plan before the expiration
102.19 date provided for in subdivision 1, a new ~~agreement~~ shared work plan may not be entered
102.20 ~~into with~~ approved for that employer under this section for at least 60 calendar days.

102.21 ~~(d) (e)~~ (e) The commissioner may immediately cancel any ~~agreement~~ shared work plan
102.22 if the commissioner determines the ~~agreement~~ plan was based upon false information or
102.23 the employer is ~~in breach~~ has failed to adhere to the terms of the ~~contract~~ shared work plan.
102.24 The commissioner must immediately send written notice of cancellation to the employer.
102.25 An employer that receives notice of cancellation ~~by the commissioner~~ must provide
102.26 written notice to each participating ~~employer in the group~~ employee of the cancellation.

102.27 Sec. 16. Minnesota Statutes 2012, section 268.23, is amended to read:

102.28 **268.23 SEVERABLE.**

102.29 ~~In the event that~~ If the United States Department of Labor or a court of competent
102.30 jurisdiction determines that any provision of the Minnesota Unemployment Insurance
102.31 Law, ~~or any other provision of Minnesota Statutes relating to the unemployment insurance~~
102.32 ~~program~~, is not in conformity with, or is inconsistent with, the requirements of federal
102.33 law, the provision has no force or effect, ~~but~~. If only a portion of the provision, or
102.34 the application to any person or circumstances, is ~~held~~ determined not in conformity,

103.1 or determined inconsistent, the remainder of the provision and the application of the
103.2 provision to other persons or circumstances are not affected.

103.3 Sec. 17. Laws 2012, chapter 201, article 1, section 3, the effective date, is amended to
103.4 read:

103.5 **EFFECTIVE DATE.** This section is effective July 1, 2012, except the amendments
103.6 to paragraph (d) are effective for penalties ~~imposed~~ credited on or after July 1, 2013.

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

103.8 Sec. 18. **UNEMPLOYMENT INSURANCE EMPLOYER TAX REDUCTION.**

103.9 (a) Notwithstanding Minnesota Statutes, section 268.051, subdivision 2, if, on
103.10 September 30, 2013, the balance in the Minnesota Unemployment Trust Fund is more than
103.11 \$800,000,000, the base tax rate for calendar year 2014 is 0.1 percent, and there will be no
103.12 additional assessment assigned. If, on September 30, 2014, the balance in the Minnesota
103.13 Unemployment Trust Fund is more than \$900,000,000, the base tax rate for calendar year
103.14 2015 is 0.1 percent, and there will be no additional assessment assigned.

103.15 (b) This section expires December 31, 2015.

103.16 Sec. 19. **COMMISSIONER AUTHORIZED TO REQUEST SHARED WORK**
103.17 **FUNDS.**

103.18 The commissioner of employment and economic development is authorized to
103.19 request federal funding for Minnesota's shared work unemployment benefit program
103.20 under Minnesota Statutes, section 268.136. Federal funding is available under the Middle
103.21 Class Tax Relief and Job Creation Act of 2012, Public Law 112-96. Federal funding
103.22 provided under that act for the shared work program must be immediately deposited in
103.23 the Minnesota Unemployment Insurance Trust Fund. The exception under Minnesota
103.24 Statutes, section 268.047, subdivision 2, clause (10), does not apply to the federal money.

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

103.26 Sec. 20. **EFFECTIVE DATE.**

103.27 Unless otherwise specified, this article is effective for shared work plans approved
103.28 on or after July 1, 2013.

104.1 **ARTICLE 5**

104.2 **MISCELLANEOUS**

104.3 Section 1. Minnesota Statutes 2012, section 16B.122, subdivision 2, is amended to read:

104.4 Subd. 2. **Purchases; printing.** (a) Whenever practicable, a public entity shall:

104.5 (1) purchase uncoated office paper and printing paper;

104.6 (2) purchase recycled content paper with at least ten percent postconsumer material
104.7 by weight;

104.8 (3) purchase paper which has not been dyed with colors, excluding pastel colors;

104.9 (4) purchase recycled content paper that is manufactured using little or no chlorine
104.10 bleach or chlorine derivatives;

104.11 (5) use no more than two colored inks, standard or processed, except in formats
104.12 where they are necessary to convey meaning;

104.13 (6) use reusable binding materials or staples and bind documents by methods that do
104.14 not use glue;

104.15 (7) use soy-based inks;~~and~~

104.16 (8) produce reports, publications, and periodicals that are readily recyclable within
104.17 the state resource recovery program; and

104.18 (9) purchase paper which has been made on a paper machine located in Minnesota.

104.19 (b) Paragraph (a), clause (1), does not apply to coated paper that is made with at
104.20 least 50 percent postconsumer material.

104.21 (c) A public entity shall print documents on both sides of the paper where commonly
104.22 accepted publishing practices allow.

104.23 (d) Notwithstanding paragraph (a), clause (2), and section 16B.121, copier paper
104.24 purchased by a state agency must contain at least ten percent postconsumer material by
104.25 fiber content.

104.26 Sec. 2. Minnesota Statutes 2012, section 154.001, is amended by adding a subdivision
104.27 to read:

104.28 Subd. 4. **Comprehensive examination.** "Comprehensive examination" means all
104.29 parts of a test administered by the board, including but not limited to written, oral, and
104.30 practical components.

104.31 Sec. 3. Minnesota Statutes 2012, section 154.003, is amended to read:

104.32 **154.003 FEES.**

105.1 (a) The fees collected, as required in this chapter, chapter 214, and the rules of the
105.2 board, shall be paid to the board. The board shall deposit the fees in the general fund
105.3 in the state treasury.

105.4 (b) The board shall charge the following fees:

105.5 (1) examination and certificate, registered barber, \$85;

105.6 (2) retake of written examination, registered barber, \$10;

105.7 ~~(2)~~ (3) examination and certificate, apprentice, \$80;

105.8 (4) retake of written examination, apprentice, \$10;

105.9 ~~(3)~~ (5) examination, instructor, \$180;

105.10 ~~(4)~~ (6) certificate, instructor, \$65;

105.11 ~~(5)~~ (7) temporary teacher or apprentice permit, \$80;

105.12 ~~(6)~~ (8) renewal of license, registered barber, \$80;

105.13 ~~(7)~~ (9) renewal of license, apprentice, \$70;

105.14 ~~(8)~~ (10) renewal of license, instructor, \$80;

105.15 ~~(9)~~ (11) renewal of temporary teacher permit, \$65;

105.16 ~~(10)~~ (12) student permit, \$45;

105.17 (13) renewal of student permit, \$25;

105.18 ~~(11)~~ (14) initial shop registration, \$85;

105.19 ~~(12)~~ (15) initial school registration, \$1,030;

105.20 ~~(13)~~ (16) renewal shop registration, \$85;

105.21 ~~(14)~~ (17) renewal school registration, \$280;

105.22 ~~(15)~~ (18) restoration of registered barber license, \$95;

105.23 ~~(16)~~ (19) restoration of apprentice license, \$90;

105.24 ~~(17)~~ (20) restoration of shop registration, \$105;

105.25 ~~(18)~~ (21) change of ownership or location, \$55;

105.26 ~~(19)~~ (22) duplicate license, \$40; and

105.27 ~~(20)~~ (23) home study course, ~~\$95~~ \$75;

105.28 (24) letter of license verification, \$25; and

105.29 (25) reinspection, \$100.

105.30 Sec. 4. Minnesota Statutes 2012, section 154.02, is amended to read:

105.31 **154.02 WHAT CONSTITUTES BARBERING.**

105.32 Any one or any combination of the following practices when done upon the head
105.33 and neck for cosmetic purposes and not for the treatment of disease or physical or mental
105.34 ailments and when done for payment directly or indirectly or without payment for the
105.35 public generally constitutes the practice of barbering within the meaning of sections

106.1 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26:
106.2 to shave the face or neck, trim the beard, cut or bob the hair of any person of either sex
106.3 for compensation or other reward received by the person performing such service or any
106.4 other person; to give facial and scalp massage or treatments with oils, creams, lotions,
106.5 or other preparations either by hand or mechanical appliances; to singe, shampoo the
106.6 hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils,
106.7 clays, or lotions to hair, scalp, face, or neck.

106.8 Sec. 5. Minnesota Statutes 2012, section 154.05, is amended to read:

106.9 **154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A**
106.10 **REGISTERED BARBER.**

106.11 A person is qualified to receive a certificate of registration as a registered barber:

106.12 (1) who is qualified under the provisions of section 154.06;

106.13 (2) who has practiced as a registered apprentice for a period of 12 months under the
106.14 immediate personal supervision of a registered barber; and

106.15 (3) who has passed an examination conducted by the board to determine fitness to
106.16 practice barbering.

106.17 An apprentice applicant for a certificate of registration to practice as a registered
106.18 barber who fails to pass the comprehensive examination conducted by the board and
106.19 who fails to pass a onetime retake of the written examination, shall continue to practice
106.20 as an apprentice for an additional ~~two months~~ 300 hours before being ~~again entitled to~~
106.21 ~~take eligible to retake~~ the comprehensive examination for a registered barber as many
106.22 times as necessary to pass.

106.23 Sec. 6. Minnesota Statutes 2012, section 154.06, is amended to read:

106.24 **154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A**
106.25 **REGISTERED APPRENTICE.**

106.26 A person is qualified to receive a certificate of registration as a registered apprentice:

106.27 (1) who has completed at least ten grades of an approved school;

106.28 (2) who has graduated from a barber school approved by the a barber board within
106.29 the previous four years; and

106.30 (3) who has passed an examination conducted by the board to determine fitness to
106.31 practice as a registered apprentice. An applicant who graduated from a barber school
106.32 approved by a barber board more than four years prior to application is required to
106.33 complete a further course of study of at least 500 hours.

107.1 An applicant for a an initial certificate of registration to practice as an apprentice,
107.2 who fails to pass the comprehensive examination conducted by the board, and who fails to
107.3 pass a onetime retake of the written examination, is required to complete a further course
107.4 of study of at least 500 hours, of not more than eight hours in any one working day, in a
107.5 barber school approved by the board before being eligible to retake the comprehensive
107.6 examination as many times as necessary to pass.

107.7 A certificate of registration of an apprentice shall be valid for four years ~~from the~~
107.8 ~~date the certificate of registration is issued by the board~~ and shall not be renewed for a fifth
107.9 year. During the four-year period the certificate of registration shall remain in full force
107.10 and effect only if the apprentice complies with all the provisions of sections 154.001,
107.11 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, including
107.12 the payment of an annual fee, and the rules of the board.

107.13 If a registered apprentice, during the term in which the certificate of registration is in
107.14 effect, enters full-time active duty in the armed forces of the United States of America,
107.15 the expiration date of the certificate of registration shall be extended by a period of time
107.16 equal to the period or periods of active duty.

107.17 If a registered apprentice graduates from a barber school approved by the board and
107.18 is issued a certificate of registration while incarcerated by the Department of Corrections
107.19 of the Federal Bureau of Prisons, the expiration date of the certificate of registration shall
107.20 be extended one time so that it expires four years from the date of first release from a
107.21 correctional facility.

107.22 Sec. 7. Minnesota Statutes 2012, section 154.065, subdivision 2, is amended to read:

107.23 Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration
107.24 as an instructor of barbering who:

107.25 (1) is a graduate ~~from~~ of an approved high school, or its equivalent, as determined
107.26 by examination by the Department of Education;

107.27 (2) has ~~qualified for a teacher's or instructor's vocational certificate;~~ successfully
107.28 completed vocational instructor training from a board-approved program or accredited
107.29 college or university program that includes the following courses or their equivalents as
107.30 determined by the board:

107.31 (i) introduction to career and technical education training;

107.32 (ii) philosophy and practice of career and technical education;

107.33 (iii) course development for career and technical education;

107.34 (iv) instructional methods for career and technical education; and

107.35 (v) human relations;

108.1 (3) is currently a registered barber and has at least three years experience as a
108.2 registered barber in this state, or its equivalent as determined by the board; and

108.3 (4) has passed an examination conducted by the board to determine fitness to
108.4 instruct in barbering.

108.5 ~~A certificate of registration under this section is provisional until a teacher's or~~
108.6 ~~instructor's vocational certificate has been issued by the Department of Education. A~~
108.7 ~~provisional certificate of registration is valid for 30 days and is not renewable.~~

108.8 Sec. 8. Minnesota Statutes 2012, section 154.07, subdivision 1, is amended to read:

108.9 Subdivision 1. **Admission requirements; course of instruction.** No barber school
108.10 shall be approved by the board unless it requires, as a prerequisite to admission, ten grades
108.11 of an approved school or its equivalent, as determined by an examination conducted by
108.12 the commissioner of education, which shall issue a certificate that the student has passed
108.13 the required examination, and unless it requires, as a prerequisite to graduation, a course
108.14 of instruction of at least 1,500 hours, of not more than eight hours in any one working day.
108.15 The course of instruction must include the following subjects: scientific fundamentals
108.16 for barbering; hygiene; practical study of the hair, skin, muscles, and nerves; structure of
108.17 the head, face, and neck; elementary chemistry relating to sterilization and antiseptics;
108.18 diseases of the skin, hair, and glands; massaging and manipulating the muscles of the face
108.19 and neck; haircutting; shaving; trimming the beard; bleaching, tinting and dyeing the hair;
108.20 and the chemical waving and straightening of hair.

108.21 Sec. 9. Minnesota Statutes 2012, section 154.08, is amended to read:

108.22 **154.08 APPLICATION; FEE.**

108.23 Each applicant for an examination shall:

108.24 (1) make application to the Board of Barber Examiners on blank forms prepared and
108.25 furnished by it, the application to contain proof under the applicant's oath of the particular
108.26 qualifications and identity of the applicant;

108.27 ~~(2) furnish to the board two five-inch x three-inch signed photographs of the~~
108.28 ~~applicant, one to accompany the application and one to be returned to the applicant,~~
108.29 ~~to be presented to the board when the applicant appears for examination~~ provide all
108.30 documentation required in support of the application; and

108.31 (3) pay to the board the required fee; and

108.32 (4) present a government-issued photo identification as proof of identity upon
108.33 application and when the applicant appears for examination.

109.1 Sec. 10. Minnesota Statutes 2012, section 154.09, is amended to read:

109.2 **154.09 EXAMINATIONS, CONDUCT AND SCOPE.**

109.3 The board shall conduct examinations of applicants for certificates of registration to
109.4 practice as barbers and apprentices not more than six times each year, at such time and
109.5 place as the board may determine. Additional written examinations may be scheduled
109.6 by the board and conducted by board staff as designated by the board. The proprietor
109.7 of a barber school must file an affidavit ~~shall be filed with the board by the proprietor~~
109.8 ~~of a barber school that~~ of hours completed by students applying to take the apprentice
109.9 examination ~~have completed.~~ Students must complete 1,500 hours in a barber school
109.10 ~~registered with~~ approved by the board.

109.11 The examination of applicants for certificates of registration as barbers and
109.12 apprentices shall include ~~both~~ a practical demonstration and a written and oral test ~~and~~
109.13 ~~embrace.~~ The examination must cover the subjects usually taught in barber schools
109.14 registered with the board.

109.15 Sec. 11. Minnesota Statutes 2012, section 154.10, subdivision 1, is amended to read:

109.16 Subdivision 1. **Application.** Each applicant for an initial certificate of registration
109.17 shall make application to the board on forms prepared and furnished by the board with
109.18 proof under oath of the particular qualifications and identity of each applicant. This
109.19 application shall be accompanied by a fee prescribed by law or the rules of the board to
109.20 defray the expenses of making investigation and for the examination of such applicant.

109.21 Sec. 12. Minnesota Statutes 2012, section 154.11, subdivision 1, is amended to read:

109.22 Subdivision 1. **Examination of nonresidents.** A person who meets all of the
109.23 requirements for barber registration in sections 154.001, 154.002, 154.003, 154.01 to
109.24 154.161, 154.19 to 154.21, and 154.24 to 154.26 and either has a license, certificate
109.25 of registration, or an equivalent as a practicing barber or instructor of barbering from
109.26 another state or country which in the discretion of the board has substantially the same
109.27 requirements for registering barbers and instructors of barbering as required by sections
109.28 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 or
109.29 can prove by sworn affidavits practice as a barber or instructor of barbering in another
109.30 state or country for at least five years immediately prior to making application in this state,
109.31 shall, upon payment of the required fee, be issued a certificate of registration without
109.32 examination, ~~provided that the other state or country grants the same privileges to holders~~
109.33 ~~of Minnesota certificates of registration.~~

110.1 Sec. 13. Minnesota Statutes 2012, section 154.12, is amended to read:

110.2 **154.12 EXAMINATION OF NONRESIDENT APPRENTICES.**

110.3 A person who meets all of the requirements for registration as a barber in sections
110.4 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and
110.5 who has a license, a certificate of registration, or its equivalent as an apprentice in a state
110.6 or country which in the discretion of the board has substantially the same requirements for
110.7 registration as an apprentice as is provided by sections 154.001, 154.002, 154.003, 154.01
110.8 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, shall, upon payment of the required
110.9 fee, be issued a certificate of registration without examination, ~~provided that the other state~~
110.10 ~~or country grants the same privileges to holders of Minnesota certificates of registration.~~

110.11 Sec. 14. Minnesota Statutes 2012, section 154.14, is amended to read:

110.12 **154.14 CERTIFICATES OF REGISTRATION AND TEMPORARY PERMITS**
110.13 **TO BE DISPLAYED.**

110.14 Every holder of a certificate of registration as a registered barber or registered
110.15 apprentice or temporary apprentice permit shall display it the certificate or permit, with a
110.16 photograph of the certificate or permit holder that meets the same standards as required for
110.17 a United States passport, in a conspicuous place adjacent to or near the chair where work
110.18 is performed. Every holder of a certificate of registration as an instructor of barbering or
110.19 ~~as a barber school~~, of a temporary permit as an instructor of barbering, shall display the
110.20 certificate or permit, with a photograph of the certificate or permit holder that meets the
110.21 same standards as required for a United States passport, in a conspicuous place accessible
110.22 to the public. Every holder of a certificate of registration as a barber school and of a shop
110.23 registration card shall display it in a conspicuous place accessible to the public.

110.24 Sec. 15. Minnesota Statutes 2012, section 154.15, subdivision 2, is amended to read:

110.25 Subd. 2. **Effect of failure to renew.** A registered barber or a registered apprentice
110.26 who has not renewed a certificate of registration may be reinstated within ~~one year~~ four
110.27 years of such failure to renew without examination upon the payment of the required
110.28 restoration fee for each year the certificate is lapsed. A registered instructor of barbering
110.29 who has not renewed a certificate of registration may be reinstated within ~~three~~ four years
110.30 of such failure to renew without examination upon payment of the required restoration fee
110.31 for each year the certificate is lapsed. All registered barbers and registered apprentices
110.32 who allow their certificates of registration to lapse for more than ~~one year~~ four years shall
110.33 be required to reexamine before being issued a certificate of registration. All registered
110.34 instructors of barbering who allow their certificates of registration to lapse for more

111.1 than ~~three~~ four years shall be required to reexamine before being issued a certificate of
111.2 registration. A barber shop owner who has not renewed the barber shop certificate for more
111.3 than one year may reinstate the barber shop registration upon payment of the restoration
111.4 fee for each year the shop card was lapsed. If lapsed or unlicensed status is discovered by
111.5 the barber inspector during inspection, penalties under section 154.162 shall apply.

111.6 Sec. 16. **[154.162] ADMINISTRATIVE PENALTIES.**

111.7 The board shall impose and collect the following penalties:

111.8 (1) missing or lapsed shop registration discovered upon inspection; penalty imposed
111.9 on shop owner: \$500;

111.10 (2) unlicensed or unregistered apprentice or registered barber, first occurrence
111.11 discovered upon inspection; penalty imposed on shop owner and unlicensed or
111.12 unregistered individual: \$500; and

111.13 (3) unlicensed or unregistered apprentice or registered barber, second occurrence
111.14 discovered upon inspection; penalty imposed on shop owner and unlicensed or
111.15 unregistered individual: \$1,000.

111.16 Sec. 17. Minnesota Statutes 2012, section 154.26, is amended to read:

111.17 **154.26 MUNICIPALITIES ~~MAY REGULATE HOURS;~~ REGULATION**
111.18 **AUTHORIZED.**

111.19 The governing body of any city of this state may regulate by ordinance the opening
111.20 and closing hours of barber shops within its municipal limits in addition to all other
111.21 applicable local regulations.

111.22 Sec. 18. **[154.27] MISREPRESENTATION.**

111.23 No person shall represent themselves to the public, solicit business, advertise as a
111.24 licensed barber or as operating a licensed barber shop, use the title or designation of barber
111.25 or barber shop, engage in any other act or practice that would create the impression to
111.26 members of the public that the person is a licensed barber or is operating a licensed barber
111.27 shop unless the person holds the appropriate license under this chapter. Violation of this
111.28 section is a petty misdemeanor.

111.29 Sec. 19. **[154.28] SYMBOLS; BARBER POLE.**

111.30 No person shall place a barber pole in a location that would create or tend to create
111.31 the impression to the public that the business is a barber shop unless the operator holds a
111.32 valid license under this chapter. For the purposes of this section, "barber pole" means a

112.1 red and white or red, white, and blue striped vertical cylinder commonly recognized as a
112.2 barber pole. Violation of this section is a petty misdemeanor.

112.3 Sec. 20. Minnesota Statutes 2012, section 155A.23, subdivision 3, is amended to read:

112.4 Subd. 3. **Cosmetology.** "Cosmetology" is the practice of personal services, for
112.5 compensation, for the cosmetic care of the hair, nails, and skin. These services include
112.6 cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in
112.7 the areas of the head, scalp, face, arms, hands, legs, ~~and feet,~~ and trunk of the body, except
112.8 where these services are performed by a barber under sections 154.001, 154.002, 154.003,
112.9 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26.

112.10 Sec. 21. Minnesota Statutes 2012, section 155A.23, subdivision 8, is amended to read:

112.11 Subd. 8. **Manager.** A "manager" is any person who conducts, operates, or manages a
112.12 cosmetology school or salon and who also instructs in or provides any services, as defined
112.13 in subdivision 3. A school manager must maintain an active salon manager's license.

112.14 Sec. 22. Minnesota Statutes 2012, section 155A.23, subdivision 11, is amended to read:

112.15 Subd. 11. **Instructor.** An "instructor" is any person employed by a school to prepare
112.16 and present the theoretical and practical education of cosmetology to persons who seek to
112.17 practice cosmetology. An instructor must maintain an active operator or manager's license
112.18 in the area in which the instructor holds an instructor's license.

112.19 Sec. 23. Minnesota Statutes 2012, section 155A.25, subdivision 1a, is amended to read:

112.20 Subd. 1a. **Schedule.** The fee schedule for licensees is as follows ~~for licenses issued~~
112.21 ~~after June 30, 2010, and prior to July 1, 2013:~~

112.22 (a) Three-year license fees:

112.23 (1) cosmetologist, ~~manicurist~~ nail technician, or esthetician:

112.24 (i) \$90 for each initial license and a \$40 nonrefundable initial license application fee,
112.25 for a total of \$130; and

112.26 (ii) \$60 for each renewal and a \$15 nonrefundable renewal application fee, for
112.27 a total of \$75;

112.28 (2) instructor or manager:

112.29 (i) \$120 for each initial license and a \$40 nonrefundable initial license application
112.30 fee, for a total of \$160; and

112.31 (ii) \$90 for each renewal and a \$15 nonrefundable renewal application fee, for a
112.32 total of \$105;

- 113.1 (3) salon:
- 113.2 (i) \$130 for each initial license and a \$100 nonrefundable initial license application
- 113.3 fee, for a total of \$230; and
- 113.4 (ii) \$100 for each renewal and a \$50 nonrefundable renewal application fee, for a
- 113.5 total of \$150; and
- 113.6 (4) school:
- 113.7 (i) \$1,500 for each initial license and a \$1,000 nonrefundable initial license
- 113.8 application fee, for a total of \$2,500; and
- 113.9 (ii) \$1,500 for each renewal and a \$500 nonrefundable renewal application fee,
- 113.10 for a total of \$2,000.
- 113.11 (b) Penalties:
- 113.12 (1) reinspection fee, variable;
- 113.13 (2) manager and owner with lapsed practitioner found on inspection, \$150 each;
- 113.14 (3) lapsed practitioner or instructor found on inspection, \$200;
- 113.15 (4) lapsed salon found on inspection, \$500;
- 113.16 (5) lapsed school found on inspection, \$1,000;
- 113.17 (6) failure to display current license, \$100;
- 113.18 (7) failure to dispose of single-use equipment, implements, or materials as provided
- 113.19 under section 155A.355, subdivision 1, \$500;
- 113.20 (8) use of prohibited razor-type callus shavers, rasps, or graters under section
- 113.21 155A.355, subdivision 2, \$500;
- 113.22 (9) performing manicuring or cosmetology services in esthetician salon, or
- 113.23 performing esthetician or cosmetology services in manicure salon, \$500;
- 113.24 (10) owner and manager allowing an operator to work as an independent contractor,
- 113.25 \$200;
- 113.26 (11) operator working as an independent contractor, \$100;
- 113.27 (12) refusal or failure to cooperate with an inspection, \$500;
- 113.28 ~~(3)~~ (13) expired cosmetologist, manicurist, esthetician, manager, school manager,
- 113.29 and instructor license, \$45; and
- 113.30 ~~(4)~~ (14) expired salon or school license, \$50.
- 113.31 (c) Administrative fees:
- 113.32 (1) certificate of identification, \$20;
- 113.33 (2) name change, \$20;
- 113.34 (3) letter of license verification, \$30;
- 113.35 (4) duplicate license, \$20;
- 113.36 (5) processing fee, \$10;

- 114.1 (6) special event permit, \$75 per year; and
- 114.2 (7) registration of hair braiders, \$20 per year.

114.3 Sec. 24. Minnesota Statutes 2012, section 155A.25, subdivision 4, is amended to read:

114.4 Subd. 4. **License expiration date.** The board shall, in a manner determined by the
114.5 board and without the need for rulemaking under chapter 14, phase in changes to initial
114.6 and renewal license expiration dates so that by January 1, 2014:

114.7 (1) individual licenses expire on the last day of the licensee's birth month of the
114.8 year due; and

114.9 (2) salon and school licenses expire on the last day of the month of initial licensure
114.10 of the year due.

114.11 Sec. 25. Minnesota Statutes 2012, section 155A.27, subdivision 4, is amended to read:

114.12 Subd. 4. **Testing.** All theory, practical, and Minnesota law and rule testing must
114.13 be done by a board-approved provider. Appropriate standardized tests shall be used and
114.14 shall include subject matter relative to the application of Minnesota law. In every case,
114.15 the primary consideration shall be to safeguard the health and safety of consumers by
114.16 determining the competency of the applicants to provide the services indicated.

114.17 Sec. 26. Minnesota Statutes 2012, section 155A.27, subdivision 7, is amended to read:

114.18 Subd. 7. **Renewals.** Renewal of license shall be for a period of three years
114.19 under conditions and process established by rule and subject to continuing education
114.20 requirements of section 155A.271.

114.21 Sec. 27. Minnesota Statutes 2012, section 155A.27, subdivision 10, is amended to read:

114.22 Subd. 10. **Nonresident licenses.** (a) A nonresident cosmetologist, manicurist, or
114.23 esthetician may be licensed in Minnesota if the individual has completed cosmetology
114.24 school in a state or country with the same or greater school hour requirements, has an
114.25 active license in that state or country, and has passed a board-approved theory and
114.26 practice-based examination, the Minnesota-specific written operator examination for
114.27 cosmetologist, manicurist, or esthetician. If a test is used to verify the qualifications of
114.28 trained cosmetologists, the test should be translated into the nonresident's native language
114.29 within the limits of available resources. Licenses shall not be issued under this subdivision
114.30 for managers or instructors.

114.31 (b) If an individual has less than the required number of school hours, the individual
114.32 must have had a current active license in another state or country for at least three

115.1 years and have passed a board-approved theory and practice-based examination, or
115.2 the Minnesota-specific written operator examination for cosmetologist, manicurist, or
115.3 esthetician. If a test is used to verify the qualifications of trained cosmetologists, the test
115.4 should be translated into the nonresident's native language within the limits of available
115.5 resources. Licenses must not be issued under this subdivision for managers or instructors.

115.6 (c) Applicants claiming training and experience in a foreign country shall supply
115.7 official English-language translations of all required documents from a board-approved
115.8 source.

115.9 **Sec. 28. [155A.271] CONTINUING EDUCATION REQUIREMENTS.**

115.10 Subdivision 1. **Continuing education requirements.** Effective August 1, 2014,
115.11 to qualify for license renewal under this chapter as an individual cosmetologist, nail
115.12 technician, esthetician, or salon manager, the applicant must attest to the completion of
115.13 four hours of continuing education credits from an accredited school or a professional
115.14 association of cosmetology during the three years prior to the applicant's renewal
115.15 date. One credit hour of the requirement must include instruction pertaining to state
115.16 laws and rules governing the practice of cosmetology. Three credit hours must include
115.17 instruction pertaining to health, safety, and sanitation matters consistent with the United
115.18 States Department of Labor's Occupational Safety and Health Administration standards
115.19 applicable to the practice of cosmetology, or other applicable federal health, sanitation,
115.20 and safety standards, and must be regularly updated so as to incorporate newly developed
115.21 standards and accepted professional best practices. Credit hours earned are valid for three
115.22 years and may be applied simultaneously to all individual licenses held by a licensee under
115.23 this chapter. This subdivision does not apply to instructors or inactive licenses.

115.24 Subd. 2. **Schools and professional associations.** Only a board-licensed school of
115.25 cosmetology, a postsecondary institution as defined in section 136A.103, paragraph (a), or
115.26 a board-recognized professional association may offer continuing education curriculum
115.27 for credit under this section. The school and professional association may offer online
115.28 and independent study options to achieve maximum involvement of licensees and is
115.29 encouraged to offer classes available in foreign language formats.

115.30 Subd. 3. **Proof of credits.** The school or professional association shall provide
115.31 to licensees who attend a class a receipt to prove completion of the class. Licensees
115.32 shall retain proof of their continuing education credits for one year beyond the credit's
115.33 expiration. The school or professional association shall retain documentation of all
115.34 licensees successfully completing a class and the licensee's credit hours for five years.

116.1 Subd. 4. **Audit.** The board shall conduct random audits of active licensees
116.2 periodically to ensure compliance with continuing education requirements. To initiate
116.3 an audit, the board shall notify an active licensee of the audit and request proof of
116.4 credits earned during a specified period. The licensee must provide the requested proof
116.5 to the board within 30 days of an audit notice. The board may request that a school or
116.6 professional association verify a licensee's credits. The school or professional association
116.7 must furnish verification, or a written statement that the credits are not verified, within
116.8 15 days of the board's request for verification. If the board determines that a licensee has
116.9 failed to provide proof of necessary credits earned during the specified time, the board
116.10 may revoke the individual's license and may deem the individual a lapsed practitioner
116.11 subject to penalty under section 155A.25 or 155A.36.

116.12 Sec. 29. Minnesota Statutes 2012, section 155A.29, subdivision 2, is amended to read:

116.13 **Subd. 2. Requirements.** (a) The conditions and process by which a salon is licensed
116.14 shall be established by the board by rule. In addition to those requirements, no license
116.15 shall be issued unless the board first determines that the conditions in clauses (1) to (5)
116.16 have been satisfied:

116.17 (1) compliance with all local and state laws, particularly relating to matters of
116.18 sanitation, health, and safety;

116.19 (2) the employment of a manager, as defined in section 155A.23, subdivision 8;

116.20 ~~(3) inspection and licensing prior to the commencing of business;~~

116.21 ~~(4)~~ (3) if applicable, evidence of compliance with section 176.182; and

116.22 ~~(5)~~ (4) evidence of continued professional liability insurance coverage of at least
116.23 \$25,000 for each claim and \$50,000 total coverage for each policy year for each operator.

116.24 (b) A licensed esthetician or manicurist who complies with the health, safety,
116.25 sanitation, inspection, and insurance rules promulgated by the board to operate a salon
116.26 solely for the performance of those personal services defined in section 155A.23,
116.27 subdivision 5, in the case of an esthetician, or subdivision 7, in the case of a manicurist.

116.28 Sec. 30. Minnesota Statutes 2012, section 155A.30, is amended by adding a
116.29 subdivision to read:

116.30 **Subd. 11. Instruction requirements.** (a) Instruction may be offered for no more
116.31 than ten hours per day per student.

116.32 (b) Instruction must be given within a licensed school building. Online instruction is
116.33 permitted for board-approved theory-based classes. Practice-based classes must not be
116.34 given online.

117.1 Sec. 31. **[155A.355] PROHIBITED USES.**

117.2 **Subdivision 1. Single-use equipment and materials.** Single-use equipment,
117.3 implements, or materials that are made or constructed of paper, wood, or other porous
117.4 materials must only be used for one application or client service. Presence of used articles
117.5 in the work area is prima facie evidence of reuse. Failure to dispose of the materials in this
117.6 subdivision is punishable by penalty under section 155A.25, subdivision 1a, paragraph
117.7 (b), clause (7).

117.8 **Subd. 2. Skin-cutting equipment.** Razor-type callus shavers, rasps, or graters
117.9 designed and intended to cut growths of skin such as corns and calluses, including but not
117.10 limited to credo blades, are prohibited. Presence of these articles in the work area is prima
117.11 facie evidence of use and is punishable by penalty in section 155A.25, subdivision 1a,
117.12 paragraph (b), clause (8).

117.13 **Subd. 3. Substances.** Licensees must not use any of the following substances or
117.14 products in performing cosmetology services:

- 117.15 (1) methyl methacrylate liquid monomers, also known as MMA; and
117.16 (2) fumigants, including but not limited to formalin tablets or formalin liquids.

117.17 Sec. 32. **[179.90] OFFICE OF COLLABORATION AND DISPUTE**
117.18 **RESOLUTION.**

117.19 The commissioner of mediation services shall establish an Office of Collaboration
117.20 and Dispute Resolution within the bureau. The office must:

117.21 (1) promote the broad use of community mediation in the state, ensuring that all areas
117.22 of the state have access to services by providing grants to private nonprofits entities certified
117.23 by the state court administrator under chapter 494 that assist in resolution of disputes;

117.24 (2) assist state agencies, offices of the executive, legislative, and judicial branches,
117.25 and units of local government in improving collaboration and dispute resolution;

117.26 (3) support collaboration and dispute resolution in the public and private sector by
117.27 providing technical assistance and information on best practices and new developments in
117.28 dispute resolution options;

117.29 (4) educate the public and governmental entities on dispute resolution options; and

117.30 (5) promote and utilize collaborative dispute resolution models and processes based
117.31 on documented best practices including, but not limited to, the Minnesota Solutions model:

117.32 (i) establishing criteria and procedures for identification and assessment of dispute
117.33 resolution projects;

117.34 (ii) designating projects and appointing impartial convenors by the commissioner
117.35 or the commissioner's designee;

118.1 (iii) forming multidisciplinary conflict resolution teams; and
118.2 (iv) utilizing collaborative techniques, processes, and standards through facilitated
118.3 meetings until consensus among parties is reached in resolving a dispute.

118.4 Sec. 33. **[179.91] GRANTS.**

118.5 Subdivision 1. **Authority.** The commissioner of mediation services shall to the
118.6 extent funds are appropriated for this purpose, make grants to private nonprofit community
118.7 mediation entities certified by the state court administrator under chapter 494 that assist
118.8 in resolution of disputes. The commissioner shall establish a grant review committee to
118.9 assist in the review of grant applications and the allocation of grants under this section.

118.10 Subd. 2. **Eligibility.** To be eligible for a grant under this section, a nonprofit
118.11 organization must meet the requirements of section 494.05, subdivision 1, clauses (1),
118.12 (2), (4), and (5).

118.13 Subd. 3. **Conditions and exclusions.** A nonprofit entity receiving a grant must
118.14 agree to comply with guidelines adopted by the state court administrator under section
118.15 494.015, subdivision 1. Sections 16B.97 and 16B.98 and policies adopted under those
118.16 sections apply to grants under this section. The exclusions in section 494.03 apply to
118.17 grants under this section.

118.18 Subd. 4. **Reporting.** Grantees must report data required under chapter 494 to
118.19 evaluate quality and outcomes.

118.20 Sec. 34. Minnesota Statutes 2012, section 298.22, subdivision 1, is amended to read:

118.21 Subdivision 1. **The office of the commissioner of Iron Range resources and**
118.22 **rehabilitation.** (1) The office of the commissioner of Iron Range resources and
118.23 rehabilitation is created as an agency in the executive branch of state government. The
118.24 governor shall appoint the commissioner of Iron Range resources and rehabilitation under
118.25 section 15.06.

118.26 (2) The commissioner may hold other positions or appointments that are not
118.27 incompatible with duties as commissioner of Iron Range resources and rehabilitation. The
118.28 commissioner may appoint a deputy commissioner. All expenses of the commissioner,
118.29 including the payment of staff and other assistance as may be necessary, must be paid
118.30 out of the amounts appropriated by section 298.28 or otherwise made available by law
118.31 to the commissioner. Notwithstanding chapters 16A, 16B, and 16C, the commissioner
118.32 may utilize contracting options available under section 471.345 when the commissioner
118.33 determines it is in the best interest of the agency. The agency is not subject to sections
118.34 16E.016 and 16C.05.

119.1 (3) When the commissioner determines that distress and unemployment exists or
119.2 may exist in the future in any county by reason of the removal of natural resources or
119.3 a possibly limited use of natural resources in the future and any resulting decrease in
119.4 employment, the commissioner may use whatever amounts of the appropriation made to
119.5 the commissioner of revenue in section 298.28 that are determined to be necessary and
119.6 proper in the development of the remaining resources of the county and in the vocational
119.7 training and rehabilitation of its residents, except that the amount needed to cover cost
119.8 overruns awarded to a contractor by an arbitrator in relation to a contract awarded by
119.9 the commissioner or in effect after July 1, 1985, is appropriated from the general fund.
119.10 For the purposes of this section, "development of remaining resources" includes, but is
119.11 not limited to, the promotion of tourism.

119.12 Sec. 35. Minnesota Statutes 2012, section 298.28, subdivision 9c, is amended to read:

119.13 Subd. 9c. **Temporary Distribution; city of Eveleth.** 0.20 cent per taxable ton
119.14 must be paid to the city of Eveleth for distribution in ~~2007 through 2011~~ only 2013
119.15 and thereafter, to be used for the support of the Hockey Hall of Fame, provided that it
119.16 continues to operate in that city, and provided that the city of Eveleth certifies to the St.
119.17 Louis County auditor that it has received donations for the support of the Hockey Hall of
119.18 Fame from ~~professional hockey organizations or other donors in an amount at least equal~~
119.19 ~~to the amount of the distribution under this subdivision.~~ If the Hockey Hall of Fame
119.20 ceases to operate in the city of Eveleth prior to receipt of the distribution in ~~either~~ any
119.21 year, and the governing body of the city determines that it is unlikely to resume operation
119.22 there within a six-month period, the distribution under this subdivision shall be made to
119.23 the Iron Range Resources and Rehabilitation Board. ~~If the amount of the distribution~~
119.24 ~~authorized under this subdivision exceeds the total amount of donations for the support of~~
119.25 ~~the Hockey Hall of Fame during the 12-month period ending 30 days before the date of~~
119.26 ~~the distribution, the amount by which 0.20 cent per ton exceeds the donations shall be~~
119.27 ~~distributed to the Iron Range Resources and Rehabilitation Board.~~

119.28 Sec. 36. Minnesota Statutes 2012, section 326A.04, subdivision 2, is amended to read:

119.29 Subd. 2. **Timing.** (a) Certificates must be initially issued and renewed ~~for periods of~~
119.30 ~~not more than three years~~ annually but in any event must expire on December 31 in the year
119.31 prescribed by the board by rule. Applications for certificates must be made in the form, and
119.32 in the case of applications for renewal between the dates, specified by the board in rule.
119.33 The board shall grant or deny an application no later than 90 days after the application is
119.34 filed in proper form. If the applicant seeks the opportunity to show that issuance or renewal

120.1 of a certificate was mistakenly denied, or if the board is unable to determine whether it
120.2 should be granted or denied, the board may issue to the applicant a provisional certificate
120.3 that expires 90 days after its issuance, or when the board determines whether or not to
120.4 issue or renew the certificate for which application was made, whichever occurs first.

120.5 (b) Certificate holders who do not provide professional services and do not use the
120.6 certified public accountant designation in any manner are not required to renew their
120.7 certificates provided they have notified the board as provided in board rule and comply
120.8 with the requirements for nonrenewal as specified in board rule.

120.9 (c) Applications for renewal of a certificate that are complete and timely filed with
120.10 the board and are not granted or denied by the board before January 1 are renewed on a
120.11 provisional basis as of January 1 and for 90 days thereafter, or until the board grants or
120.12 denies the renewal of the certificate, whichever occurs first, provided the licensee meets
120.13 the requirements in this chapter and rules adopted by the board.

120.14 **EFFECTIVE DATE.** This section is effective for licenses issued or renewed after
120.15 January 1, 2014.

120.16 Sec. 37. Minnesota Statutes 2012, section 326A.04, subdivision 3, is amended to read:

120.17 Subd. 3. **Residents of other states.** (a) With regard to an applicant who must
120.18 obtain a certificate in this state because the applicant does not qualify under the substantial
120.19 equivalency standard in section 326A.14, subdivision 1, the board shall issue a certificate
120.20 to a holder of a certificate, license, or permit issued by another state upon a showing that:

120.21 (1) the applicant passed the examination required for issuance of a certificate in
120.22 this state;

120.23 (2) the applicant had four years of experience of the type described in section
120.24 326A.03, subdivision 6, paragraph (b), ~~if application is made on or after July 1, 2006,~~
120.25 ~~or section 326A.03, subdivision 8, if application is made before July 1, 2006;~~ or the
120.26 applicant meets equivalent requirements prescribed by the board by rule, after passing
120.27 the examination upon which the applicant's certificate was based and within the ten years
120.28 immediately preceding the application;

120.29 (3) if the applicant's certificate, license, or permit was issued more than four years
120.30 prior to the application for issuance of an initial certificate under this subdivision, that the
120.31 applicant has fulfilled the requirements of continuing professional education that would
120.32 have been applicable under subdivision 4; and

120.33 (4) the applicant has met the qualifications prescribed by the board by rule.

120.34 (b) A certificate holder licensed by another state who establishes a principal place
120.35 of business in this state shall request the issuance of a certificate from the board prior to

121.1 establishing the principal place of business. The board shall issue a certificate to the person
121.2 if the person's individual certified public accountant qualifications, upon verification, are
121.3 substantially equivalent to the certified public accountant licensure requirements of this
121.4 chapter or the person meets equivalent requirements as the board prescribes by rule.
121.5 Residents of this state who provide professional services in this state at an office location
121.6 in this state shall be considered to have their principal place of business in this state.

121.7 Sec. 38. Minnesota Statutes 2012, section 326A.04, subdivision 5, is amended to read:

121.8 Subd. 5. **Fee.** (a) The board shall charge a fee for each application for initial
121.9 issuance or renewal of a certificate under this section as provided in paragraph (b).

121.10 (b) The board shall charge the following fees:

121.11 (1) initial issuance of certificate, \$150;

121.12 (2) renewal of certificate with an active status, \$100 per year;

121.13 (3) initial CPA firm permits, except for sole practitioners, \$100;

121.14 (4) renewal of CPA firm permits, except for sole practitioners and those firms
121.15 specified in clause (17), \$35 per year;

121.16 (5) initial issuance and renewal of CPA firm permits for sole practitioners, except for
121.17 those firms specified in clause (17), \$35 per year;

121.18 (6) annual late processing delinquency fee for permit, certificate, or registration
121.19 renewal applications not received prior to expiration date, \$50;

121.20 (7) copies of records, per page, 25 cents;

121.21 (8) registration of noncertificate holders, nonlicensees, and nonregistrants in
121.22 connection with renewal of firm permits, \$45 per year;

121.23 (9) applications for reinstatement, \$20;

121.24 (10) initial registration of a registered accounting practitioner, \$50;

121.25 (11) initial registered accounting practitioner firm permits, \$100;

121.26 (12) renewal of registered accounting practitioner firm permits, except for sole
121.27 practitioners, \$100 per year;

121.28 (13) renewal of registered accounting practitioner firm permits for sole practitioners,
121.29 \$35 per year;

121.30 (14) CPA examination application, \$40;

121.31 (15) CPA examination, fee determined by third-party examination administrator;

121.32 (16) renewal of certificates with an inactive status, \$25 per year; and

121.33 (17) renewal of CPA firm permits for firms that have one or more offices located in
121.34 another state, \$68 per year.

122.1 Sec. 39. Minnesota Statutes 2012, section 326A.04, subdivision 7, is amended to read:

122.2 Subd. 7. **Certificates issued by foreign countries.** The board shall issue a
122.3 certificate to a holder of a generally equivalent foreign country designation, provided that:

122.4 (1) the foreign authority that granted the designation makes similar provision to
122.5 allow a person who holds a valid certificate issued by this state to obtain the foreign
122.6 authority's comparable designation;

122.7 (2) the foreign designation:

122.8 (i) was duly issued by a foreign authority that regulates the practice of public
122.9 accountancy and the foreign designation has not expired or been revoked or suspended;

122.10 (ii) entitles the holder to issue reports upon financial statements; and

122.11 (iii) was issued upon the basis of educational, examination, and experience
122.12 requirements established by the foreign authority or by law; and

122.13 (3) the applicant:

122.14 (i) received the designation, based on educational and examination standards
122.15 generally equivalent to those in effect in this state, at the time the foreign designation
122.16 was granted;

122.17 (ii) has, within the ten years immediately preceding the application, completed an
122.18 experience requirement that is generally equivalent to the requirement in section 326A.03,
122.19 subdivision 6, paragraph (b), ~~if application is made on or after July 1, 2006, or section~~
122.20 ~~326A.03, subdivision 8, if application is made before July 1, 2006,~~ in the jurisdiction that
122.21 granted the foreign designation; completed four years of professional experience in this
122.22 state; or met equivalent requirements prescribed by the board by rule; and

122.23 (iii) passed a uniform qualifying examination in national standards and an
122.24 examination on the laws, regulations, and code of ethical conduct in effect in this state
122.25 as the board prescribes by rule.

122.26 Sec. 40. Minnesota Statutes 2012, section 326A.10, is amended to read:

122.27 **326A.10 UNLAWFUL ACTS.**

122.28 (a) Only a licensee and individuals who have been granted practice privileges
122.29 under section 326A.14 may issue a report on financial statements of any person, firm,
122.30 organization, or governmental unit that results from providing attest services, or offer to
122.31 render or render any attest service. Only a certified public accountant, an individual who
122.32 has been granted practice privileges under section 326A.14, a CPA firm, or, to the extent
122.33 permitted by board rule, a person registered under section 326A.06, paragraph (b), may
122.34 issue a report on financial statements of any person, firm, organization, or governmental
122.35 unit that results from providing compilation services or offer to render or render any

123.1 compilation service. These restrictions do not prohibit any act of a public official or
123.2 public employee in the performance of that person's duties or prohibit the performance
123.3 by any nonlicensee of other services involving the use of accounting skills, including
123.4 the preparation of tax returns, management advisory services, and the preparation of
123.5 financial statements without the issuance of reports on them. Nonlicensees may prepare
123.6 financial statements and issue nonattest transmittals or information on them which do not
123.7 purport to be in compliance with the Statements on Standards for Accounting and Review
123.8 Services (SSARS). Nonlicensees registered under section 326A.06, paragraph (b), may,
123.9 to the extent permitted by board rule, prepare financial statements and issue nonattest
123.10 transmittals or information on them.

123.11 (b) Licensees and individuals who have been granted practice privileges under
123.12 section 326A.14 performing attest or compilation services must provide those services in
123.13 accordance with professional standards. To the extent permitted by board rule, registered
123.14 accounting practitioners performing compilation services must provide those services in
123.15 accordance with standards specified in board rule.

123.16 (c) A person who does not hold a valid certificate issued under section 326A.04
123.17 or a practice privilege granted under section 326A.14 shall not use or assume the title
123.18 "certified public accountant," the abbreviation "CPA," or any other title, designation,
123.19 words, letters, abbreviation, sign, card, or device tending to indicate that the person is a
123.20 certified public accountant.

123.21 (d) A firm shall not provide attest services or assume or use the title "certified public
123.22 accountants," the abbreviation "CPA's," or any other title, designation, words, letters,
123.23 abbreviation, sign, card, or device tending to indicate that the firm is a CPA firm unless
123.24 (1) the firm has complied with section 326A.05, and (2) ownership of the firm is in
123.25 accordance with this chapter and rules adopted by the board.

123.26 (e) A person or firm that does not hold a valid certificate or permit issued under
123.27 section 326A.04 or 326A.05 or has not otherwise complied with section 326A.04 or
123.28 326A.05 as required in this chapter shall not assume or use the title "certified accountant,"
123.29 "chartered accountant," "enrolled accountant," "licensed accountant," "registered
123.30 accountant," "accredited accountant," "accounting practitioner," "public accountant,"
123.31 "licensed public accountant," or any other title or designation likely to be confused
123.32 with the title "certified public accountant," or use any of the abbreviations "CA," "LA,"
123.33 "RA," "AA," "PA," "AP," "LPA," or similar abbreviation likely to be confused with the
123.34 abbreviation "CPA." The title "enrolled agent" or "EA" may only be used by individuals
123.35 so designated by the Internal Revenue Service.

124.1 (f) Persons registered under section 326A.06, paragraph (b), may use the title
124.2 "registered accounting practitioner" or the abbreviation "RAP." A person who does not
124.3 hold a valid registration under section 326A.06, paragraph (b), shall not assume or use
124.4 such title or abbreviation.

124.5 (g) Except to the extent permitted in paragraph (a), nonlicensees may not use
124.6 language in any statement relating to the financial affairs of a person or entity that is
124.7 conventionally used by licensees in reports on financial statements. In this regard, the
124.8 board shall issue by rule safe harbor language that nonlicensees may use in connection
124.9 with such financial information. A person or firm that does not hold a valid certificate or
124.10 permit, or a registration issued under section 326A.04, 326A.05, or 326A.06, paragraph
124.11 (b), or has not otherwise complied with section 326A.04 or 326A.05 as required in this
124.12 chapter shall not assume or use any title or designation that includes the word "accountant"
124.13 or "accounting" in connection with any other language, including the language of a report,
124.14 that implies that the person or firm holds such a certificate, permit, or registration or has
124.15 special competence as an accountant. A person or firm that does not hold a valid certificate
124.16 or permit issued under section 326A.04 or 326A.05 or has not otherwise complied with
124.17 section 326A.04 or 326A.05 as required in this chapter shall not assume or use any title
124.18 or designation that includes the word "auditor" in connection with any other language,
124.19 including the language of a report, that implies that the person or firm holds such a
124.20 certificate or permit or has special competence as an auditor. However, this paragraph
124.21 does not prohibit any officer, partner, member, manager, or employee of any firm or
124.22 organization from affixing that person's own signature to any statement in reference to the
124.23 financial affairs of such firm or organization with any wording designating the position,
124.24 title, or office that the person holds, nor prohibit any act of a public official or employee in
124.25 the performance of the person's duties as such.

124.26 (h)(1) No person holding a certificate or registration or firm holding a permit under
124.27 this chapter shall use a professional or firm name or designation that is misleading about
124.28 the legal form of the firm, or about the persons who are partners, officers, members,
124.29 managers, or shareholders of the firm, or about any other matter. However, names of one
124.30 or more former partners, members, managers, or shareholders may be included in the
124.31 name of a firm or its successor.

124.32 (2) A common brand name or network name part, including common initials, used
124.33 by a CPA firm in its name, is not misleading if the firm is a network firm as defined in
124.34 the American Institute of Certified Public Accountants (AICPA) Code of Professional
124.35 Conduct in effect July 1, 2011, and when offering or rendering services that require

125.1 independence under AICPA standards, the firm must comply with the AICPA code's
125.2 applicable standards on independence.

125.3 (i) Paragraphs (a) to (h) do not apply to a person or firm holding a certification,
125.4 designation, degree, or license granted in a foreign country entitling the holder to engage
125.5 in the practice of public accountancy or its equivalent in that country, if:

125.6 (1) the activities of the person or firm in this state are limited to the provision of
125.7 professional services to persons or firms who are residents of, governments of, or business
125.8 entities of the country in which the person holds the entitlement;

125.9 (2) the person or firm performs no attest or compilation services and issues no reports
125.10 with respect to the financial statements of any other persons, firms, or governmental
125.11 units in this state; and

125.12 (3) the person or firm does not use in this state any title or designation other than
125.13 the one under which the person practices in the foreign country, followed by a translation
125.14 of the title or designation into English, if it is in a different language, and by the name
125.15 of the country.

125.16 (j) No holder of a certificate issued under section 326A.04 may perform attest services
125.17 through any business form that does not hold a valid permit issued under section 326A.05.

125.18 (k) No individual licensee may issue a report in standard form upon a compilation
125.19 of financial information through any form of business that does not hold a valid permit
125.20 issued under section 326A.05, unless the report discloses the name of the business through
125.21 which the individual is issuing the report, and the individual:

125.22 (1) signs the compilation report identifying the individual as a certified public
125.23 accountant;

125.24 (2) meets the competency requirement provided in applicable standards; and

125.25 (3) undergoes no less frequently than once every three years, a peer review
125.26 conducted in a manner specified by the board in rule, and the review includes verification
125.27 that the individual has met the competency requirements set out in professional standards
125.28 for such services.

125.29 (l) No person registered under section 326A.06, paragraph (b), may issue a report
125.30 in standard form upon a compilation of financial information unless the board by rule
125.31 permits the report and the person:

125.32 (1) signs the compilation report identifying the individual as a registered accounting
125.33 practitioner;

125.34 (2) meets the competency requirements in board rule; and

126.1 (3) undergoes no less frequently than once every three years a peer review conducted
126.2 in a manner specified by the board in rule, and the review includes verification that the
126.3 individual has met the competency requirements in board rule.

126.4 (m) Nothing in this section prohibits a practicing attorney or firm of attorneys from
126.5 preparing or presenting records or documents customarily prepared by an attorney or firm
126.6 of attorneys in connection with the attorney's professional work in the practice of law.

126.7 (n) The board shall adopt rules that place limitations on receipt by a licensee or a
126.8 person who holds a registration under section 326A.06, paragraph (b), of:

126.9 (1) contingent fees for professional services performed; and

126.10 (2) commissions or referral fees for recommending or referring to a client any
126.11 product or service.

126.12 (o) Anything in this section to the contrary notwithstanding, it shall not be a violation
126.13 of this section for a firm not holding a valid permit under section 326A.05 and not having
126.14 an office in this state to provide its professional services in this state so long as it complies
126.15 with the applicable requirements of section 326A.05, subdivision 1.

126.16 Sec. 41. Minnesota Statutes 2012, section 462.358, subdivision 2b, is amended to read:

126.17 Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of
126.18 the buildable land, as defined by municipal ordinance, of any proposed subdivision be
126.19 dedicated to the public or preserved for public use as streets, roads, sewers, electric,
126.20 gas, and water facilities, storm water drainage and holding areas or ponds and similar
126.21 utilities and improvements, parks, recreational facilities as defined in section 471.191,
126.22 playgrounds, trails, wetlands, or open space. The requirement must be imposed by
126.23 ordinance or under the procedures established in section 462.353, subdivision 4a.

126.24 (b) If a municipality adopts the ordinance or proceeds under section 462.353,
126.25 subdivision 4a, as required by paragraph (a), the municipality must adopt a capital
126.26 improvement budget and have a parks and open space plan or have a parks, trails, and
126.27 open space component in its comprehensive plan subject to the terms and conditions in
126.28 this paragraph and paragraphs (c) to (i).

126.29 (c) The municipality may choose to accept a cash fee as set by ordinance from the
126.30 applicant for some or all of the new lots created in the subdivision, based on the average
126.31 fair market value of the unplatted land for which park fees have not already been paid that
126.32 is, no later than at the time of final approval or under the city's adopted comprehensive
126.33 plan, to be served by municipal sanitary sewer and water service or community septic and
126.34 private well as authorized by state law. For purposes of redevelopment on developed
126.35 land, the municipality may choose to accept a cash fee based on fair market value of the

127.1 land no later than the time of final approval. "Fair market value" means the value of the
127.2 land as determined by the municipality annually based on tax valuation or other relevant
127.3 data. If the municipality's calculation of valuation is objected to by the applicant, then
127.4 the value shall be as negotiated between the municipality and the applicant, or based on
127.5 the market value as determined by the municipality based on an independent appraisal of
127.6 land in a same or similar land use category.

127.7 (d) In establishing the portion to be dedicated or preserved or the cash fee, the
127.8 regulations shall give due consideration to the open space, recreational, or common areas
127.9 and facilities open to the public that the applicant proposes to reserve for the subdivision.

127.10 (e) The municipality must reasonably determine that it will need to acquire that
127.11 portion of land for the purposes stated in this subdivision as a result of approval of the
127.12 subdivision.

127.13 (f) Cash payments received must be placed by the municipality in a special fund to
127.14 be used only for the purposes for which the money was obtained.

127.15 (g) Cash payments received must be used only for the acquisition and development
127.16 or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open
127.17 space based on the approved park systems plan. Cash payments must not be used for
127.18 ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails,
127.19 wetlands, or open space.

127.20 (h) The municipality must not deny the approval of a subdivision based solely on
127.21 an inadequate supply of parks, open spaces, trails, or recreational facilities within the
127.22 municipality.

127.23 (i) Previously subdivided property from which a park dedication has been received,
127.24 being resubdivided with the same number of lots, is exempt from park dedication
127.25 requirements. If, as a result of resubdividing the property, the number of lots is increased,
127.26 then the park dedication or per-lot cash fee must apply only to the net increase of lots.

127.27 Sec. 42. Minnesota Statutes 2012, section 462A.37, subdivision 1, is amended to read:

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

127.30 (b) "Abandoned property" has the meaning given in section 117.025, subdivision 5.

127.31 (c) "Community land trust" means an entity that meets the requirements of section
127.32 462A.31, subdivisions 1 and 2.

127.33 (d) "Debt service" means the amount payable in any fiscal year of principal,
127.34 premium, if any, and interest on housing infrastructure bonds and the fees, charges, and
127.35 expenses related to the bonds.

128.1 (e) "Foreclosed property" means residential property where foreclosure proceedings
128.2 have been initiated or have been completed and title transferred or where title is transferred
128.3 in lieu of foreclosure.

128.4 (f) "Housing infrastructure bonds" means bonds issued by the agency under this
128.5 chapter that are qualified 501(c)(3) bonds, within the meaning of Section 145(a) of the
128.6 Internal Revenue Code, finance qualified residential rental projects within the meaning of
128.7 Section 142(d) of the Internal Revenue Code, or are tax-exempt bonds that are not private
128.8 activity bonds, within the meaning of Section 141(a) of the Internal Revenue Code, for the
128.9 purpose of financing or refinancing affordable housing authorized under this chapter.

128.10 (g) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

128.11 (h) "Supportive housing" means housing that is not time-limited and provides or
128.12 coordinates with linkages to services necessary for residents to maintain housing stability
128.13 and maximize opportunities for education and employment.

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

128.15 Sec. 43. Laws 2006, chapter 269, section 2, as amended by Laws 2008, chapter 331,
128.16 section 11, and Laws 2008, chapter 366, article 17, section 5, is amended to read:

128.17 Sec. 2. **DEDICATION FEE.**

128.18 The Minneapolis Park and Recreation Board and the Minneapolis City Council
128.19 may jointly ~~exercise the powers conferred under Minnesota Statutes, section 462.358,~~
128.20 ~~with respect to requiring~~ require that a reasonable portion of land be dedicated to the
128.21 public or ~~imposing~~ impose a dedication fee ~~on~~ in conjunction with the construction permit
128.22 required for new housing units and new commercial and industrial development in the
128.23 city, wherever located, for public parks, playgrounds, recreational facilities, wetlands,
128.24 trails, or open space. The dedication of land or dedication fee must be imposed by an
128.25 ordinance jointly enacted by the park board and the city council. The cash fee may be set
128.26 at a flat fee rate per net new residential unit. The ordinance may exclude senior housing
128.27 and affordable housing from paying the fee or the dedication of land. The provisions of
128.28 Minnesota Statutes, section 462.358, subdivisions 2b, paragraph (b), and 2c, apply to the
128.29 ~~imposition,~~ application, and use of the dedication of land or the dedication fee.

128.30 **EFFECTIVE DATE.** This section is effective the day after the Minneapolis City
128.31 Council and the Minneapolis Park and Recreation Board and their chief clerical officers
128.32 timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions
128.33 2 and 3, and applies to joint dedication fee ordinances adopted or amended by the city
128.34 of Minneapolis and the Minneapolis Park and Recreation Board before, on, or after that

129.1 date, provided that no dedication of land or collection of park dedication fees can be
129.2 effective until after December 31, 2013.

129.3 **Sec. 44. CITY OF ST. PAUL DEDICATION FEE.**

129.4 The city of St. Paul may require that a reasonable portion of land be dedicated to the
129.5 public or impose a dedication fee in conjunction with the construction permit required for
129.6 new housing units and new commercial and industrial development in the city, wherever
129.7 located, for public parks, playgrounds, recreational facilities, wetlands, trails, or open
129.8 space. The dedication of land or dedication fee must be imposed by an ordinance enacted
129.9 by the city council. The cash fee may be set at a flat fee rate per net new residential
129.10 unit. The ordinance may exclude senior housing and affordable housing from paying the
129.11 fee or the dedication of land. The provisions of Minnesota Statutes, section 462.358,
129.12 subdivisions 2b, paragraph (b); and 2c, apply to the application and use of the dedication
129.13 of land or the dedication fee.

129.14 **EFFECTIVE DATE.** This section is effective January 1, 2014, and applies to
129.15 dedication fee ordinances adopted or amended by the city of St. Paul before, on, or after
129.16 that date.

129.17 **Sec. 45. GOOD CAUSE EXEMPTION.**

129.18 The Board of Cosmetology may amend Minnesota Rules so that they conform
129.19 with this article. The Board of Cosmetology may use the good cause exemption under
129.20 Minnesota Statutes, section 14.388, subdivision 1, clause (3), in adopting the amendment,
129.21 and Minnesota Statutes, section 14.386, does not apply, except as it relates to Minnesota
129.22 Statutes, section 14.388.

129.23 **Sec. 46. 2013 DISTRIBUTION ONLY.**

129.24 For the 2013 distribution, a special fund is established to receive 38.7 cents per ton of
129.25 any excess of the balance remaining after distribution of amounts required under Minnesota
129.26 Statutes, section 298.28, subdivision 6. The following amounts are allocated to St. Louis
129.27 County acting as the fiscal agent for the recipients for the following specific purposes:

129.28 (1) 5.1 cents per ton to the city of Hibbing for improvements to the city's water
129.29 supply system;

129.30 (2) 4.3 cents per ton to the city of Mountain Iron for the cost of moving utilities
129.31 required as a result of actions undertaken by United States Steel Corporation;

129.32 (3) 2.5 cents per ton to the city of Biwabik for improvements to the city's water supply
129.33 system, payable upon agreement with ArcelorMittal to satisfy water permit conditions;

- 130.1 (4) 2.5 cents per ton to the city of Tower for the Tower Marina;
130.2 (5) 2.4 cents per ton to the city of Grand Rapids for an eco-friendly heat transfer
130.3 system to replace aging effluent lines and for parking lot repaving;
130.4 (6) 2.4 cents per ton to the city of Two Harbors for wastewater treatment plant
130.5 improvements;
130.6 (7) 0.9 cents per ton to the city of Ely for the sanitary sewer replacement project;
130.7 (8) 0.6 cents per ton to the town of Crystal Bay for debt service of the Claire Nelson
130.8 Intermodal Transportation Center;
130.9 (9) 0.5 cents per ton to the Greenway Joint Recreation Board for the Coleraine
130.10 hockey arena renovations;
130.11 (10) 1.2 cents per ton for the West Range Regional Fire Hall and Training Center
130.12 to merge the existing fire services of Coleraine, Bovey, Taconite Marble, Calumet, and
130.13 Greenway Township;
130.14 (11) 2.5 cents per ton to the city of Hibbing for the Memorial Building;
130.15 (12) 0.7 cents per ton to the city of Chisholm for public works infrastructure;
130.16 (13) 1.8 cents per ton to the Crane Lake Water and Sanitary District for sanitary
130.17 sewer extension;
130.18 (14) 2.5 cents per ton for the city of Buhl for the roof on the Mesabi Academy;
130.19 (15) 1.2 cents per ton to the city of Gilbert for the New Jersey/Ohio Avenue project;
130.20 (16) 1.5 cents per ton to the city of Cook for street improvements, business park
130.21 infrastructure, and a maintenance garage;
130.22 (17) 0.5 cents per ton to the city of Cook for a water line project;
130.23 (18) 1.8 cents per ton to the city of Eveleth to be used for Jones Street reconstruction
130.24 and the city auditorium;
130.25 (19) 0.5 cents for the city of Keewatin for an electrical substation and water line
130.26 replacements; and
130.27 (20) 3.3 cents for the city of Virginia for Fourth Street North infrastructure and
130.28 Franklin Park improvement.

130.29 **EFFECTIVE DATE.** This section is effective for the 2013 distribution, and all
130.30 payments must be made separately and within ten days of the date of the August 2013
130.31 payment.

130.32 **Sec. 47. ST. PAUL RIVERCENTRE ARENA.**

130.33 Notwithstanding Laws 1998, chapter 404, section 23, subdivision 6, as amended
130.34 by Laws 2002, chapter 220, Article 10, section 35, the repayment amounts due from the
130.35 city of St. Paul in fiscal years 2014 and 2015 shall be reduced by \$500,000 each year. No

131.1 repayments are required from the city of St. Paul from fiscal years 2016 through 2021.
131.2 Amounts scheduled to be repaid in fiscal years 2016 through 2021 must be used solely
131.3 to pay for or finance design, construction, or equipment to make arena improvements
131.4 according to a project list mutually agreed to between the lessee and the city of St. Paul's
131.5 lease representative.

131.6 Sec. 48. **WHISKEY ROAD IMPROVEMENTS.**

131.7 The money held by St. Louis County for the Whiskey Road improvement project
131.8 shall accrue interest at the current market rate and must be used for improvements to
131.9 the road near the city of Biwabik.

131.10 Sec. 49. **REVISOR'S INSTRUCTION.**

131.11 (a) The revisor of statutes shall change the term "manicurist" to "nail technician"
131.12 wherever it appears in Minnesota Rules and Statutes.

131.13 (b) The revisor of statutes shall change the term "licensed" to "registered" and
131.14 "license" to "registration" wherever it appears in Minnesota Statutes, chapter 154, or
131.15 applicable Minnesota Rules.

131.16 Sec. 50. **REPEALER.**

131.17 (a) Minnesota Statutes 2012, sections 116W.01; 116W.02; 116W.03; 116W.035;
131.18 116W.04; 116W.05; 116W.06; 116W.20; 116W.21; 116W.23; 116W.24; 116W.25;
131.19 116W.26; 116W.27; 116W.28; 116W.29; 116W.30; 116W.31; 116W.32; 116W.33;
131.20 116W.34; 155A.25, subdivision 1; and 326A.03, subdivisions 2, 5, and 8, are repealed.

131.21 (b) Minnesota Rules, parts 1105.0600; 1105.2550; and 1105.2700, are repealed.

131.22 **ARTICLE 6**

131.23 **COMMERCE AND CONSUMER PROTECTION POLICY**

131.24 Section 1. Minnesota Statutes 2012, section 45.0135, subdivision 6, is amended to read:

131.25 Subd. 6. **Insurance fraud prevention account.** The insurance fraud prevention
131.26 account is created in the state treasury. Money received from assessments under
131.27 subdivision 7 and transferred from the automobile theft prevention account in section
131.28 65B.84, subdivision 1, is deposited in the account. Money in this fund is appropriated
131.29 to the commissioner of commerce for the purposes specified in this section and sections
131.30 60A.951 to 60A.956.

131.31 Sec. 2. Minnesota Statutes 2012, section 60A.14, subdivision 1, is amended to read:

132.1 Subdivision 1. **Fees other than examination fees.** In addition to the fees and
132.2 charges provided for examinations, the following fees must be paid to the commissioner
132.3 for deposit in the general fund:

132.4 (a) by township mutual fire insurance companies;

132.5 (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

132.6 (2) for filing annual statements, \$15;

132.7 (3) for each annual certificate of authority, \$15;

132.8 (4) for filing bylaws \$25 and amendments thereto, \$10;

132.9 (b) by other domestic and foreign companies including fraternal and reciprocal
132.10 exchanges;

132.11 (1) for filing an application for an initial certification of authority to be admitted
132.12 to transact business in this state, \$1,500;

132.13 (2) for filing certified copy of certificate of articles of incorporation, \$100;

132.14 (3) for filing annual statement, \$225;

132.15 (4) for filing certified copy of amendment to certificate or articles of incorporation,
132.16 \$100;

132.17 (5) for filing bylaws, \$75 or amendments thereto, \$75;

132.18 (6) for each company's certificate of authority, \$575, annually;

132.19 (c) the following general fees apply:

132.20 (1) for each certificate, including certified copy of certificate of authority, renewal,
132.21 valuation of life policies, corporate condition or qualification, \$25;

132.22 (2) for each copy of paper on file in the commissioner's office 50 cents per page,
132.23 and \$2.50 for certifying the same;

132.24 (3) for license to procure insurance in unadmitted foreign companies, \$575;

132.25 (4) for valuing the policies of life insurance companies, one cent per \$1,000 of
132.26 insurance so valued, provided that the fee shall not exceed \$13,000 per year for any
132.27 company. The commissioner may, in lieu of a valuation of the policies of any foreign life
132.28 insurance company admitted, or applying for admission, to do business in this state, accept
132.29 a certificate of valuation from the company's own actuary or from the commissioner of
132.30 insurance of the state or territory in which the company is domiciled;

132.31 (5) for receiving and filing certificates of policies by the company's actuary, or by
132.32 the commissioner of insurance of any other state or territory, \$50;

132.33 (6) for each appointment of an agent filed with the commissioner, ~~\$10~~ \$30;

132.34 (7) for filing forms, rates, and compliance certifications under section 60A.315, \$140
132.35 per filing, or \$125 per filing when submitted via electronic filing system. Filing fees

133.1 may be paid on a quarterly basis in response to an invoice. Billing and payment may
133.2 be made electronically;

133.3 (8) for annual renewal of surplus lines insurer license, \$300.

133.4 The commissioner shall adopt rules to define filings that are subject to a fee.

133.5 Sec. 3. Minnesota Statutes 2012, section 65B.84, subdivision 1, is amended to read:

133.6 Subdivision 1. **Program described; commissioner's duties; appropriation.** (a)

133.7 The commissioner of commerce shall:

133.8 (1) develop and sponsor the implementation of statewide plans, programs, and
133.9 strategies to combat automobile theft, improve the administration of the automobile theft
133.10 laws, and provide a forum for identification of critical problems for those persons dealing
133.11 with automobile theft;

133.12 (2) coordinate the development, adoption, and implementation of plans, programs,
133.13 and strategies relating to interagency and intergovernmental cooperation with respect
133.14 to automobile theft enforcement;

133.15 (3) annually audit the plans and programs that have been funded in whole or in part
133.16 to evaluate the effectiveness of the plans and programs and withdraw funding should the
133.17 commissioner determine that a plan or program is ineffective or is no longer in need
133.18 of further financial support from the fund;

133.19 (4) develop a plan of operation including:

133.20 (i) an assessment of the scope of the problem of automobile theft, including areas
133.21 of the state where the problem is greatest;

133.22 (ii) an analysis of various methods of combating the problem of automobile theft;

133.23 (iii) a plan for providing financial support to combat automobile theft;

133.24 (iv) a plan for eliminating car hijacking; and

133.25 (v) an estimate of the funds required to implement the plan; and

133.26 (5) distribute money, in consultation with the commissioner of public safety,
133.27 pursuant to subdivision 3 from the automobile theft prevention special revenue account
133.28 for automobile theft prevention activities, including:

133.29 (i) paying the administrative costs of the program;

133.30 (ii) providing financial support to the State Patrol and local law enforcement
133.31 agencies for automobile theft enforcement teams;

133.32 (iii) providing financial support to state or local law enforcement agencies for
133.33 programs designed to reduce the incidence of automobile theft and for improved
133.34 equipment and techniques for responding to automobile thefts;

134.1 (iv) providing financial support to local prosecutors for programs designed to reduce
134.2 the incidence of automobile theft;

134.3 (v) providing financial support to judicial agencies for programs designed to reduce
134.4 the incidence of automobile theft;

134.5 (vi) providing financial support for neighborhood or community organizations or
134.6 business organizations for programs designed to reduce the incidence of automobile
134.7 theft and to educate people about the common methods of automobile theft, the models
134.8 of automobiles most likely to be stolen, and the times and places automobile theft is
134.9 most likely to occur; and

134.10 (vii) providing financial support for automobile theft educational and training
134.11 programs for state and local law enforcement officials, driver and vehicle services exam
134.12 and inspections staff, and members of the judiciary.

134.13 (b) The commissioner may not spend in any fiscal year more than ten percent of the
134.14 money in the fund for the program's administrative and operating costs. The commissioner
134.15 is annually appropriated and must distribute the amount of the proceeds credited to
134.16 the automobile theft prevention special revenue account each year, less the transfer of
134.17 \$1,300,000 each year to the general fund described in section 168A.40, subdivision 4.

134.18 (c) At the end of each fiscal year, the commissioner may transfer any unobligated
134.19 balances in the auto theft prevention account to the insurance fraud prevention account
134.20 under section 45.0135, subdivision 6.

134.21 Sec. 4. **[80G.01] REGISTRATION.**

134.22 (a) The fee for each registration under this chapter shall be as follows:

134.23 (1) bullion coin dealers, \$25; and

134.24 (2) coin dealer representatives, \$10.

134.25 (b) The commissioner, based on the cost of processing registrations, may adjust the
134.26 registration fee on an annual basis as needed.

134.27 Sec. 5. Minnesota Statutes 2012, section 239.101, subdivision 3, is amended to read:

134.28 Subd. 3. **Petroleum inspection fee; appropriation, uses.** (a) An inspection fee
134.29 is imposed (1) on petroleum products when received by the first licensed distributor,
134.30 and (2) on petroleum products received and held for sale or use by any person when the
134.31 petroleum products have not previously been received by a licensed distributor. The
134.32 petroleum inspection fee is \$1 for every 1,000 gallons received. The commissioner of
134.33 revenue shall collect the fee. The revenue from ~~84~~ 89 cents of the fee is appropriated to
134.34 the commissioner of commerce for the cost of operations of the Division of Weights and

135.1 Measures, petroleum supply monitoring, and to make grants to providers of low-income
135.2 weatherization services to install renewable energy equipment in households that are
135.3 eligible for weatherization assistance under Minnesota's weatherization assistance
135.4 program state plan. The remainder of the fee must be deposited in the general fund.

135.5 (b) The commissioner of revenue shall credit a person for inspection fees previously
135.6 paid in error or for any material exported or sold for export from the state upon filing of a
135.7 report as prescribed by the commissioner of revenue.

135.8 (c) The commissioner of revenue may collect the inspection fee along with any
135.9 taxes due under chapter 296A.

135.10 Sec. 6. Minnesota Statutes 2012, section 507.235, subdivision 2, is amended to read:

135.11 Subd. 2. **Penalty for failure to file.** (a) A vendee who fails to record a contract for
135.12 deed, as required by subdivision 1, is subject to a civil penalty, payable under subdivision
135.13 5, equal to two percent of the principal amount of the contract debt, unless the vendee
135.14 has not received a copy of the contract for deed in recordable form, as required under
135.15 subdivision 1a. Payments of the penalty shall be deposited in the general fund of the
135.16 county. The penalty may be enforced as a lien against the vendee's interest in the property.

135.17 (b) A person receiving an assignment of a vendee's interest in a contract for deed
135.18 who fails to record the assignment as required by subdivision 1 is subject to a civil penalty,
135.19 payable under subdivision 5, equal to two percent of the original principal amount of the
135.20 contract debt. Payments of the penalty must be deposited in the general fund of the county.
135.21 The penalty may be enforced as a lien against the vendee's interest in the property.

135.22 Sec. 7. **[559.201] DEFINITIONS.**

135.23 Subdivision 1. **Application.** The definitions in this section apply to section 559.202.

135.24 Subd. 2. **Business day.** "Business day" means any day other than a Saturday,
135.25 Sunday, or holiday as defined in section 645.44, subdivision 5.

135.26 Subd. 3. **Family farm security loan.** "Family farm security loan" has the meaning
135.27 given in Minnesota Statutes 2008, section 41.52, subdivision 5.

135.28 Subd. 4. **Multiple seller.** "Multiple seller" means a person that has acted as a seller
135.29 in four or more contracts for deed involving residential real property during the 12-month
135.30 period that precedes either: (1) the date on which the purchaser executes a purchase
135.31 agreement under section 559.202; or (2) if there is no purchase agreement, the date on
135.32 which the purchaser executes a contract for deed under section 559.202. A contract for
135.33 deed transaction that is exempt under section 559.202, subdivision 2, is a contract for deed
135.34 for the purposes of determining whether a seller is a multiple seller.

136.1 Subd. 5. **Person.** "Person" means a natural person, partnership, corporation, limited
136.2 liability company, association, trust, or other legal entity, however organized.

136.3 Subd. 6. **Purchase agreement.** "Purchase agreement" means a purchase agreement
136.4 for a contract for deed, an earnest money contract, or an executed option contemplating
136.5 that, at closing, the seller and the purchaser will enter into a contract for deed.

136.6 Subd. 7. **Purchaser.** "Purchaser" means a natural person who enters into a contract
136.7 for deed to purchase residential real property. Purchaser includes all purchasers who enter
136.8 into the same contract for deed to purchase residential real property.

136.9 Subd. 8. **Residential real property.** "Residential real property" means real property
136.10 consisting of one to four family dwelling units, one of which the purchaser intends to
136.11 occupy as the purchaser's principal place of residence. Residential real property does
136.12 not include property subject to a family farm security loan or a transaction subject to
136.13 sections 583.20 to 583.32.

136.14 Sec. 8. **[559.202] CONTRACTS FOR DEED INVOLVING RESIDENTIAL**
136.15 **PROPERTY.**

136.16 Subdivision 1. **Notice required.** (a) In addition to the disclosures required under
136.17 sections 513.52 to 513.60, a multiple seller must deliver the notice specified under
136.18 subdivision 3 to a prospective purchaser as provided under this subdivision.

136.19 (b) If there is a purchase agreement, the notice must be affixed to the front of
136.20 the purchase agreement. A contract for deed for which notice is required under this
136.21 subdivision may not be executed for five business days following the execution of the
136.22 purchase agreement and delivery of the notice and instructions for cancellation.

136.23 (c) If there is no purchase agreement, a multiple seller must deliver the notice in a
136.24 document separate from any other document or writing to a prospective purchaser no less
136.25 than five business days before the prospective purchaser executes the contract for deed.

136.26 (d) The notice must be:

136.27 (1) written in at least 12-point type; and

136.28 (2) signed and dated by the purchaser.

136.29 (e) If a dispute arises concerning whether or when the notice required by this
136.30 subdivision was provided to the purchaser, there is a rebuttable presumption that the notice
136.31 was not provided unless the original executed contract for deed contains the following
136.32 statement, initialed by the purchaser: "By initialing here purchaser acknowledges
136.33 receipt at least five business days before signing this contract for deed of the disclosure
136.34 statement entitled "Important Information About Contracts for Deed" required by
136.35 Minnesota Statutes, section 559.202, subdivision 3."

137.1 Subd. 2. **Exception.** This section does not apply if the purchaser is represented
137.2 throughout the transaction by either:

137.3 (1) a person licensed to practice law in this state; or

137.4 (2) a person licensed as a real estate broker or salesperson under chapter 82,
137.5 provided that the representation does not create a dual agency, as that term is defined
137.6 in section 82.55, subdivision 6.

137.7 Subd. 3. **Content of the notice.** The notice must contain the following verbatim
137.8 language:

137.9 **"IMPORTANT INFORMATION ABOUT CONTRACTS FOR DEED**

137.10 **Know What You Are Getting Into**

137.11 (1) A contract for deed is a complex legal agreement. You are NOT a tenant. Mortgage
137.12 foreclosure laws don't apply.

137.13 (2) You should know ALL of your obligations and rights before you sign a purchase
137.14 agreement or contract for deed.

137.15 (3) You (seller must circle one):

137.16 (a) DO DO NOT have to pay homeowner's insurance.

137.17 (b) DO DO NOT have to pay property taxes.

137.18 (c) DO DO NOT have to make and pay for some or all of the repairs or
137.19 maintenance, as described in the contract for deed.

137.20 (4) After some time, you may need to make a large lump sum payment (called a "balloon
137.21 payment"). Know when it is due and how much it will be. You'll probably need to get a
137.22 new mortgage, another financial arrangement, or pay for the balance in cash at that time.

137.23 (5) If you miss just a single payment or can't make the balloon payment, the seller can
137.24 cancel your contract. You will likely lose all the money you have already paid. You will
137.25 likely lose your ability to purchase the home. The seller can begin an eviction action
137.26 against you in just a few months.

137.27 (6) Within four months of signing the contract for deed, you must "record" it in the office
137.28 of the county recorder or registrar of titles in the county in which the property is located.
137.29 If you do not do so, you could face a fine.

137.30 **Key Things Highly Recommended Before You Sign**

137.31 (1) Get advice from a lawyer or the Minnesota Home Ownership Center at 1-866-462-6466
137.32 or go to www.hocmn.org. To find a lawyer through the Minnesota State Bar Association,
137.33 go to www.mnfindalawyer.com.

137.34 (2) Get an independent, professional appraisal of the property to learn what it is worth.

137.35 (3) Get an independent, professional inspection of the property.

137.36 (4) Buy title insurance or ask a real estate lawyer for a "title opinion."

138.1 (5) Check with the city or county to find out if there are inspection reports or unpaid
138.2 utility bills.

138.3 (6) Check with a title company or the county where the property is located to find out if
138.4 there is a mortgage or other lien on the property and if the property taxes have been paid.

138.5 (7) Ensure that your interest rate does not exceed the maximum allowed by law by calling
138.6 the Department of Commerce at 651-297-7053 to get a recorded message for the current
138.7 month's maximum rate.

138.8 **If You Are Entering into a Purchase Agreement**

138.9 (1) If you haven't already signed the contract for deed, you can cancel the purchase
138.10 agreement (and get all your money back) if you do so within five business days after
138.11 getting this notice.

138.12 (2) To cancel the purchase agreement, you must follow the provisions of Minnesota
138.13 Statutes, section 559.217, subdivision 4. Ask a lawyer for help."

138.14 Subd. 4. **Right to cancel purchase agreement.** (a) A prospective purchaser may
138.15 cancel a purchase agreement within five business days after actually receiving the notice
138.16 required under subdivision 1 if a multiple seller fails to timely deliver the notice, provided
138.17 that the contract for deed has not been executed by all parties.

138.18 (b) A prospective purchaser may cancel the purchase agreement in accordance with
138.19 the provisions of section 559.217, subdivision 4.

138.20 (c) In the event of cancellation, the multiple seller may not impose a penalty and must
138.21 promptly refund all payments made by the prospective purchaser prior to cancellation.

138.22 Subd. 5. **Remedies for failure to timely deliver notices.** (a) Notwithstanding
138.23 any contrary provision in the purchase agreement or contract for deed, a purchaser has
138.24 a private right of action against a multiple seller who fails to timely deliver the notice
138.25 required under subdivision 1. The multiple seller is liable to the purchaser for:

138.26 (1) the greater of actual damages or statutory damages of \$2,500; and

138.27 (2) reasonable attorney fees and court costs.

138.28 (b) A multiple seller who knowingly fails to timely deliver the notice required
138.29 under subdivision 1 is liable to the purchaser for triple the actual or statutory damages
138.30 available under paragraph (a), whichever is greater, provided that the purchaser must elect
138.31 the remedy provided under either paragraph (a) or this paragraph and may not recover
138.32 damages under both paragraphs.

138.33 (c) The rights and remedies provided in this subdivision are cumulative to, and not
138.34 a limitation of, any other rights and remedies provided under law. An action brought
138.35 pursuant to this subdivision must be commenced within four years from the date of the
138.36 alleged violation.

139.1 Subd. 6. **Effects of violation.** A violation of this section has no effect on the
139.2 validity of the contract.

139.3 Subd. 7. **Duty of multiple seller to account.** Upon reasonable request by the
139.4 purchaser and no more than once every 12-month period, a multiple seller must provide an
139.5 accounting of all payments made pursuant to the contract for deed, the amount of interest
139.6 paid, and the amount remaining to satisfy the principal balance under the contract.

139.7 Subd. 8. **No waiver.** The provisions of this section may not be waived.

139.8 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
139.9 transactions in which the contract for deed and the purchase agreement for the contract
139.10 for deed, if any, were both executed on or after that date.

139.11 Sec. 9. Minnesota Statutes 2012, section 559.211, subdivision 2, is amended to read:

139.12 Subd. 2. **Remedies additional.** The remedies provided in this section are in
139.13 addition to and do not limit other rights or remedies available to purchasers or vendors of
139.14 real estate. Subject to the provisions of sections 559.213 and 559.217, subdivision 7, this
139.15 section shall not be construed to bar a court from determining the validity, effectiveness,
139.16 or consequences of proceeding under section 559.21 or 559.217, or granting other relief in
139.17 connection therewith, by reason of the failure of a purchaser to seek or obtain relief under
139.18 this section prior to the purported effective date of the termination of the contract.

139.19 Sec. 10. Laws 2011, First Special Session chapter 2, article 2, section 3, subdivision 4,
139.20 is amended to read:

139.21 Subd. 4. **Administrative Services** 4,247,000 4,247,000

139.22 \$375,000 each year is for additional
139.23 compliance efforts with unclaimed property.

139.24 The commissioner may issue contracts
139.25 for these services. ~~This additional amount~~
139.26 ~~shall be added to the base budget for fiscal~~
139.27 ~~years 2014 and 2015 only. The enhanced~~
139.28 ~~unclaimed property compliance program~~
139.29 ~~shall sunset June 30, 2015.~~

139.30 Sec. 11. **SOLAR PHOTOVOLTAIC MODULES.**

139.31 No solar photovoltaic module may be installed that is financed directly or indirectly,
139.32 wholly or in part, with money appropriated in this act, unless the solar photovoltaic

140.1 module is made in Minnesota as defined in Minnesota Statutes, section 16B.323,
140.2 subdivision 1, paragraph (b).

140.3 Sec. 12. **INFORMATION ON COUNSELING AGENCIES.**

140.4 The commissioner of commerce shall consult with interested stakeholders in
140.5 studying the possibility of providing on its Internet Web site a link, including contact
140.6 information, for each of the counseling certification entities identified in Minnesota
140.7 Statutes, section 58.13, subdivision 1, where a list of certified counselors and counseling
140.8 agencies, including designations for nonprofit organizations, is available.

140.9 Sec. 13. **REPEALER.**

140.10 Minnesota Statutes 2012, section 507.235, subdivision 4, is repealed effective the
140.11 day following final enactment.

140.12 **ARTICLE 7**

140.13 **UTILITY REGULATION**

140.14 Section 1. Minnesota Statutes 2012, section 216B.16, subdivision 7b, is amended to
140.15 read:

140.16 Subd. 7b. **Transmission cost adjustment.** (a) Notwithstanding any other provision
140.17 of this chapter, the commission may approve a tariff mechanism for the automatic annual
140.18 adjustment of charges for the Minnesota jurisdictional costs net of associated revenues of:

140.19 (i) new transmission facilities that have been separately filed and reviewed and
140.20 approved by the commission under section 216B.243 or are certified as a priority project
140.21 or deemed to be a priority transmission project under section 216B.2425; ~~and~~

140.22 (ii) new transmission facilities approved by the regulatory commission of the state
140.23 in which the new transmission facilities are to be constructed, to the extent approval
140.24 is required by the laws of that state, and determined by the Midcontinent Independent
140.25 System Operator to benefit the utility or integrated transmission system; and

140.26 (iii) charges incurred by a utility under a federally approved tariff that accrue
140.27 from other transmission owners' regionally planned transmission projects that have been
140.28 determined by the Midwest Midcontinent Independent System Operator to benefit the
140.29 utility, as provided for under a federally approved tariff or integrated transmission system.

140.30 (b) Upon filing by a public utility or utilities providing transmission service, the
140.31 commission may approve, reject, or modify, after notice and comment, a tariff that:

141.1 (1) allows the utility to recover on a timely basis the costs net of revenues of
141.2 facilities approved under section 216B.243 or certified or deemed to be certified under
141.3 section 216B.2425 or exempt from the requirements of section 216B.243;

141.4 (2) allows the utility to recover charges incurred by a utility under a federally
141.5 approved tariff that accrue from other transmission owners' regionally planned
141.6 transmission projects that have been determined by the Midwest Midcontinent Independent
141.7 System Operator to benefit the utility, as provided for under a federally approved tariff
141.8 or integrated transmission system. These charges must be reduced or offset by revenues
141.9 received by the utility and by amounts the utility charges to other regional transmission
141.10 owners, to the extent those revenues and charges have not been otherwise offset;

141.11 (3) allows the utility to recover on a timely basis the costs net of revenues of facilities
141.12 approved by the regulatory commission of the state in which the new transmission
141.13 facilities are to be constructed and determined by the Midcontinent Independent System
141.14 Operator to benefit the utility or integrated transmission system;

141.15 (4) allows a return on investment at the level approved in the utility's last general
141.16 rate case, unless a different return is found to be consistent with the public interest;

141.17 ~~(4)~~ (5) provides a current return on construction work in progress, provided that
141.18 recovery from Minnesota retail customers for the allowance for funds used during
141.19 construction is not sought through any other mechanism;

141.20 ~~(5)~~ (6) allows for recovery of other expenses if shown to promote a least-cost project
141.21 option or is otherwise in the public interest;

141.22 ~~(6)~~ (7) allocates project costs appropriately between wholesale and retail customers;

141.23 ~~(7)~~ (8) provides a mechanism for recovery above cost, if necessary to improve the
141.24 overall economics of the project or projects or is otherwise in the public interest; and

141.25 ~~(8)~~ (9) terminates recovery once costs have been fully recovered or have otherwise
141.26 been reflected in the utility's general rates.

141.27 (c) A public utility may file annual rate adjustments to be applied to customer bills
141.28 paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

141.29 (1) a description of and context for the facilities included for recovery;

141.30 (2) a schedule for implementation of applicable projects;

141.31 (3) the utility's costs for these projects;

141.32 (4) a description of the utility's efforts to ensure the lowest costs to ratepayers for
141.33 the project; and

141.34 (5) calculations to establish that the rate adjustment is consistent with the terms
141.35 of the tariff established in paragraph (b).

142.1 (d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in
142.2 paragraph (b), the commission shall approve the annual rate adjustments provided that,
142.3 after notice and comment, the costs included for recovery through the tariff were or are
142.4 expected to be prudently incurred and achieve transmission system improvements at the
142.5 lowest feasible and prudent cost to ratepayers.

142.6 Sec. 2. Minnesota Statutes 2012, section 216B.1635, is amended to read:

142.7 **216B.1635 RECOVERY OF GAS UTILITY INFRASTRUCTURE COSTS.**

142.8 Subdivision 1. **Definitions.** (a) "Gas utility" means a public utility as defined in
142.9 section 216B.02, subdivision 4, that furnishes natural gas service to retail customers.

142.10 (b) "Gas utility infrastructure costs" or "GUIC" means costs incurred in gas utility
142.11 projects that:

142.12 (1) do not serve to increase revenues by directly connecting the infrastructure
142.13 replacement to new customers;

142.14 (2) are in service but were not included in the gas utility's rate base in its most recent
142.15 general rate case; ~~and,~~ or are planned to be in service during the period covered by the
142.16 report submitted under subdivision 2, but in no case longer than the one year forecast
142.17 period in the report; and

142.18 (3) ~~replace or modify existing infrastructure if the replacement or modification does~~
142.19 ~~not constitute a betterment, unless the betterment is required by a political subdivision,~~
142.20 ~~as evidenced by specific documentation from the government entity requiring the~~
142.21 ~~replacement or modification of infrastructure~~ do not constitute a betterment, unless the
142.22 betterment is based on requirements by a political subdivision or a federal or state agency,
142.23 as evidenced by specific documentation, an order, or other similar requirement from the
142.24 government entity requiring the replacement or modification of infrastructure.

142.25 (c) "Gas utility projects" means ~~relocation and:~~

142.26 (1) replacement of natural gas facilities located in the public right-of-way required
142.27 by the construction or improvement of a highway, road, street, public building, or other
142.28 public work by or on behalf of the United States, the state of Minnesota, or a political
142.29 subdivision; and

142.30 (2) replacement or modification of existing natural gas facilities, including surveys,
142.31 assessments, reassessment, and other work necessary to determine the need for replacement
142.32 or modification of existing infrastructure that is required by a federal or state agency.

142.33 Subd. 2. **Gas infrastructure filing.** (a) ~~The commission may approve a gas utility's~~
142.34 ~~petition for a rate schedule~~ A public utility submitting a petition to recover GUIC gas
142.35 infrastructure costs under this section. A gas utility may must submit to the commission,

143.1 the department, and interested parties a gas infrastructure project plan report and a petition
143.2 the commission to recover a rate of return, income taxes on the rate of return, incremental
143.3 property taxes, plus incremental depreciation expense associated with GUIC for rate
143.4 recovery of only incremental costs associated with projects under subdivision 1, paragraph
143.5 (c). The report and petition must be made at least 150 days in advance of implementation
143.6 of the rate schedule, provided that the rate schedule will not be implemented until the
143.7 petition is approved by the commission pursuant to subdivision 5. The report must be
143.8 for a forecast period of one year.

143.9 (b) ~~The filing is subject to the following:~~

143.10 (1) ~~A gas utility may submit a filing under this section no more than once per year.~~

143.11 (2) ~~A gas utility must file sufficient information to satisfy the commission regarding~~
143.12 ~~the proposed GUIC or be subject to denial by the commission. The information includes,~~
143.13 ~~but is not limited to:~~

143.14 (i) ~~the government entity ordering the gas utility project and the purpose for which~~
143.15 ~~the project is undertaken;~~

143.16 (ii) ~~the location, description, and costs associated with the project;~~

143.17 (iii) ~~a description of the costs, and salvage value, if any, associated with the existing~~
143.18 ~~infrastructure replaced or modified as a result of the project;~~

143.19 (iv) ~~the proposed rate design and an explanation of why the proposed rate design~~
143.20 ~~is in the public interest;~~

143.21 (v) ~~the magnitude and timing of any known future gas utility projects that the utility~~
143.22 ~~may seek to recover under this section;~~

143.23 (vi) ~~the magnitude of GUIC in relation to the gas utility's base revenue as approved~~
143.24 ~~by the commission in the gas utility's most recent general rate case, exclusive of gas~~
143.25 ~~purchase costs and transportation charges;~~

143.26 (vii) ~~the magnitude of GUIC in relation to the gas utility's capital expenditures since~~
143.27 ~~its most recent general rate case;~~

143.28 (viii) ~~the amount of time since the utility last filed a general rate case and the utility's~~
143.29 ~~reasons for seeking recovery outside of a general rate case; and~~

143.30 (ix) ~~documentation supporting the calculation of the GUIC.~~

143.31 **Subd. 3. Gas infrastructure project plan report.** The gas infrastructure project
143.32 plan report required to be filed under subdivision 2 shall include all pertinent information
143.33 and supporting data on each proposed project including, but not limited to, project
143.34 description and scope, estimated project costs, and project in-service date.

143.35 **Subd. 4. Cost recovery petition for utility's facilities.** Notwithstanding any other
143.36 provision of this chapter, the commission may approve a rate schedule for the automatic

144.1 annual adjustment of charges for gas utility infrastructure costs net of revenues under
144.2 this section, including a rate of return, income taxes on the rate of return, incremental
144.3 property taxes, incremental depreciation expense, and any incremental operation and
144.4 maintenance costs. A gas utility's petition for approval of a rate schedule to recover
144.5 gas utility infrastructure costs outside of a general rate case under section 216B.16, is
144.6 subject to the following:

144.7 (1) a gas utility may submit a filing under this section no more than once per year; and

144.8 (2) a gas utility must file sufficient information to satisfy the commission regarding
144.9 the proposed GUIC. The information includes, but is not limited to:

144.10 (i) the information required to be included in the gas infrastructure project plan
144.11 report under subdivision 3;

144.12 (ii) the government entity ordering or requiring the gas utility project and the
144.13 purpose for which the project is undertaken;

144.14 (iii) a description of the estimated costs and salvage value, if any, associated with the
144.15 existing infrastructure replaced or modified as a result of the project;

144.16 (iv) a comparison of the utility's estimated costs included in the gas infrastructure
144.17 project plan and the actual costs incurred, including a description of the utility's efforts to
144.18 ensure the costs of the facilities are reasonable and prudently incurred;

144.19 (v) calculations to establish that the rate adjustment is consistent with the terms
144.20 of the rate schedule, including the proposed rate design and an explanation of why the
144.21 proposed rate design is in the public interest;

144.22 (vi) the magnitude and timing of any known future gas utility projects that the
144.23 utility may seek to recover under this section;

144.24 (vii) the magnitude of GUIC in relation to the gas utility's base revenue as approved
144.25 by the commission in the gas utility's most recent general rate case, exclusive of gas
144.26 purchase costs and transportation charges;

144.27 (viii) the magnitude of GUIC in relation to the gas utility's capital expenditures
144.28 since its most recent general rate case; and

144.29 (ix) the amount of time since the utility last filed a general rate case and the utility's
144.30 reasons for seeking recovery outside of a general rate case.

144.31 Subd. 5. **Commission action.** Upon receiving a gas utility report and petition for
144.32 cost recovery under subdivision 2 and assessment and verification under subdivision 4, the
144.33 commission may approve the annual GUIC rate adjustments provided that, after notice
144.34 and comment, the costs included for recovery through the rate schedule are prudently
144.35 incurred and achieve gas facility improvements at the lowest reasonable and prudent
144.36 cost to ratepayers.

145.1 Subd. 6. **Rate of return.** The return on investment for the rate adjustment shall be
145.2 at the level approved by the commission in the public utility's last general rate case, unless
145.3 the commission determines that a different rate of return is in the public interest.

145.4 Subd. 3 7. **Commission authority; rules.** The commission may issue orders and
145.5 adopt rules necessary to implement and administer this section.

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

145.7 Sec. 3. Minnesota Statutes 2012, section 216B.1691, subdivision 2e, is amended to read:

145.8 Subd. 2e. **Rate impact of standard compliance; report.** Each electric utility must
145.9 submit to the commission and the legislative committees with primary jurisdiction over
145.10 energy policy a report containing an estimation of the rate impact of activities of the
145.11 electric utility necessary to comply with this section. In consultation with the Department
145.12 of Commerce, the commission shall determine a uniform reporting system to ensure that
145.13 individual utility reports are consistent and comparable, and shall, by order, require each
145.14 electric utility subject to this section to use that reporting system. The rate impact estimate
145.15 must be for wholesale rates and, if the electric utility makes retail sales, the estimate
145.16 shall also be for the impact on the electric utility's retail rates. Those activities include,
145.17 without limitation, energy purchases, generation facility acquisition and construction, and
145.18 transmission improvements. An initial report must be submitted within 150 days of May
145.19 28, 2011. After the initial report, a report must be updated and submitted as part of each
145.20 integrated resource plan or plan modification filed by the electric utility under section
145.21 216B.2422. The reporting obligation of an electric utility under this subdivision expires
145.22 December 31, 2025, for an electric utility subject to subdivision 2a, paragraph (a), and
145.23 December 31, 2020, for an electric utility subject to subdivision 2a, paragraph (b).

145.24 Sec. 4. Minnesota Statutes 2012, section 216B.1692, subdivision 1, is amended to read:

145.25 Subdivision 1. **Qualifying projects.** (a) Projects that may be approved for the
145.26 emissions reduction-rate rider allowed in this section must:

145.27 (1) be installed on existing large electric generating power plants, as defined in
145.28 section 216B.2421, subdivision 2, clause (1), that are located in the state and that are
145.29 currently not subject to emissions limitations for new power plants under the federal Clean
145.30 Air Act, United States Code, title 42, section 7401 et seq.;

145.31 (2) not increase the capacity of the existing electric generating power plant more
145.32 than ten percent or more than 100 megawatts, whichever is greater; and

145.33 (3) result in the existing plant either:

146.1 (i) complying with applicable new source review standards under the federal Clean
146.2 Air Act; or

146.3 (ii) emitting air contaminants at levels substantially lower than allowed for new
146.4 facilities by the applicable new source performance standards under the federal Clean
146.5 Air Act; or

146.6 (iii) reducing emissions from current levels at a unit to the lowest cost-effective level
146.7 when, due to the age or condition of the generating unit, the public utility demonstrates
146.8 that it would not be cost-effective to reduce emissions to the levels in item (i) or (ii).

146.9 (b) Notwithstanding paragraph (a), a project may be approved for the emission
146.10 reduction rate rider allowed in this section if the project is to be installed on existing
146.11 large electric generating power plants, as defined in section 216B.2421, subdivision 2,
146.12 clause (1), that are located outside the state and are needed to comply with state or federal
146.13 air quality standards, but only if the project has received an advance determination of
146.14 prudence from the commission under section 216B.1695.

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

146.16 Sec. 5. Minnesota Statutes 2012, section 216B.1692, is amended by adding a
146.17 subdivision to read:

146.18 Subd. 1a. **Exemption.** Subdivisions 2, 4, and 5, paragraph (c), clause (1), do not
146.19 apply to projects qualifying under subdivision 1, paragraph (b).

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

146.21 Sec. 6. Minnesota Statutes 2012, section 216B.1692, subdivision 8, is amended to read:

146.22 Subd. 8. **Sunset.** This section is effective until December 31, ~~2015~~ 2020, and
146.23 applies to plans, projects, and riders approved before that date and modifications made to
146.24 them after that date.

146.25 Sec. 7. Minnesota Statutes 2012, section 216B.1695, subdivision 5, is amended to read:

146.26 Subd. 5. **Cost recovery.** The utility may begin recovery of costs that have been
146.27 incurred by the utility in connection with implementation of the project in the next rate
146.28 case following an advance determination of prudence or in a rider approved under section
146.29 216B.1692. The commission shall review the costs incurred by the utility for the project.
146.30 The utility must show that the project costs are reasonable and necessary, and demonstrate
146.31 its efforts to ensure the lowest reasonable project costs. Notwithstanding the commission's
146.32 prior determination of prudence, it may accept, modify, or reject any of the project costs.

147.1 The commission may determine whether to require an allowance for funds used during
147.2 construction offset.

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

147.4 Sec. 8. Minnesota Statutes 2012, section 216B.1695, is amended by adding a
147.5 subdivision to read:

147.6 Subd. 5a. **Rate of return.** The return on investment in the rider shall be at the
147.7 level approved by the commission in the public utility's last general rate case, unless the
147.8 commission determines that a different rate of return is in the public interest.

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

147.10 Sec. 9. Laws 2005, chapter 97, article 10, section 3, is amended to read:

147.11 Sec. 3. **SUNSET.**

147.12 Sections 1 and 2 shall expire on June 30, ~~2015~~ 2023.

147.13 **ARTICLE 8**

147.14 **PACE**

147.15 Section 1. Minnesota Statutes 2012, section 216C.435, is amended by adding a
147.16 subdivision to read:

147.17 Subd. 3a. **Cost-effective energy improvements.** "Cost-effective energy
147.18 improvements" mean energy improvements that have been identified in an energy audit
147.19 or renewable energy system feasibility study as repaying their purchase and installation
147.20 costs in 20 years or less, based on the amount of future energy saved and estimated future
147.21 energy prices.

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

147.23 Sec. 2. Minnesota Statutes 2012, section 216C.435, subdivision 8, is amended to read:

147.24 Subd. 8. **Qualifying real property.** "Qualifying real property" means a
147.25 single-family or multifamily residential dwelling, or a commercial or industrial building,
147.26 that the implementing entity has determined, after review of an energy audit or renewable
147.27 energy system feasibility study, can be benefited by installation of cost-effective energy
147.28 improvements.

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

148.1 Sec. 3. Minnesota Statutes 2012, section 216C.436, subdivision 2, is amended to read:

148.2 Subd. 2. **Program requirements.** A financing program must:

148.3 (1) impose requirements and conditions on financing arrangements to ensure timely
148.4 repayment;

148.5 (2) require an energy audit or renewable energy system feasibility study to be
148.6 conducted on the qualifying real property and reviewed by the implementing entity prior
148.7 to approval of the financing;

148.8 (3) require the inspection of all installations and a performance verification of at
148.9 least ten percent of the energy improvements financed by the program;

148.10 (4) not prohibit the financing of all cost-effective energy improvements not otherwise
148.11 prohibited by this section;

148.12 (5) require that all cost-effective energy improvements be made to a qualifying
148.13 real property prior to, or in conjunction with, an applicant's repayment of financing for
148.14 energy improvements for that property;

148.15 ~~(5)~~ (6) have energy improvements financed by the program performed by licensed
148.16 contractors as required by chapter 326B or other law or ordinance;

148.17 ~~(6)~~ (7) require disclosures to borrowers by the implementing entity of the risks
148.18 involved in borrowing, including the risk of foreclosure if a tax delinquency results from
148.19 a default;

148.20 ~~(7)~~ (8) provide financing only to those who demonstrate an ability to repay;

148.21 ~~(8)~~ (9) not provide financing for a qualifying real property in which the owner is not
148.22 current on mortgage or real property tax payments;

148.23 ~~(9)~~ (10) require a petition to the implementing entity by all owners of the qualifying
148.24 real property requesting collections of repayments as a special assessment under section
148.25 429.101;

148.26 ~~(10)~~ (11) provide that payments and assessments are not accelerated due to a default
148.27 and that a tax delinquency exists only for assessments not paid when due; and

148.28 ~~(11)~~ (12) require that liability for special assessments related to the financing runs
148.29 with the qualifying real property.

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

148.31 Sec. 4. Minnesota Statutes 2012, section 216C.436, subdivision 7, is amended to read:

148.32 Subd. 7. **Repayment.** An implementing entity that finances an energy improvement
148.33 under this section must:

148.34 (1) secure payment with a lien against the benefited qualifying real property; and

149.1 (2) collect repayments as a special assessment as provided for in section 429.101
149.2 or by charter, provided that special assessments may be made payable in up to 20 equal
149.3 annual installments.

149.4 If the implementing entity is an authority, the local government that authorized
149.5 the authority to act as implementing entity shall impose and collect special assessments
149.6 necessary to pay debt service on bonds issued by the implementing entity under subdivision
149.7 8, and shall transfer all collections of the assessments upon receipt to the authority.

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

149.9 Sec. 5. Minnesota Statutes 2012, section 216C.436, subdivision 8, is amended to read:

149.10 Subd. 8. **Bond issuance; repayment.** (a) An implementing entity may issue
149.11 revenue bonds as provided in chapter 475 for the purposes of this section, provided the
149.12 revenue bond must not be payable more than 20 years from the date of issuance.

149.13 (b) The bonds must be payable as to both principal and interest solely from the
149.14 revenues from the assessments established in subdivision 7.

149.15 (c) No holder of bonds issued under this subdivision may compel any exercise of the
149.16 taxing power of the implementing entity that issued the bonds to pay principal or interest
149.17 on the bonds, and if the implementing entity is an authority, no holder of the bonds may
149.18 compel any exercise of the taxing power of the local government. Bonds issued under
149.19 this subdivision are not a debt or obligation of the issuer or any local government that
149.20 issued them, nor is the payment of the bonds enforceable out of any money other than the
149.21 revenue pledged to the payment of the bonds.

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

149.23 Sec. 6. Minnesota Statutes 2012, section 429.101, subdivision 2, is amended to read:

149.24 Subd. 2. **Procedure for assessment.** Any special assessment levied under
149.25 subdivision 1 shall be payable in a single installment, or by up to ten equal annual
149.26 installments as the council may provide, except that a special assessment made under an
149.27 energy improvements financing program under subdivision 1, paragraph (c), may be
149.28 repayable in up to 20 equal installments. With ~~this exception~~ these exceptions, sections
149.29 429.061, 429.071, and 429.081 shall apply to assessments made under this section.

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

150.1 **ARTICLE 9**

150.2 **DISTRIBUTED GENERATION**

150.3 Section 1. Minnesota Statutes 2012, section 216B.164, subdivision 2, is amended to
150.4 read:

150.5 Subd. 2. **Applicability.** This section as well as any rules promulgated by the
150.6 commission to implement this section or the Public Utility Regulatory Policies Act
150.7 of 1978, Public Law 95-617, Statutes at Large, volume 92, page 3117, and the Federal
150.8 Energy Regulatory Commission regulations thereunder, Code of Federal Regulations,
150.9 title 18, part 292, shall, unless otherwise provided in this section, apply to all Minnesota
150.10 electric utilities, including cooperative electric associations and municipal electric utilities.

150.11 Sec. 2. Minnesota Statutes 2012, section 216B.164, is amended by adding a
150.12 subdivision to read:

150.13 Subd. 2a. **Definitions.** (a) For the purposes of this section, the following terms
150.14 have the meanings given them:

150.15 (b) "Aggregated meter" means a meter located on the premises of a customer's
150.16 owned or leased property that is contiguous with property containing the customer's
150.17 designated meter.

150.18 (c) "Capacity" means the number of megawatts alternating current (AC) at the point
150.19 of interconnection between a distributed generation facility and a utility's electric system.

150.20 (d) "Cogeneration" means a combined process whereby electrical and useful thermal
150.21 energy are produced simultaneously.

150.22 (e) "Contiguous property" means property owned or leased by the customer sharing
150.23 a common border, without regard to interruptions in contiguity caused by easements,
150.24 public thoroughfares, transportation rights-of-way, or utility rights-of-way.

150.25 (f) "Customer" means the person who is named on the utility electric bill for the
150.26 premises.

150.27 (g) "Designated meter" means a meter that is physically attached to the customer's
150.28 facility that the customer-generator designates as the first meter to which net metered
150.29 credits are to be applied as the primary meter for billing purposes when the customer is
150.30 serviced by more than one meter.

150.31 (h) "Distributed generation" means a facility that:

150.32 (1) has a capacity of ten megawatts or less;

150.33 (2) is interconnected with a utility's distribution system, over which the commission
150.34 has jurisdiction; and

151.1 (3) generates electricity from natural gas, renewable fuel, or a similarly clean fuel,
151.2 and may include waste heat, cogeneration, or fuel cell technology.

151.3 (i) "High-efficiency distributed generation" means a distributed energy facility
151.4 that has a minimum efficiency of 40 percent, as calculated under section 272.0211,
151.5 subdivision 1.

151.6 (j) "Net metered facility" means an electric generation facility constructed for the
151.7 purpose of offsetting energy use through the use of renewable energy or high-efficiency
151.8 distributed generation sources.

151.9 (k) "Renewable energy" has the meaning given in section 216B.2411, subdivision 2.

151.10 (l) "Standby charge" means a charge imposed by an electric utility upon a distributed
151.11 generation facility for the recovery of costs for the provision of standby services, as
151.12 provided for in a utility's tariffs approved by the commission, necessary to make electricity
151.13 service available to the distributed generation facility.

151.14 Sec. 3. Minnesota Statutes 2012, section 216B.164, subdivision 3, is amended to read:

151.15 Subd. 3. **Purchases; small facilities.** (a) This paragraph applies to cooperative
151.16 electric associations and municipal utilities. For a qualifying facility having less than
151.17 40-kilowatt capacity, the customer shall be billed for the net energy supplied by the utility
151.18 according to the applicable rate schedule for sales to that class of customer. In the case
151.19 of net input into the utility system by a qualifying facility having less than 40-kilowatt
151.20 capacity, compensation to the customer shall be at a per kilowatt-hour rate determined
151.21 under paragraph ~~(b)~~ or (c) or (d).

151.22 (b) This paragraph applies to public utilities. For a qualifying facility having less
151.23 than 1,000-kilowatt capacity, the customer shall be billed for the net energy supplied by
151.24 the utility according to the applicable rate schedule for sales to that class of customer. In
151.25 the case of net input into the utility system by a qualifying facility having: (1) more than
151.26 40-kilowatt but less than 1,000-kilowatt capacity, compensation to the customer shall be
151.27 at a per kilowatt-hour rate determined under paragraph (c); or (2) less than 40-kilowatt
151.28 capacity, compensation to the customer shall be at a per-kilowatt rate determined under
151.29 paragraph (d).

151.30 (c) In setting rates, the commission shall consider the fixed distribution costs to the
151.31 utility not otherwise accounted for in the basic monthly charge and shall ensure that the
151.32 costs charged to the qualifying facility are not discriminatory in relation to the costs
151.33 charged to other customers of the utility. The commission shall set the rates for net
151.34 input into the utility system based on avoided costs as defined in the Code of Federal

152.1 Regulations, title 18, section 292.101, paragraph (b)(6), the factors listed in Code of
152.2 Federal Regulations, title 18, section 292.304, and all other relevant factors.

152.3 (e) (d) Notwithstanding any provision in this chapter to the contrary, a qualifying
152.4 facility having less than 40-kilowatt capacity may elect that the compensation for net input
152.5 by the qualifying facility into the utility system shall be at the average retail utility energy
152.6 rate. "Average retail utility energy rate" is defined as the average of the retail energy rates,
152.7 exclusive of special rates based on income, age, or energy conservation, according to the
152.8 applicable rate schedule of the utility for sales to that class of customer.

152.9 (d) (e) If the qualifying facility or net metered facility is interconnected with a
152.10 nongenerating utility which has a sole source contract with a municipal power agency
152.11 or a generation and transmission utility, the nongenerating utility may elect to treat its
152.12 purchase of any net input under this subdivision as being made on behalf of its supplier
152.13 and shall be reimbursed by its supplier for any additional costs incurred in making the
152.14 purchase. Qualifying facilities or net metered facilities having less than ~~40-kilowatt~~
152.15 1,000-kilowatt capacity if interconnected to a public utility, or less than 40-kilowatt
152.16 capacity if interconnected to a cooperative electric association or municipal utility may, at
152.17 the customer's option, elect to be governed by the provisions of subdivision 4.

152.18 Sec. 4. Minnesota Statutes 2012, section 216B.164, is amended by adding a
152.19 subdivision to read:

152.20 Subd. 3a. **Net metered facility.** (a) Except for customers receiving a value of
152.21 solar rate under subdivision 10, a customer with a net metered facility having more than
152.22 40-kilowatt and less than 1,000-kilowatt capacity that is interconnected to a public utility
152.23 may elect to be compensated for the customer's net input into the utility system in the form
152.24 of a kilowatt-hour credit on the customer's energy bill carried forward and applied to
152.25 subsequent energy bills. Any net input supplied by the customer into the utility system
152.26 that exceeds energy supplied to the customer by the utility during a calendar year must be
152.27 compensated at the applicable rate.

152.28 (b) A public utility may not impose a standby charge on a net metered or qualifying
152.29 facility:

152.30 (1) of 100 kilowatts or less capacity; or

152.31 (2) of more than 100 kilowatts capacity, except in accordance with an order of the
152.32 commission establishing the allowable costs to be recovered through standby charges.

152.33 Sec. 5. Minnesota Statutes 2012, section 216B.164, subdivision 4, is amended to read:

153.1 Subd. 4. **Purchases; wheeling; costs.** (a) Except as otherwise provided in paragraph
153.2 (c), this subdivision shall apply to all qualifying facilities having 40-kilowatt capacity or
153.3 more as well as qualifying facilities as defined in subdivision 3 and net metered facilities
153.4 under subdivision 3a, if interconnected to a cooperative electric association or municipal
153.5 utility, or 1,000-kilowatt capacity or more if interconnected to a public utility, which elect
153.6 to be governed by its provisions.

153.7 (b) The utility to which the qualifying facility is interconnected shall purchase all
153.8 energy and capacity made available by the qualifying facility. The qualifying facility shall
153.9 be paid the utility's full avoided capacity and energy costs as negotiated by the parties, as
153.10 set by the commission, or as determined through competitive bidding approved by the
153.11 commission. The full avoided capacity and energy costs to be paid a qualifying facility
153.12 that generates electric power by means of a renewable energy source are the utility's least
153.13 cost renewable energy facility or the bid of a competing supplier of a least cost renewable
153.14 energy facility, whichever is lower, unless the commission's resource plan order, under
153.15 section 216B.2422, subdivision 2, provides that the use of a renewable resource to meet
153.16 the identified capacity need is not in the public interest.

153.17 (c) For all qualifying facilities having 30-kilowatt capacity or more, the utility
153.18 shall, at the qualifying facility's or the utility's request, provide wheeling or exchange
153.19 agreements wherever practicable to sell the qualifying facility's output to any other
153.20 Minnesota utility having generation expansion anticipated or planned for the ensuing ten
153.21 years. The commission shall establish the methods and procedures to insure that except
153.22 for reasonable wheeling charges and line losses, the qualifying facility receives the full
153.23 avoided energy and capacity costs of the utility ultimately receiving the output.

153.24 (d) The commission shall set rates for electricity generated by renewable energy.

153.25 Sec. 6. Minnesota Statutes 2012, section 216B.164, is amended by adding a
153.26 subdivision to read:

153.27 Subd. 4a. **Aggregation of meters.** (a) For the purpose of measuring electricity
153.28 under subdivisions 3 and 3a, a public utility must aggregate for billing purposes a
153.29 customer's designated meter with one or more aggregated meters if a customer requests
153.30 that it do so. To qualify for aggregation under this subdivision, a meter must be owned by
153.31 the customer requesting the aggregation, must be located on contiguous property owned
153.32 by the customer requesting the aggregation, and the total of all aggregated meters must be
153.33 subject to the size limitation in this section.

153.34 (b) A public utility must comply with a request by a customer-generator to aggregate
153.35 additional meters within 90 days. The specific meters must be identified at the time of the

154.1 request. In the event that more than one meter is identified, the customer must designate
154.2 the rank order for the aggregated meters to which the net metered credits are to be applied.
154.3 At least 60 days prior to the beginning of the next annual billing period, a customer may
154.4 amend the rank order of the aggregated meters, subject to this subdivision.

154.5 (c) The aggregation of meters applies only to charges that use kilowatt-hours as the
154.6 billing determinant. All other charges applicable to each meter account shall be billed to
154.7 the customer.

154.8 (d) A public utility will first apply the kilowatt-hour credit to the charges for the
154.9 designated meter and then to the charges for the aggregated meters in the rank order
154.10 specified by the customer. If the net metered facility supplies more electricity to the
154.11 public utility than the energy usage recorded by the customer-generator's designated and
154.12 aggregated meters during a monthly billing period, the public utility shall apply credits to
154.13 the customer's next monthly bill for the excess kilowatt-hours.

154.14 (e) With the commission's prior approval, a public utility may charge the
154.15 customer-generator requesting to aggregate meters a reasonable fee to cover the
154.16 administrative costs incurred in implementing the costs of this subdivision, pursuant to
154.17 a tariff approved by the commission for a public utility.

154.18 Sec. 7. Minnesota Statutes 2012, section 216B.164, is amended by adding a
154.19 subdivision to read:

154.20 Subd. 4b. **Limiting cumulative generation.** The commission may limit the
154.21 cumulative generation of net metered facilities under subdivisions 3 and 3a. A public
154.22 utility may request the commission to limit the cumulative generation of net metered
154.23 facilities under subdivisions 3 and 3a upon a showing that such generation has reached
154.24 four percent of the public utility's annual retail electricity sales. The commission may limit
154.25 additional net metering obligations under this subdivision only after providing notice and
154.26 opportunity for public comment. In determining whether to limit additional net metering
154.27 obligations under this subdivision, the commission shall consider:

- 154.28 (1) the environmental and other public policy benefits of net metered facilities;
154.29 (2) the impact of net metered facilities on electricity rates for customers without
154.30 net metered systems;
154.31 (3) the effects of net metering on the reliability of the electric system;
154.32 (4) technical advances or technical concerns; and
154.33 (5) other statutory obligations imposed on the commission or on a utility.

155.1 The commission may limit additional net metering obligations under clauses (2) to (4) only
155.2 if it determines that additional net metering obligations would cause significant rate impact,
155.3 require significant measures to address reliability, or raise significant technical issues.

155.4 Sec. 8. Minnesota Statutes 2012, section 216B.164, is amended by adding a
155.5 subdivision to read:

155.6 Subd. 4c. **Individual system capacity limits.** (a) A public utility that provides retail
155.7 electric service may require customers with a facility of 40-kilowatt capacity or more
155.8 and participating in net metering and net billing to limit the total generation capacity of
155.9 individual distributed generation systems by either:

155.10 (1) for wind generation systems, limiting the total generation system capacity kilowatt
155.11 alternating current to 120 percent of the customer's on-site maximum electric demand; or

155.12 (2) for solar photovoltaic and other distributed generation limiting the total
155.13 generation system annual energy production kilowatt hours alternating current to 120
155.14 percent of the customer's on-site annual electric energy consumption.

155.15 (b) Limits under paragraph (a) must be based on standard 15-minute intervals,
155.16 measured during the previous 12 calendar months, or on a reasonable estimate of the
155.17 average monthly maximum demand or average annual consumption if the customer has
155.18 either:

155.19 (i) less than 12 calendar months of actual electric usage; or

155.20 (ii) no demand metering available.

155.21 Sec. 9. Minnesota Statutes 2012, section 216B.164, subdivision 6, is amended to read:

155.22 Subd. 6. **Rules and uniform contract.** (a) The commission shall promulgate rules
155.23 to implement the provisions of this section. The commission shall also establish a uniform
155.24 statewide form of contract for use between utilities and a net metered or qualifying facility
155.25 having less than ~~40-kilowatt~~ 1,000-kilowatt capacity if interconnected to a public utility
155.26 or less than 40-kilowatt capacity if interconnected to a cooperative electric association
155.27 or municipal utility.

155.28 (b) The commission shall require the qualifying facility to provide the utility with
155.29 reasonable access to the premises and equipment of the qualifying facility if the particular
155.30 configuration of the qualifying facility precludes disconnection or testing of the qualifying
155.31 facility from the utility side of the interconnection with the utility remaining responsible
155.32 for its personnel.

155.33 (c) The uniform statewide form of contract shall be applied to all new and existing
155.34 interconnections established between a utility and a net metered or qualifying facility

156.1 having less than 40-kilowatt capacity, except that existing contracts may remain in force
156.2 until ~~written notice of election that the uniform statewide contract form applies is given by~~
156.3 ~~either party to the other, with the notice being of the shortest time period permitted under~~
156.4 ~~the existing contract for termination of the existing contract by either party, but not less~~
156.5 ~~than ten nor longer than 30 days~~ terminated by mutual agreement between both parties.

156.6 Sec. 10. Minnesota Statutes 2012, section 216B.164, is amended by adding a
156.7 subdivision to read:

156.8 Subd. 10. **Alternative tariff; compensation for resource value.** (a) A public utility
156.9 may apply for commission approval for an alternative tariff that compensates customers
156.10 through a bill credit mechanism for the value to the utility, its customers, and society for
156.11 operating distributed solar photovoltaic resources interconnected to the utility system and
156.12 operated by customers primarily for meeting their own energy needs.

156.13 (b) If approved, the alternative tariff shall apply to customers' interconnections
156.14 occurring after the date of approval. The alternative tariff is in lieu of the applicable
156.15 rate under subdivisions 3 and 3a.

156.16 (c) The commission shall after notice and opportunity for public comment approve
156.17 the alternative tariff provided the utility has demonstrated the alternative tariff:

156.18 (1) appropriately applies the methodology established by the department and
156.19 approved by the commission under this subdivision;

156.20 (2) includes a mechanism to allow recovery of the cost to serve customers receiving
156.21 the alternative tariff rate;

156.22 (3) charges the customer for all electricity consumed by the customer at the
156.23 applicable rate schedule for sales to that class of customer;

156.24 (4) credits the customer for all electricity generated by the solar photovoltaic device
156.25 at the distributed solar value rate established under this subdivision;

156.26 (5) applies the charges and credits in clauses (3) and (4) to a monthly bill that
156.27 includes a provision so that the unused portion of the credit in any month or billing period
156.28 shall be carried forward and credited against all charges. In the event that the customer
156.29 has a positive balance after the 12-month cycle ending on the last day in February, that
156.30 balance will be eliminated and the credit cycle will restart the following billing period
156.31 beginning on March 1;

156.32 (6) complies with the size limits specified in subdivision 3a;

156.33 (7) complies with the interconnection requirements under section 216B.1611; and

156.34 (8) complies with the standby charge requirements in subdivision 3a, paragraph (b).

157.1 (d) A utility must provide to the customer the meter and any other equipment needed
157.2 to provide service under the alternative tariff.

157.3 (e) The department must establish the distributed solar value methodology in
157.4 paragraph (c), clause (1), no later than January 31, 2014. The department must submit
157.5 the methodology to the commission for approval. The commission must approve, modify
157.6 with the consent of the department, or disapprove the methodology within 60 days of its
157.7 submission. When developing the distributed solar value methodology, the department
157.8 shall consult stakeholders with experience and expertise in power systems, solar
157.9 energy, and electric utility ratemaking regarding the proposed methodology, underlying
157.10 assumptions, and preliminary data.

157.11 (f) The distributed solar value methodology established by the department must,
157.12 at a minimum, account for the value of energy and its delivery, generation capacity,
157.13 transmission capacity, transmission and distribution line losses, and environmental
157.14 value. The department may, based on known and measurable evidence of the cost or
157.15 benefit of solar operation to the utility, incorporate other values into the methodology,
157.16 including credit for locally manufactured or assembled energy systems, systems installed
157.17 at high-value locations on the distribution grid, or other factors.

157.18 (g) The credit for distributed solar value applied to alternative tariffs approved
157.19 under this section shall represent the present value of the future revenue streams of the
157.20 value components identified in paragraph (f).

157.21 (h) The utility shall recalculate the alternative tariff on an annual cycle, and shall file
157.22 the recalculated alternative tariff with the commission for approval.

157.23 (i) Renewable energy credits for solar energy credited under this subdivision belong
157.24 to the electric utility providing the credit.

157.25 (j) The commission may not authorize a utility to charge an alternative tariff rate
157.26 that is lower than the utility's applicable retail rate until three years after the commission
157.27 approves an alternative tariff for the utility.

157.28 (k) A utility must enter into a contract with an owner of a solar photovoltaic device
157.29 receiving an alternative tariff rate under this section that has a term of at least 20 years,
157.30 unless a shorter term is agreed to by the parties.

157.31 (l) An owner of a solar photovoltaic device receiving an alternative tariff rate
157.32 under this section must be paid the same rate per kilowatt-hour generated each year for
157.33 the term of the contract.

158.1 **ARTICLE 10**

158.2 **SOLAR ENERGY**

158.3 **Section 1. [116C.7792] SOLAR ENERGY INCENTIVE PROGRAM.**

158.4 The utility subject to section 116C.779 shall operate a program to provide solar
158.5 energy production incentives for solar energy systems of no more than a total nameplate
158.6 capacity of 20 kilowatts direct current. The program shall be operated for five consecutive
158.7 calendar years commencing in 2014. \$5,000,000 shall be allocated for each of the five
158.8 years from the renewable development account established in section 116C.779 to a
158.9 separate account for the purpose of the solar production incentive program. The solar
158.10 system must be sized to less than 120 percent of the customer's on-site annual energy
158.11 consumption. The production incentive must be paid for ten years commencing with
158.12 the commissioning of the system. The utility must file a plan to operate the program
158.13 with the commissioner of commerce. The utility may not operate the program until it is
158.14 approved by the commissioner.

158.15 **Sec. 2. [216B.1641] COMMUNITY SOLAR GARDEN.**

158.16 (a) The public utility subject to section 116C.779 shall file by September 30, 2013, a
158.17 plan with the commission to operate a community solar garden program which shall begin
158.18 operations within 90 days after commission approval of the plan. Other public utilities
158.19 may file an application at their election. The community solar garden program must be
158.20 designed to offset the energy use of not less than five subscribers in each community
158.21 solar garden facility of which no single subscriber has more than a 40 percent interest.
158.22 The owner of the community solar garden may be a public utility or any other entity or
158.23 organization that contracts to sell the output from the community solar garden to the
158.24 utility under section 216B.164. There shall be no limitation on the number or cumulative
158.25 generating capacity of community solar garden facilities other than the limitations imposed
158.26 under section 216B.164, subdivision 4c or other limitations provided in law or regulations.

158.27 (b) A solar garden is a facility that generates electricity by means of a ground
158.28 mounted or roof mounted solar photovoltaic device whereby subscribers receive a bill
158.29 credit for the electricity generated in proportion to the size of their subscription. The solar
158.30 garden must have a nameplate capacity of no more than one megawatt. Each subscription
158.31 shall be sized to represent at least 200 watts of the community solar garden's generating
158.32 capacity and to supply, when combined with other distributed generation resources serving
158.33 the premises, no more than 120 percent of the average annual consumption of electricity
158.34 by each subscriber at the premises to which the subscription is attributed.

159.1 (c) The solar generation facility must be located in the service territory of the public
159.2 utility filing the plan. Subscribers must be retail customers of the public utility located in
159.3 the same county or a county contiguous to where the facility is located.

159.4 (d) The public utility must purchase from the community solar garden all energy
159.5 generated by the solar garden. The purchase shall be at the rate calculated under section
159.6 216B.164, subdivision 10, or, until that rate for the public utility has been approved by
159.7 the commission, the applicable retail rate. A solar garden is eligible for any incentive
159.8 programs offered under either section 116C.7792 or section 216C.415. A subscriber's
159.9 portion of the purchase shall be provided by a credit on the subscriber's bill.

159.10 (e) The commission may approve, disapprove, or modify a community solar garden
159.11 program. Any plan approved by the commission must:

159.12 (1) reasonably allow for the creation, financing, and accessibility of community
159.13 solar gardens;

159.14 (2) establish uniform standards, fees, and processes for the interconnection
159.15 of community solar garden facilities that allow the utility to recover reasonable
159.16 interconnection costs for each community solar garden;

159.17 (3) not apply different requirements to utility and non-utility community solar
159.18 garden facilities;

159.19 (4) be consistent with the public interest;

159.20 (5) identify the information that must be provided to potential subscribers to ensure
159.21 fair disclosure of future costs and benefits of subscriptions;

159.22 (6) include a program implementation schedule;

159.23 (7) identify all proposed rules, fees, and charges; and

159.24 (8) identify the means by which the program will be promoted.

159.25 (f) Notwithstanding any other law, neither the manager of nor the subscribers to a
159.26 community solar garden facility shall be considered a utility solely as a result of their
159.27 participation in the community solar garden facility.

159.28 (g) Within 180 days of commission approval of a plan under this section, a utility
159.29 shall begin crediting subscriber accounts for each community solar garden facility in
159.30 its service territory, and shall file with the commissioner of commerce a description of
159.31 its crediting system.

159.32 (h) For the purposes of this section, the following terms have the meanings given:

159.33 (1) "subscriber" means a retail customer of a utility who owns one or more
159.34 subscriptions of a community solar garden facility interconnected with that utility; and

159.35 (2) "subscription" means a contract between a subscriber and the owner of a solar
159.36 garden.

160.1 Sec. 3. Minnesota Statutes 2012, section 216B.1691, is amended by adding a
160.2 subdivision to read:

160.3 Subd. 2f. **Solar energy standard.** (a) In addition to the requirements of subdivisions
160.4 2a and 2b, each public utility shall generate or procure sufficient electricity generated
160.5 by solar energy to serve its retail electricity customers in Minnesota so that by the end
160.6 of 2020, at least 1.5 percent of the utility's total retail electric sales to retail customers in
160.7 Minnesota is generated by solar energy. At least ten percent of the 1.5 percent goal must
160.8 be met by solar energy generated by or procured from solar photovoltaic devices with a
160.9 nameplate capacity of 20 kilowatts or less.

160.10 (b) The solar energy standard established in this subdivision is subject to all the
160.11 provisions of this section governing a utility's standard obligation under subdivision 2a .

160.12 (c) It is an energy goal of the state of Minnesota that by 2030, ten percent of the
160.13 retail electric sales in Minnesota be generated by solar energy.

160.14 (d) For the purposes of calculating the total retail electric sales of a public utility
160.15 under this subdivision, there shall be excluded retail electric sales to customers that are:

160.16 (1) an iron mining extraction and processing facility, including a scam mining
160.17 facility as defined in Minnesota Rules, part 6130.0100, subpart 16; or

160.18 (2) a paper mill, wood products manufacturer, sawmill, or oriented strand board
160.19 manufacturer.

160.20 Those customers may not have included in the rates charged to them by the public
160.21 utility any costs of satisfying the solar standard specified by this subdivision.

160.22 (e) A public utility may not use energy used to satisfy the solar energy standard
160.23 under this subdivision to satisfy its standard obligation under subdivision 2a. A public
160.24 utility may not use energy used to satisfy the standard obligation under subdivision 2a to
160.25 satisfy the solar standard under this subdivision.

160.26 (f) Notwithstanding any law to the contrary, a solar renewable energy credit
160.27 associated with a solar photovoltaic device installed and generating electricity in
160.28 Minnesota after the effective date of this act but before 2020 may be used to meet the solar
160.29 energy standard established under this subdivision.

160.30 (g) Beginning July 1, 2014, and each July 1 through 2020, each public utility shall
160.31 file a report with the commission reporting its progress in achieving the solar energy
160.32 standard established under this subdivision.

160.33 Sec. 4. Minnesota Statutes 2012, section 216B.2411, subdivision 3, is amended to read:

160.34 Subd. 3. **Other provisions.** (a) Electricity generated by a facility constructed with
160.35 funds provided under this section and using an eligible renewable energy source may be

161.1 counted toward the renewable energy objectives in section 216B.1691, subject to the
161.2 provisions of that section, except as provided in paragraph (c).

161.3 (b) Two or more entities may pool resources under this section to provide assistance
161.4 jointly to proposed eligible renewable energy projects. The entities shall negotiate and
161.5 agree among themselves for allocation of benefits associated with a project, such as the
161.6 ability to count energy generated by a project toward a utility's renewable energy objectives
161.7 under section 216B.1691, except as provided in paragraph (c). The entities shall provide a
161.8 summary of the allocation of benefits to the commissioner. A utility may spend funds under
161.9 this section for projects in Minnesota that are outside the service territory of the utility.

161.10 (c) Electricity generated by a solar photovoltaic device constructed with funds
161.11 provided under this section may be counted toward a public utility's solar energy standard
161.12 under section 216B.1691, subdivision 2f.

161.13 ARTICLE 11

161.14 MADE IN MINNESOTA

161.15 Section 1. [216C.411] DEFINITIONS.

161.16 For the purposes of sections 216C.411 to 216C.415, the following terms have the
161.17 meanings given.

161.18 (a) "Made in Minnesota" means the manufacture in this state of solar photovoltaic
161.19 modules:

161.20 (1) at a manufacturing facility located in Minnesota that is registered and authorized
161.21 to manufacture and apply the UL 1703 certification mark to solar photovoltaic modules by
161.22 Underwriters Laboratory (UL), CSA International, Intertek, or an equivalent UL-approved
161.23 independent certification agency;

161.24 (2) that bear UL 1703 certification marks from UL, CSA International, Intertek, or
161.25 an equivalent UL-approved independent certification agency, which must be physically
161.26 applied to the modules at a manufacturing facility described in clause (1); and

161.27 (3) that are manufactured in Minnesota:

161.28 (i) by manufacturing processes that must include tabbing, stringing, and lamination;

161.29 or

161.30 (ii) by interconnecting low-voltage direct current photovoltaic elements that produce
161.31 the final useful photovoltaic output of the modules.

161.32 A solar photovoltaic module that is manufactured by attaching microinverters, direct
161.33 current optimizers, or other power electronics to a laminate or solar photovoltaic

161.34 module that has received UL 1703 certification marks outside Minnesota from UL, CSA

162.1 International, Intertek, or an equivalent UL-approved independent certification agency is
162.2 not "Made in Minnesota" under this paragraph.

162.3 (b) "Solar photovoltaic module" has the meaning given in section 116C.7791,
162.4 subdivision 1, paragraph (e).

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

162.6 Sec. 2. **[216C.412] "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION**
162.7 **INCENTIVE ACCOUNT.**

162.8 Subdivision 1. **Account established; account management.** A "Made in
162.9 Minnesota" solar energy production incentive account is established as a separate account
162.10 in the special revenue fund in the state treasury. Earnings, such as interest, dividends,
162.11 and any other earnings arising from account assets, must be credited to the account.
162.12 Funds remaining in the account at the end of a fiscal year do not cancel to the general
162.13 fund but remain in the account. There is annually appropriated from the account to the
162.14 commissioner of commerce money sufficient to make the incentive payments under section
162.15 216C.415, the transfers under 216C.416, and to administer sections 216C.412 to 216C.415.

162.16 Subd. 2. **Payments from public utilities.** (a) Beginning January 1, 2014, and
162.17 each January 1 thereafter, through 2023, for a total of ten years, each electric public
162.18 utility subject to section 216B.241 must annually pay to the commissioner of commerce
162.19 five percent of the minimum amount it is required to spend on energy conservation
162.20 improvements under section 216B.241, subdivision 1a. Payments under this subdivision
162.21 must be included in the calculation of whether a utility's other spending on generation
162.22 exceeds the limits authorized for spending on generation under section 216B.2411,
162.23 subdivision 1, for investments proposed for commissioner of commerce approval after
162.24 July 1, 2013. The limits on spending in section 216B.2411 do not limit or apply to
162.25 payments required by this subdivision. Payments made under this paragraph count
162.26 towards satisfying expenditure obligations of a public utility under section 216B.241,
162.27 subdivision 1a. The commissioner shall, upon receipt of the funds, deposit them in the
162.28 account established in subdivision 1. A public utility subject to this paragraph must be
162.29 credited energy-savings for the purpose of satisfying its energy savings requirement under
162.30 section 216B.241, subdivision 1c, based on its payment to the commissioner.

162.31 (b) Notwithstanding section 116C.779, subdivision 1, paragraph (g), beginning
162.32 January 1, 2014, and continuing through January 1, 2023, for a total of ten years, the
162.33 public utility that manages the account under section 116C.779 must annually pay from
162.34 that account to the commissioner an amount that, when added to the total amount paid to
162.35 the commissioner of commerce under paragraph (a), totals \$15,000,000 annually. The

163.1 commissioner shall, upon receipt of the payment, deposit it in the account established in
163.2 subdivision 1.

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

163.4 Sec. 3. **[216C.413] "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION**
163.5 **INCENTIVE; QUALIFICATION.**

163.6 Subdivision 1. **Application.** A manufacturer of solar photovoltaic modules seeking
163.7 to qualify those modules as eligible to receive the "Made in Minnesota" solar energy
163.8 production incentive must submit an application to the commissioner of commerce on a
163.9 form prescribed by the commissioner. The application must contain:

163.10 (1) a technical description of the solar photovoltaic module and the processes used
163.11 to manufacture it, excluding proprietary details;

163.12 (2) documentation that the solar photovoltaic module meets all the required
163.13 applicable parts of the "Made in Minnesota" definition in section 216C.411, including
163.14 evidence of the UL 1703 right to mark for all solar photovoltaic modules seeking to
163.15 qualify as "Made in Minnesota";

163.16 (3) any additional nonproprietary information requested by the commissioner
163.17 of commerce; and

163.18 (4) certification signed by the chief executive officer of the manufacturing company
163.19 attesting to the truthfulness of the contents of the application and supporting materials
163.20 under penalty of perjury.

163.21 Subd. 2. **Certification.** If the commissioner determines that a manufacturer's solar
163.22 photovoltaic module meets the definition of "Made in Minnesota" in section 216C.411, the
163.23 commissioner shall issue the manufacturer a "Made in Minnesota" certificate containing
163.24 the name and model numbers of the certified solar photovoltaic modules and the date of
163.25 certification. The commissioner must issue or deny the issuance of a certificate within 90
163.26 days of receipt of a completed application. A copy of the certificate must be provided to
163.27 each purchaser of the solar photovoltaic module.

163.28 Subd. 3. **Revocation of certification.** The commissioner may revoke a certification
163.29 of a module as "Made in Minnesota" if the commissioner finds that the module no longer
163.30 meets the requirements to be certified. The revocation does not affect incentive payments
163.31 awarded prior to the revocation.

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

164.1 Sec. 4. **[216C.414] "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION**
164.2 **INCENTIVE.**

164.3 Subdivision 1. **Setting incentive.** Within 90 days of a module being certified as
164.4 "Made in Minnesota" the commissioner of commerce shall set a solar energy production
164.5 incentive amount for that solar photovoltaic module for the purpose of the incentive
164.6 payment under section 216C.415. The incentive is a performance-based financial
164.7 incentive expressed as a per kilowatt-hour amount. The amount shall be used for incentive
164.8 applications approved in the year to which the incentive amount is applicable for the
164.9 ten-year duration of the incentive payments. An incentive amount must be calculated for
164.10 each module for each calendar year, through 2023.

164.11 Subd. 2. **Criteria for determining incentive amount.** (a) The commissioner shall
164.12 set the incentive payment amount by determining the average amount of incentive payment
164.13 required to allow an average owner of installed solar photovoltaic modules a reasonable
164.14 return on their investment. In setting the incentive amount the commissioner shall consider:

164.15 (1) an estimate of the installed cost per kilowatt-direct current, based on the cost data
164.16 supplied by the manufacturer in the application submitted under section 216C.413, and an
164.17 estimate of the average installation cost based on a representative sample of Minnesota
164.18 solar photovoltaic installed projects;

164.19 (2) the average insolation rate in Minnesota;

164.20 (3) an estimate of the decline in the generation efficiency of the solar photovoltaic
164.21 modules over time;

164.22 (4) the rate paid by public utilities to owners of solar photovoltaic modules under
164.23 section 216B.164 or other law;

164.24 (5) applicable federal tax incentives for installing solar photovoltaic modules; and

164.25 (6) the estimated levelized cost per kilowatt-hour generated.

164.26 (b) The commissioner shall annually, for incentive applications received in a year,
164.27 revise each incentive amount based on the factors in paragraph (a), clauses (1) to (6),
164.28 general market conditions, and the availability of other incentives. In no case shall the
164.29 "Made in Minnesota" incentive amount result in the "Made in Minnesota" incentives paid
164.30 exceeding 40 percent, net of average applicable taxes on the ten-year incentive payments,
164.31 of the average historic installation cost per kilowatt. The commissioner may exceed the 40
164.32 percent cap if the commissioner determines it is necessary to fully expend funds available
164.33 for incentive payments in a particular year.

164.34 Subd. 3. **Metering of production.** A public utility must, at the expense of a customer,
164.35 provide a meter to measure the production of a solar photovoltaic module system that is
164.36 approved to receive incentive payments. The public utility must furnish the commissioner

165.1 with information sufficient for the commissioner to determine the incentive payment. The
165.2 information must be provided on a calendar year basis by no later than March 1. The
165.3 commissioner shall provide a public utility with forms to use to provide the production
165.4 information. A customer must attest to the accuracy of the production information.

165.5 Subd. 4. **Payment due date.** Payments must be made no later than July 1 following
165.6 the year of production.

165.7 Subd. 5. **Renewable energy credits.** Renewable energy credits associated with
165.8 energy provided to a public utility for which an incentive payment is made belong to
165.9 the utility.

165.10 Sec. 5. **[216C.415] "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION**
165.11 **INCENTIVE; PAYMENT.**

165.12 Subdivision 1. **Incentive payment.** Incentive payments may be made under this
165.13 section only to an owner of grid-connected solar photovoltaic modules with a total
165.14 nameplate capacity below 40 kilowatts direct current who:

165.15 (1) has submitted to the commissioner, on a form established by the commissioner,
165.16 an application to receive the incentive that has been approved by the commissioner;

165.17 (2) has received a "Made in Minnesota" certificate under section 216C.413 for
165.18 the module; and

165.19 (3) has installed on residential or commercial property solar photovoltaic modules
165.20 that are generating electricity and has received a "Made in Minnesota" certificate under
165.21 section 216C.413.

165.22 Subd. 2. **Application process.** Applications for an incentive payment must be
165.23 received by the commissioner between January 1 and February 28. The commissioner
165.24 shall by a random method approve the number of applications the commissioner
165.25 reasonably determines will exhaust the funds available for payment for the ten-year period
165.26 of incentive payments. Applications for residential and commercial installations shall be
165.27 separately randomly approved.

165.28 Subd. 3. **Commissioner approval of incentive application.** The commissioner
165.29 must approve an application for an incentive for an owner to be eligible for incentive
165.30 payments. The commissioner must not approve an application in a calendar year if the
165.31 commissioner determines there will not be sufficient funding available to pay an incentive
165.32 to the applicant for any portion of the ten-year duration of payment. The commissioner
165.33 shall annually establish a cap on the cumulative capacity for a program year based on
165.34 funds available and historic average installation costs. Receipt of an incentive is not

166.1 an entitlement and payment need only be made from available funds in the "Made in
166.2 Minnesota" solar production incentive account.

166.3 Subd. 4. **Eligibility window; payment duration.** (a) Payments may be made under
166.4 this section only for electricity generated from new solar photovoltaic module installations
166.5 that are commissioned between January 1, 2014, and December 31, 2023.

166.6 (b) The payment eligibility window of the incentive begins and runs consecutively
166.7 from the date the solar system is commissioned.

166.8 (c) An owner of solar photovoltaic modules may receive payments under this
166.9 section for a particular module for a period of ten years provided that sufficient funds are
166.10 available in the account.

166.11 (d) No payment may be made under this section for electricity generated after
166.12 December 31, 2033.

166.13 (e) An owner of solar photovoltaic modules may not first begin to receive payments
166.14 under this section after December 31, 2024.

166.15 Subd. 5. **Allocation of payments.** (a) If there are sufficient applications,
166.16 approximately 50 percent of the incentive payment shall be for owners of eligible solar
166.17 photovoltaic modules installed on residential property, and approximately 50 percent shall
166.18 be for owners of eligible solar photovoltaic modules installed on commercial property.

166.19 (b) The commissioner shall endeavor to distribute incentives paid under this section
166.20 to owners of solar photovoltaic modules installed in a manner so that the amount of
166.21 payments received in an area of the state reasonably approximates the amount of payments
166.22 made by a utility serving that area.

166.23 (c) For purposes of this subdivision:

166.24 (1) "residential property" means residential real estate that is occupied and used as a
166.25 homestead by its owner or by a renter and includes "multifamily housing development"
166.26 as defined in section 462C.02, subdivision 5, except that residential property on which
166.27 solar photovoltaic modules (i) whose capacity exceeds 10 kilowatts is installed; or (ii)
166.28 connected to a utility's distribution system and whose electricity is purchased by several
166.29 residents, each of whom own a share of the electricity generated, shall be deemed
166.30 commercial property; and

166.31 (2) "commercial property" means real property on which is located a business,
166.32 government, or nonprofit establishment.

166.33 Subd. 6. **Limitation.** An owner receiving an incentive payment under this section
166.34 may not receive a rebate under section 116C.7791 for the same solar photovoltaic modules.

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

167.1 Sec. 6. **[216C.416] SOLAR THERMAL REBATES.**

167.2 Subdivision 1. **Rebate program created.** The commissioner of commerce shall
167.3 operate a program to provide rebates for the installation of "Made in Minnesota" solar
167.4 thermal systems in the state. "Solar thermal system" means a flat plate or evacuated tube
167.5 that meets the requirements of section 216C.25 with a fixed orientation that collects the
167.6 sun's radiant energy and transfers it to a storage medium for distribution as energy to heat
167.7 or cool air or water. A solar thermal system is "Made in Minnesota" if components of the
167.8 system are manufactured in Minnesota and the solar thermal system is certified by the
167.9 Solar Rating and Certification Corporation. The solar thermal system may be installed in
167.10 residential and commercial facilities for, among other purposes, hot water, space heating,
167.11 or pool heating purposes.

167.12 Subd. 2. **Account; funding.** (a) The solar thermal system rebate account is created
167.13 as a separate account in the special revenue fund in the state treasury. Earnings, such as
167.14 interest, dividends, and any other earnings arising from account assets, must be credited to
167.15 the account. Funds in the account are appropriated to the commissioner of commerce for the
167.16 purpose of making the rebate payments under this section and administering this section.

167.17 (b) Beginning January 1, 2014, and each January 1 thereafter to January 1, 2023, the
167.18 commissioner of commerce shall annually transfer \$250,000 from the account created in
167.19 section 216C.412, for deposit in the account created in this subdivision.

167.20 (c) To the extent there are sufficient applications, the commissioner shall annually
167.21 spend for rebates under this section from 2014 to 2023, for a total of ten years,
167.22 approximately \$250,000 per year. If sufficient applications are not received to spend the
167.23 money available for rebates in a year under this section, the unspent money must be
167.24 returned to the account from which it was transferred, provided that funds available for
167.25 2014 applications shall remain available for 2015 applications.

167.26 Subd. 3. **Individual incentives.** The maximum rebate for a single family residential
167.27 dwelling installation is the lesser of 25 percent of the installed cost of a complete system or
167.28 \$2,500. The maximum rebate for a multiple family residential dwelling installation is the
167.29 lesser of 25 percent of the installed cost of a complete system or \$5,000. The maximum
167.30 rebate for a commercial installation is the lesser of 25 percent of the installation cost of
167.31 the complete system or \$25,000. The system must be installed by a factory authorized
167.32 installer. The commissioner shall allocate approximately 50 percent of the rebates in each
167.33 year to solar thermal hot water and 50 percent to solar thermal air projects if sufficient
167.34 applications are made for each.

167.35 Subd. 4. **Application process.** Applications for incentives must be made to the
167.36 commissioner of commerce on forms provided by the commissioner. The commissioner

168.1 shall use a random process for the selection of recipients of incentives except to the extent
168.2 necessary to allocate rebates as required by this section.

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

168.4 **ARTICLE 12**

168.5 **ENERGY POLICY DEVELOPMENT**

168.6 Section 1. **[3.8852] PLANNING STRATEGY FOR SUSTAINABLE ENERGY**
168.7 **FUTURE.**

168.8 (a) The Legislative Energy Commission, in consultation with the commissioner of
168.9 commerce and other state agencies, shall develop a framework for the state of Minnesota to
168.10 transition to a renewable energy economy that ends Minnesota's contribution to greenhouse
168.11 gases from burning fossil fuels within the next few decades. The framework and strategy
168.12 should aim to make Minnesota the first state in the nation to use only renewable energy.

168.13 (b) In developing the framework for this transition, the commission must consult
168.14 with stakeholders, including, but not limited to, representatives from cooperative,
168.15 municipal, and investor-owned utilities, natural resources and environmental advocacy
168.16 groups, labor and industry, and technical and scientific experts to examine the challenges
168.17 and opportunities involved to develop a strategy and timeline to protect the environment
168.18 and create jobs. The timeline must establish goals and strategies to reach the state's
168.19 renewable energy standards and prepare for the steps beyond reaching those standards. The
168.20 Department of Commerce, Division of Energy Resources shall provide technical support.

168.21 (c) The commission and its stakeholders must consider the following in creating
168.22 the framework:

168.23 (1) the economic and environmental costs of continued reliance on fossil fuels;

168.24 (2) the creation of jobs and industry in the state that result from moving ahead of
168.25 other states in transitioning to a sustainable energy economy;

168.26 (3) the appropriate energy efficiency and renewable energy investments in
168.27 Minnesota to reduce the economic losses to the Minnesota economy from importation
168.28 of fossil fuels; and

168.29 (4) the new technologies for energy efficiency, storage, transmission, and renewable
168.30 generation needed to reliably meet the demand for energy.

168.31 (d) The framework shall be modified as needed to take advantage of new
168.32 technological developments to facilitate ending fossil fuel use in power generation,
168.33 heating and cooling, industry, and transportation.

169.1 (e) The commission shall report to the legislative committees and divisions with
169.2 jurisdiction over energy policy by January 15, 2014, and annually thereafter, on progress
169.3 towards achieving the framework goals.

169.4 Sec. 2. Minnesota Statutes 2012, section 216B.2401, is amended to read:

169.5 **216B.2401 ENERGY CONSERVATION SAVINGS POLICY GOAL.**

169.6 The legislature finds that energy savings are an energy resource, and that
169.7 cost-effective energy savings are preferred over all other energy resources. The legislature
169.8 further finds that cost-effective energy savings should be procured systematically and
169.9 aggressively in order to reduce utility costs for businesses and residents, improve the
169.10 competitiveness and profitability of businesses, create more energy-related jobs, reduce the
169.11 economic burden of fuel imports, and reduce pollution and emissions that cause climate
169.12 change. Therefore, it is the energy policy of the state of Minnesota to achieve annual
169.13 energy savings equal to at least 1.5 percent of annual retail energy sales of electricity and
169.14 natural gas directly through cost-effective energy conservation improvement programs
169.15 and rate design, and indirectly through energy efficiency achieved by energy consumers
169.16 without direct utility involvement, energy codes and appliance standards, programs
169.17 designed to transform the market or change consumer behavior, energy savings resulting
169.18 from efficiency improvements to the utility infrastructure and system, and other efforts to
169.19 promote energy efficiency and energy conservation.

169.20 Sec. 3. Minnesota Statutes 2012, section 216C.05, is amended to read:

169.21 **216C.05 FINDINGS AND PURPOSE.**

169.22 Subdivision 1. **Energy planning.** The legislature finds and declares that continued
169.23 growth in demand for energy will cause severe social and economic dislocations, and that
169.24 the state has a vital interest in providing for: increased efficiency in energy consumption,
169.25 the development and use of renewable energy resources wherever possible, and the
169.26 creation of an effective energy forecasting, planning, and education program.

169.27 The legislature further finds and declares that the protection of life, safety, and
169.28 financial security for citizens during an energy crisis is of paramount importance.

169.29 Therefore, the legislature finds that it is in the public interest to review, analyze, and
169.30 encourage those energy programs that will minimize the need for annual increases in fossil
169.31 fuel consumption by 1990 and the need for additional electrical generating plants, and
169.32 provide for an optimum combination of energy sources and energy conservation consistent
169.33 with environmental protection and the protection of citizens.

170.1 The legislature intends to monitor, through energy policy planning and
170.2 implementation, the transition from historic growth in energy demand to a period when
170.3 demand for traditional fuels becomes stable and the supply of renewable energy resources
170.4 is readily available and adequately utilized.

170.5 The legislature further finds that for economic growth, environmental improvement,
170.6 and protection of citizens, it is in the public interest to encourage those energy programs
170.7 that will provide an optimum combination of energy resources, including energy savings.

170.8 Therefore, the legislature, through its committees, must monitor and evaluate
170.9 progress towards greater reliance on cost-effective energy efficiency and renewable
170.10 energy and lesser dependence on fossil fuels in order to reduce the economic burden
170.11 of fuel imports, diversify utility-owned and consumer-owned energy resources, reduce
170.12 utility costs for businesses and residents, improve the competitiveness and profitability of
170.13 Minnesota businesses, create more energy-related jobs that contribute to the Minnesota
170.14 economy, and reduce pollution and emissions that cause climate change.

170.15 Subd. 2. **Energy policy goals.** It is the energy policy of the state of Minnesota that:
170.16 (1) annual energy savings equal to at least 1.5 percent of annual retail energy sales of
170.17 electricity and natural gas be achieved through cost-effective energy efficiency;

170.18 ~~(1)~~ (2) the per capita use of fossil fuel as an energy input be reduced by 15 percent
170.19 by the year 2015, through increased reliance on energy efficiency and renewable energy
170.20 alternatives; and

170.21 ~~(2)~~ (3) 25 percent of the total energy used in the state be derived from renewable
170.22 energy resources by the year 2025.

170.23 Sec. 4. **INTEGRATION AND TRANSMISSION STUDY FOR FUTURE**
170.24 **RENEWABLE ENERGY STANDARD.**

170.25 (a) The commission shall order all Minnesota electric utilities, as defined in
170.26 Minnesota Statutes, section 216B.1691, subdivision 1, paragraph (b), and all transmission
170.27 companies, as defined in Minnesota Statutes, section 216B.02, to conduct an engineering
170.28 study of the impacts on reliability and costs of, and to study and develop plans for the
170.29 transmission network enhancements necessary to support, increasing the renewable energy
170.30 standard established in Minnesota Statutes, section 216B.1691, subdivision 2a, to 40
170.31 percent by 2030, and to higher proportions thereafter, while maintaining system reliability.

170.32 (b) The Minnesota electric utilities and transmission companies must complete the
170.33 study work under the direction of the commissioner of commerce. Prior to the start of the
170.34 study, the commissioner, in consultation with Minnesota electric utilities and transmission
170.35 companies, shall appoint a technical review committee consisting of up to 15 individuals

171.1 with experience and expertise in electric transmission system engineering, electric power
171.2 systems operations, and renewable energy generation technology to review the study's
171.3 proposed methods and assumptions, ongoing work, and preliminary results.

171.4 (c) As part of the planning process, the Minnesota electric utilities and transmission
171.5 companies must incorporate and build upon the analyses that have previously been done
171.6 or that are in progress including but not limited to the 2006 Minnesota Wind Integration
171.7 Study and ongoing work to address geographically dispersed development plans, the
171.8 2007 Minnesota Transmission for Renewable Energy Standard Study, the 2008 and 2009
171.9 Statewide Studies of Dispersed Renewable Generation, the 2009 Minnesota RES Update,
171.10 Corridor, and Capacity Validation Studies, the 2010 Regional Generation Outlet Study,
171.11 the 2011 Multi Value Project Portfolio Study, and recent and ongoing Midcontinent
171.12 Independent System Operator transmission expansion planning work. The utilities and
171.13 transmission companies shall collaborate with the Midcontinent Independent System
171.14 Operator to optimize and integrate, to the extent possible, Minnesota's transmission plans
171.15 with other regional considerations and to encourage the Midcontinent Independent System
171.16 Operator to incorporate Minnesota's planning work into its transmission expansion future
171.17 planning.

171.18 (d) The study must be completed and submitted to the Minnesota Public Utilities
171.19 Commission by November 1, 2014. The report shall include a description of the analyses
171.20 that have been conducted and the results, including:

171.21 (1) a conceptual plan for transmission necessary for generation interconnection and
171.22 delivery and for access to regional geographic diversity and regional supply and demand
171.23 side flexibility; and

171.24 (2) identification and development of potential solutions to any critical issues
171.25 encountered to support increasing the renewable energy standard to 40 percent by 2030,
171.26 and to higher proportions thereafter, while maintaining system reliability.

171.27 **Sec. 5. VALUE OF ON-SITE ENERGY STORAGE STUDY.**

171.28 (a) The commissioner of commerce shall contract with an independent consultant
171.29 selected through a request for proposal process to produce a report analyzing the potential
171.30 costs and benefits of installing utility-managed, grid-connected energy storage devices in
171.31 residential and commercial buildings in this state. The study must:

171.32 (1) estimate the potential value of on-site energy storage devices as a
171.33 load-management tool to reduce costs for individual customers and for the utility, including
171.34 but not limited to reductions in energy, particularly peaking, costs, and capacity costs;

172.1 (2) examine the interaction of energy storage devices with on-site solar photovoltaic
172.2 devices; and

172.3 (3) analyze existing barriers to the installation of on-site energy storage devices by
172.4 utilities, and examine strategies and design potential economic incentives to overcome
172.5 those barriers.

172.6 (b) The commissioner of commerce shall assess an amount necessary under
172.7 Minnesota Statutes, section 216B.241, subdivision 1e, in addition to the assessment
172.8 already authorized under that subdivision, for the purpose of completing the study
172.9 described in this section.

172.10 (c) By January 1, 2014, the commissioner of commerce shall submit the study to
172.11 the chairs and ranking minority members of the legislative committees with jurisdiction
172.12 over energy policy and finance.

172.13 **Sec. 6. VALUE OF SOLAR THERMAL STUDY.**

172.14 (a) The commissioner of commerce shall contract with an independent consultant
172.15 selected through a request for proposal process to produce a report analyzing the potential
172.16 costs and benefits of expanding the installation of solar thermal projects, as defined in
172.17 Minnesota Statutes, section 216B.2411, subdivision 2, in residential and commercial
172.18 buildings in this state. The study must examine the potential for solar thermal projects
172.19 to reduce heating and cooling costs for individual customers and to reduce costs at the
172.20 utility level as well. The study must also analyze existing barriers to the installation of
172.21 on-site energy storage devices by utilities and examine strategies and design potential
172.22 economic incentives to overcome those barriers. By January 1, 2014, the commissioner
172.23 of commerce shall submit the study to the chairs and ranking minority members of the
172.24 legislative committees with jurisdiction over energy policy and finance.

172.25 (b) The commissioner of commerce shall assess an amount necessary under
172.26 Minnesota Statutes, section 216B.241, subdivision 1e, in addition to the assessment
172.27 already authorized under that subdivision, for the purpose of completing the study
172.28 described in this section.

172.29 **Sec. 7. SCOPING FOR RENEWABLE ENERGY STUDY.**

172.30 (a) The commissioner of commerce, in consultation with the Legislative Energy
172.31 Commission, shall develop the scope for a Minnesota energy future study on how
172.32 Minnesota can achieve a sustainable energy system that does not rely on the burning
172.33 of fossil fuels.

173.1 (b) The study must include energy use in the electrical, transportation, thermal and
173.2 industrial sectors of the state economy. The study shall evaluate options for different
173.3 mixes of renewable energy, efficiency, energy storage, and new technologies that can
173.4 best transform each sector of energy use to become fully sustainable and no longer rely
173.5 on fossil fuels in a cost-effective manner.

173.6 (c) The study must analyze both costs and benefits. The study must include at least
173.7 the following considerations: system reliability, utility rates, energy prices, jobs, economic
173.8 development, public health, and environmental quality. Calculation of costs and benefits
173.9 must be based on full cost, life-cycle accounting methods that include the benefits of
173.10 avoided externalities. The study must be designed to develop appropriate timelines and
173.11 accommodate modifications that will occur as new technologies and efficiencies develop.

173.12 (d) In developing the scope, the commissioner shall engage stakeholders concerning
173.13 the study's parameters and assumptions. The commissioner must report the results of
173.14 the scoping process to the Legislative Energy Commission by January 1, 2014. The
173.15 commissioner may assess up to \$100,000 under Minnesota Statutes, section 216B.62, to
173.16 scope and develop this energy study proposal.

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

173.18 Sec. 8. **DEPARTMENT OF COMMERCE; DIVISION OF ENERGY**
173.19 **RESOURCES; STUDY.**

173.20 (a) The Division of Energy Resources of the Department of Commerce must conduct
173.21 public meetings with stakeholders and members of the public and shall produce a report
173.22 on findings and legislative recommendations to accomplish the following purposes:

173.23 (1) clarify statewide energy-savings policies and utility energy-savings goals;

173.24 (2) maximize long-term cost-effective energy savings and minimize energy waste;

173.25 (3) maximize carbon reductions and economic benefits by increasing the efficiency
173.26 of all sectors of the state's energy system;

173.27 (4) minimize total utility costs and rate impacts for ratepayers in all sectors;

173.28 (5) determine appropriate funding sources for nonconservation projects and
173.29 programs, cogeneration, and combined heat and power projects;

173.30 (6) determine the appropriate consideration in the integrated resource planning and
173.31 certificate of need processes of the requirements to meet the state's energy conservation
173.32 and renewable energy goals; and

173.33 (7) provide the utility the appropriate incentives to meet the state's energy
173.34 conservation and renewable energy goals.

174.1 (b) The report must be submitted by January 15, 2014, to the chairs and ranking
174.2 minority members of the committees of the legislature with primary jurisdiction over
174.3 energy policy.

174.4 (c) The division must provide public notice of the meetings.

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

174.6 **ARTICLE 13**

174.7 **MISCELLANEOUS**

174.8 Section 1. Minnesota Statutes 2012, section 16C.144, subdivision 2, is amended to read:

174.9 Subd. 2. **Guaranteed energy-savings agreement.** The commissioner may enter
174.10 into a guaranteed energy-savings agreement with a qualified provider if:

174.11 (1) the qualified provider is selected through a competitive process in accordance
174.12 with the guaranteed energy-savings program guidelines within the Department of
174.13 Administration;

174.14 (2) the qualified provider agrees to submit an engineering report prior to the
174.15 execution of the guaranteed energy-savings agreement. The cost of the engineering report
174.16 may be considered as part of the implementation costs if the commissioner enters into a
174.17 guaranteed energy-savings agreement with the provider;

174.18 (3) the term of the guaranteed energy-savings agreement shall not exceed ~~15~~ 25
174.19 years from the date of final installation;

174.20 (4) the commissioner finds that the amount it would spend on the utility cost-savings
174.21 measures recommended in the engineering report will not exceed the amount to be
174.22 saved in utility operation and maintenance costs over ~~15~~ 25 years from the date of
174.23 implementation of utility cost-savings measures;

174.24 (5) the qualified provider provides a written guarantee that the annual utility,
174.25 operation, and maintenance cost savings during the term of the guaranteed energy-savings
174.26 agreement will meet or exceed the annual payments due under a lease purchase agreement.
174.27 The qualified provider shall reimburse the state for any shortfall of guaranteed utility,
174.28 operation, and maintenance cost savings; and

174.29 (6) the qualified provider gives a sufficient bond in accordance with section
174.30 574.26 to the commissioner for the faithful implementation and installation of the utility
174.31 cost-savings measures.

174.32 Sec. 2. Minnesota Statutes 2012, section 216B.241, subdivision 1, is amended to read:

174.33 Subdivision 1. **Definitions.** For purposes of this section and section 216B.16,
174.34 subdivision 6b, the terms defined in this subdivision have the meanings given them.

175.1 (a) "Commission" means the Public Utilities Commission.

175.2 (b) "Commissioner" means the commissioner of commerce.

175.3 (c) "Department" means the Department of Commerce.

175.4 (d) "Energy conservation" means demand-side management of energy supplies
175.5 resulting in a net reduction in energy use. Load management that reduces overall energy
175.6 use is energy conservation.

175.7 (e) "Energy conservation improvement" means a project that results in energy
175.8 efficiency or energy conservation. Energy conservation improvement may include waste
175.9 heat recovery that is recovered and converted into electricity, but does not include electric
175.10 utility infrastructure projects approved by the commission under section 216B.1636.
175.11 Energy conservation improvement also includes waste heat recovered and used as thermal
175.12 energy.

175.13 (f) "Energy efficiency" means measures or programs, including energy conservation
175.14 measures or programs, that target consumer behavior, equipment, processes, or devices
175.15 designed to produce either an absolute decrease in consumption of electric energy or natural
175.16 gas or a decrease in consumption of electric energy or natural gas on a per unit of production
175.17 basis without a reduction in the quality or level of service provided to the energy consumer.

175.18 (g) "Gross annual retail energy sales" means annual electric sales to all retail
175.19 customers in a utility's or association's Minnesota service territory or natural gas
175.20 throughput to all retail customers, including natural gas transportation customers, on a
175.21 utility's distribution system in Minnesota. For purposes of this section, gross annual
175.22 retail energy sales exclude:

175.23 (1) gas sales to:

175.24 (i) a large energy facility;

175.25 (ii) a large customer facility whose natural gas utility has been exempted by the
175.26 commissioner under subdivision 1a, paragraph (b), with respect to natural gas sales made
175.27 to the large customer facility; and

175.28 (iii) a commercial gas customer facility whose natural gas utility has been exempted
175.29 by the commissioner under subdivision 1a, paragraph (c), with respect to natural gas sales
175.30 made to the commercial gas customer facility; and

175.31 (2) electric sales to a large customer facility whose electric utility has been exempted
175.32 by the commissioner under subdivision 1a, paragraph (b), with respect to electric sales
175.33 made to the large customer facility.

175.34 (h) "Investments and expenses of a public utility" includes the investments
175.35 and expenses incurred by a public utility in connection with an energy conservation
175.36 improvement, including but not limited to:

176.1 (1) the differential in interest cost between the market rate and the rate charged on a
176.2 no-interest or below-market interest loan made by a public utility to a customer for the
176.3 purchase or installation of an energy conservation improvement;

176.4 (2) the difference between the utility's cost of purchase or installation of energy
176.5 conservation improvements and any price charged by a public utility to a customer for
176.6 such improvements.

176.7 (i) "Large customer facility" means all buildings, structures, equipment, and
176.8 installations at a single site that collectively (1) impose a peak electrical demand on an
176.9 electric utility's system of not less than 20,000 kilowatts, measured in the same way as the
176.10 utility that serves the customer facility measures electrical demand for billing purposes or
176.11 (2) consume not less than 500 million cubic feet of natural gas annually. In calculating
176.12 peak electrical demand, a large customer facility may include demand offset by on-site
176.13 cogeneration facilities and, if engaged in mineral extraction, may aggregate peak energy
176.14 demand from the large customer facility's mining and processing operations.

176.15 (j) "Large energy facility" has the meaning given it in section 216B.2421,
176.16 subdivision 2, clause (1).

176.17 (k) "Load management" means an activity, service, or technology to change the
176.18 timing or the efficiency of a customer's use of energy that allows a utility or a customer to
176.19 respond to wholesale market fluctuations or to reduce peak demand for energy or capacity.

176.20 (l) "Low-income programs" means energy conservation improvement programs that
176.21 directly serve the needs of low-income persons, including low-income renters.

176.22 (m) "Qualifying utility" means a utility that supplies the energy to a customer that
176.23 enables the customer to qualify as a large customer facility.

176.24 (n) "Waste heat recovered and used as thermal energy" means capturing heat energy
176.25 that would otherwise be exhausted or dissipated to the environment from machinery,
176.26 buildings, or industrial processes and productively using such recovered thermal energy
176.27 where it was captured or distributing it as thermal energy to other locations where it is
176.28 used to reduce demand side consumption of natural gas, electric energy, or both.

176.29 ~~(n)~~ (o) "Waste heat recovery converted into electricity" means an energy recovery
176.30 process that converts otherwise lost energy from the heat of exhaust stacks or pipes used
176.31 for engines or manufacturing or industrial processes, or the reduction of high pressure
176.32 in water or gas pipelines.

176.33 Sec. 3. Minnesota Statutes 2012, section 216B.241, subdivision 1e, is amended to read:

176.34 Subd. 1e. **Applied research and development grants.** (a) The commissioner
176.35 may, by order, approve and make grants for applied research and development projects

177.1 of general applicability that identify new technologies or strategies to maximize energy
177.2 savings, improve the effectiveness of energy conservation programs, or document
177.3 the carbon dioxide reductions from energy conservation programs. When approving
177.4 projects, the commissioner shall consider proposals and comments from utilities and
177.5 other interested parties. The commissioner may assess up to \$3,600,000 annually for the
177.6 purposes of this subdivision. The assessments must be deposited in the state treasury
177.7 and credited to the energy and conservation account created under subdivision 2a. An
177.8 assessment made under this subdivision is not subject to the cap on assessments provided
177.9 by section 216B.62, or any other law.

177.10 (b) The commissioner, as part of the assessment authorized under paragraph (a),
177.11 shall annually assess and grant up to \$500,000 for the purpose of subdivision 9.

177.12 (c) The commissioner, as part of the assessment authorized under paragraph (a),
177.13 each state fiscal year shall assess \$500,000 for a grant to the partnership created by section
177.14 216C.385, subdivision 2. The grant must be used to exercise the powers and perform the
177.15 duties specified in section 216C.385, subdivision 3.

177.16 (d) By February 15 annually, the commissioner shall report to the chairs and ranking
177.17 minority members of the committees of the legislature with primary jurisdiction over
177.18 energy policy and energy finance on the assessments made under this subdivision for the
177.19 previous calendar year and the use of the assessment. The report must clearly describe the
177.20 activities supported by the assessment and the parties that engaged in those activities.

177.21 **EFFECTIVE DATE.** Paragraph (c) is effective for assessments for state fiscal
177.22 years commencing on or after July 1, 2013.

177.23 Sec. 4. Minnesota Statutes 2012, section 216B.241, is amended by adding a
177.24 subdivision to read:

177.25 Subd. 10. **Waste heat recovery; thermal energy distribution.** Demand side
177.26 natural gas or electric energy displaced by use of waste heat recovered and used as thermal
177.27 energy, including the recovered thermal energy from a cogeneration or combined heat and
177.28 power facility, is eligible to be counted towards a utility's natural gas or electric energy
177.29 savings goals, subject to department approval.

177.30 Sec. 5. **SEVERABILITY.**

177.31 If any provision of this act is found to be unconstitutional and void, the remaining
177.32 provisions of this act are valid.

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

178.1 Sec. 6. REPEALER.

178.2 Minnesota Statutes 2012, section 216B.1637, is repealed."

178.3 Delete the title and insert:

178.4 "A bill for an act
 178.5 relating to state government; appropriating money for jobs and economic
 178.6 development; modifying labor and industry; employment, economic
 178.7 development, and workforce development; unemployment insurance;
 178.8 miscellaneous provisions; commerce and consumer protection; utility regulation;
 178.9 energy and solar energy regulations; creating various renewable energy
 178.10 incentives; imposing penalties; increasing fees; requiring reports; authorizing
 178.11 rulemaking; appropriating money to various state boards, agencies, and
 178.12 departments; amending Minnesota Statutes 2012, sections 16B.122, subdivision
 178.13 2; 16C.144, subdivision 2; 45.0135, subdivision 6; 60A.14, subdivision 1;
 178.14 65B.84, subdivision 1; 116J.70, subdivision 2a; 116J.8731, subdivisions 2,
 178.15 3, 8, 9; 116L.17, subdivision 4, by adding a subdivision; 116U.26; 136F.37;
 178.16 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065,
 178.17 subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1;
 178.18 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; 155A.23,
 178.19 subdivisions 3, 8, 11; 155A.25, subdivisions 1a, 4; 155A.27, subdivisions 4,
 178.20 7, 10; 155A.29, subdivision 2; 155A.30, by adding a subdivision; 177.27,
 178.21 subdivision 4; 216B.16, subdivision 7b; 216B.1635; 216B.164, subdivisions 2, 3,
 178.22 4, 6, by adding subdivisions; 216B.1691, subdivision 2e, by adding a subdivision;
 178.23 216B.1692, subdivisions 1, 8, by adding a subdivision; 216B.1695, subdivision
 178.24 5, by adding a subdivision; 216B.2401; 216B.241, subdivisions 1, 1e, by adding
 178.25 a subdivision; 216B.2411, subdivision 3; 216C.05; 216C.435, subdivision 8,
 178.26 by adding a subdivision; 216C.436, subdivisions 2, 7, 8; 239.101, subdivision
 178.27 3; 245.4712, subdivision 1; 268.051, subdivision 5; 268.07, subdivision 3b;
 178.28 268.125, subdivisions 1, 3, 4, 5; 268.136, subdivisions 1, 2, 3, 4, 5, by adding
 178.29 a subdivision; 268.23; 268A.13; 268A.14, subdivision 1; 298.22, subdivision
 178.30 1; 298.28, subdivision 9c; 326.02, subdivision 5; 326A.04, subdivisions 2, 3, 5,
 178.31 7; 326A.10; 326B.081, subdivision 3; 326B.082, subdivision 11; 326B.093,
 178.32 subdivision 4; 326B.101; 326B.103, subdivision 11; 326B.121, subdivision 1;
 178.33 326B.163, by adding subdivisions; 326B.184, subdivisions 1, 2, by adding a
 178.34 subdivision; 326B.187; 326B.31, by adding a subdivision; 326B.33, subdivisions
 178.35 19, 21; 326B.36, subdivision 7; 326B.37, by adding a subdivision; 326B.43,
 178.36 subdivision 2; 326B.49, subdivisions 2, 3; 326B.89, subdivision 1; 327B.04,
 178.37 subdivision 4; 341.21, subdivision 3a; 341.221; 341.27; 341.29; 341.30,
 178.38 subdivision 4; 341.32, subdivision 2; 341.321; 429.101, subdivision 2; 462.358,
 178.39 subdivision 2b; 462A.37, subdivision 1; 507.235, subdivision 2; 559.211,
 178.40 subdivision 2; Laws 2005, chapter 97, article 10, section 3; Laws 2006, chapter
 178.41 269, section 2, as amended; Laws 2011, First Special Session chapter 2, article 2,
 178.42 section 3, subdivision 4; Laws 2012, chapter 201, article 1, section 3; proposing
 178.43 coding for new law in Minnesota Statutes, chapters 3; 116C; 116J; 116L; 154;
 178.44 155A; 161; 179; 216B; 216C; 268; 326B; 383D; 559; proposing coding for
 178.45 new law as Minnesota Statutes, chapter 80G; repealing Minnesota Statutes
 178.46 2012, sections 116W.01; 116W.02; 116W.03; 116W.035; 116W.04; 116W.05;
 178.47 116W.06; 116W.20; 116W.21; 116W.23; 116W.24; 116W.25; 116W.26; 116W.27;
 178.48 116W.28; 116W.29; 116W.30; 116W.31; 116W.32; 116W.33; 116W.34; 155A.25,
 178.49 subdivision 1; 216B.1637; 237.012, subdivision 3; 326A.03, subdivisions 2, 5, 8;
 178.50 326B.31, subdivisions 18, 19, 22; 326B.978, subdivision 4; 507.235, subdivision
 178.51 4; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700; 1307.0032;
 178.52 3800.3520, subpart 5, items C, D; 3800.3602, subpart 2, item B."

179.1 We request the adoption of this report and repassage of the bill.

179.2 House Conferees:

179.3
179.4 Tim Mahoney Joe Atkins

179.5
179.6 Karen Clark Sheldon Johnson

179.7
179.8 Bob Gunther

179.9 Senate Conferees:

179.10
179.11 David J. Tomassoni Tom Saxhaug

179.12
179.13 Dan Sparks James P. Metzen

179.14
179.15 Torrey N. Westrom