

2.1 Sec. 2. Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 2, is amended
2.2 to read:

2.3 Subd. 2. **Group 2.** The following agencies are sunset and, except as provided in
2.4 section 3D.14, expire on June 30, 2014: Department of Health, Department of Human
2.5 Services, Department of Human Rights, Department of Education, Board of Teaching,
2.6 Minnesota Office of Higher Education, Council on Black Minnesotans, Emergency
2.7 Medical Services Regulatory Board, and all advisory groups associated with these
2.8 agencies.

2.9 Sec. 3. **COUNCIL ON BLACK MINNESOTANS INTERIM REVIEW.**

2.10 (a) The Council on Black Minnesotans is continued for two years and added to the
2.11 2014 Sunset Advisory Commission review schedule. In the council's report to the Sunset
2.12 Advisory Commission, the council must submit an interim report and respond to issues
2.13 raised in previous audits by the Office of the Legislative Auditor.

2.14 (b) The Office of the Legislative Auditor should conduct a financial audit of the
2.15 Council of Black Minnesotans by December 1, 2013, prior to sunset review in 2014.

2.16 Sec. 4. **COMBATIVE SPORTS COMMISSION REVIEW.**

2.17 The commissioner of administration, in collaboration with the Office of the
2.18 Legislative Auditor, must conduct a program and financial review of the Combative Sports
2.19 Commission and must report to the legislature on the feasibility of merging the Combative
2.20 Sports Commission with the Amateur Sports Commission to form a Minnesota Sports
2.21 Commission that includes the functions of both entities. The Sunset Advisory Commission
2.22 must review this report and make a recommendation to the legislature by March 15, 2012.

2.23 **EFFECTIVE DATE.** This section is effective March 15, 2012.

2.24 ARTICLE 2

2.25 ADMINISTRATIVE PROCEDURES AND FEES

2.26 Section 1. Minnesota Statutes 2010, section 3.922, is amended by adding a subdivision
2.27 to read:

2.28 Subd. 11. **Report.** The council shall prepare and distribute a report to the governor
2.29 and legislature by November 15 of each year. The report shall summarize the activities
2.30 of the council since its last report, list receipts and expenditures, identify the major
2.31 problems and issues confronting American Indian people, and list the specific objectives

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3.1 that the council seeks to attain during the biennium. To the extent possible, the council
3.2 shall report on outcome measures.

3.3 Sec. 2. Minnesota Statutes 2010, section 3.9223, subdivision 7, is amended to read:

3.4 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor
3.5 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize
3.6 the activities of the council since its last report, list receipts and expenditures, identify
3.7 the major problems and issues confronting Chicano/Latino people, and list the specific
3.8 objectives that the council seeks to attain during the next biennium. To the extent possible,
3.9 the council shall report on outcome measures.

3.10 Sec. 3. Minnesota Statutes 2010, section 3.9225, subdivision 7, is amended to read:

3.11 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor
3.12 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize
3.13 the activities of the council since its last report, list receipts and expenditures, identify
3.14 the major problems and issues confronting Black people, and list the specific objectives
3.15 which the council seeks to attain during the next biennium. To the extent possible, the
3.16 council shall report on outcome measures.

3.17 Sec. 4. Minnesota Statutes 2010, section 3.9226, subdivision 7, is amended to read:

3.18 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor
3.19 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize
3.20 the activities of the council since its last report, list receipts and expenditures, identify
3.21 the major problems and issues confronting Asian-Pacific people, and list the specific
3.22 objectives that the council seeks to attain during the next biennium. To the extent possible,
3.23 the council shall report on outcome measures.

3.24 Sec. 5. **[3D.045] COORDINATION WITH LEGISLATIVE AUDITOR.**

3.25 To the extent possible, the commission and the Office of the Legislative Auditor
3.26 shall align their work so that audits and program evaluations conducted by the Office
3.27 of the Legislative Auditor can inform the work of the commission. The commission
3.28 may request the Office of the Legislative Auditor to provide updates on financial audits
3.29 and program evaluations the Office of the Legislative Auditor has prepared on agencies
3.30 scheduled for Sunset Advisory Commission review.

4.1 Sec. 6. Minnesota Statutes 2011 Supplement, section 3D.06, is amended to read:

4.2 **3D.06 AGENCY REPORT TO COMMISSION.**

4.3 Before September 1 of the odd-numbered year before the year in which a state agency
4.4 is subject to sunset review, the agency commissioner shall report to the commission:

4.5 (1) information regarding the application to the agency of the criteria in section
4.6 3D.10;

4.7 (2) a priority-based budget for the agency in which the agency indicates: (i) which
4.8 programs and activities the agency would devote more or less resources to if the agency
4.9 appropriation were incrementally increased or decreased; and (ii) the likely changes
4.10 in outcomes in agency goals and objectives if these incremental changes in resources
4.11 occurred;

4.12 (3) an inventory of all boards, commissions, committees, and other entities related
4.13 to the agency; and

4.14 (4) any other information that the agency commissioner considers appropriate or that
4.15 is requested by the commission.

4.16 ~~The September 1 deadline in this section does not apply in 2011.~~ For each sunset
4.17 review cycle, the commission must specify the amounts of the incremental increases or
4.18 decreases agencies must consider for purposes of clause (2).

4.19 Sec. 7. **[3D.065] REPORT ON PERSONNEL.**

4.20 By September 1 of the odd-numbered year before the year in which a state agency is
4.21 subject to sunset review, the commissioner of management and budget must report to the
4.22 Sunset Advisory Commission on the number of full-time equivalent employees and the
4.23 salary structure for each agency under review.

4.24 Sec. 8. **[16B.371] ASSISTANCE TO SMALL AGENCIES.**

4.25 (a) The commissioner may provide administrative support services to small agencies.
4.26 To promote efficiency and cost-effective use of state resources, and to improve financial
4.27 controls, the commissioner may require a small agency to receive administrative support
4.28 services through the Department of Administration or through another agency designated
4.29 by the commissioner. Services subject to this section include finance, accounting, payroll,
4.30 purchasing, human resources, and other services designated by the commissioner. The
4.31 commissioner may determine what constitutes a small agency for purposes of this section.

4.32 (b) The Chicano Latino Affairs Council, the Council on Black Minnesotans, the
4.33 Council on Asian-Pacific Minnesotans, the Indian Affairs Council, the Capitol Area
4.34 Architectural and Planning Board, the Amateur Sports Commission, the Minnesota State

5.1 Council on Disability, and the Combative Sports Commission must use the services
5.2 specified in paragraph (a).

5.3 (c) The commissioner may require agencies receiving services under this section to
5.4 reimburse the agency providing the services. Reimbursements received by a providing
5.5 agency are reappropriated to the account making the expenditure in the providing agency.

5.6 (d) For agencies covered in this section, the commissioner has the authority
5.7 to require the agency to comply with applicable state finance, accounting, payroll,
5.8 purchasing, and human resources policies.

5.9 Sec. 9. Minnesota Statutes 2010, section 147.01, subdivision 4, is amended to read:

5.10 Subd. 4. **Disclosure.** Subject to the exceptions listed in this subdivision, all
5.11 communications or information received by or disclosed to the board relating to any
5.12 person or matter subject to its regulatory jurisdiction are confidential and privileged and
5.13 any disciplinary hearing shall be closed to the public.

5.14 (a) Upon application of a party in a proceeding before the board under section
5.15 147.091, the board shall produce and permit the inspection and copying, by or on behalf of
5.16 the moving party, of any designated documents or papers relevant to the proceedings, in
5.17 accordance with the provisions of rule 34, Minnesota Rules of Civil Procedure.

5.18 (b) If the board takes corrective action or imposes disciplinary measures of any kind,
5.19 whether by contested case or by settlement agreement, the name and business address of
5.20 the licensee, the nature of the misconduct, and the action taken by the board are public
5.21 data. If disciplinary action is taken by settlement agreement, the entire agreement is public
5.22 data. The board shall decide disciplinary matters, whether by settlement or by contested
5.23 case, by roll call vote. The votes are public data.

5.24 (c) The board shall exchange information with other licensing boards, agencies, or
5.25 departments within the state, as required under section 214.10, subdivision 8, paragraph
5.26 (c), and may release information in the reports required under section 147.02, subdivision
5.27 6.

5.28 (d) The board shall upon request furnish to a person who made a complaint, or the
5.29 alleged victim of a violation of section 147.091, subdivision 1, paragraph (t), or both, a
5.30 description of the activities and actions of the board relating to that complaint, a summary
5.31 of the results of an investigation of that complaint, and the reasons for actions taken
5.32 by the board.

5.33 (e) A probable cause hearing held pursuant to section 147.092 shall be closed to the
5.34 public, except for the notices of hearing made public by operation of section 147.092.

6.1 (f) Findings of fact, conclusions, and recommendations issued by the administrative
6.2 law judge, and transcripts of oral arguments before the board pursuant to a contested case
6.3 proceeding in which an administrative law judge found a violation of section 147.091,
6.4 subdivision 1, paragraph (t), are public data.

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

6.6 Sec. 10. Minnesota Statutes 2010, section 147.111, is amended by adding a subdivision
6.7 to read:

6.8 Subd. 10. **Failure to report.** Any person, health care facility, business, or
6.9 organization that fails to report as required under this section shall be subject to civil
6.10 penalties for failing to report as required by law.

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

6.12 Sec. 11. **[214.056] FEES COLLECTED; FUND TRANSFER PROHIBITED.**

6.13 Fees collected by health-related licensing boards must be used only to pay the costs
6.14 associated with regulation of occupations and professions under the jurisdiction of those
6.15 boards. The legislature must not transfer money generated by these fees from a special
6.16 revenue fund to the general fund.

6.17 Sec. 12. **[214.072] HEALTH-RELATED LICENSING BOARDS; WEB SITE.**

6.18 Each health-related licensing board, as defined in section 214.01, subdivision 2,
6.19 and the commissioner of health, as the regulator for occupational therapy practitioners,
6.20 speech-language pathologists, audiologists, and hearing instrument dispensers, are
6.21 required to post on its public Web site the name and business address of each regulated
6.22 individual who has:

6.23 (1) a conviction during the previous ten years of a felony or gross misdemeanor.
6.24 Conviction includes a conviction of an offense that if committed in this state would be
6.25 considered a felony or gross misdemeanor without regard to its designation elsewhere,
6.26 or a criminal proceeding where a finding or verdict of guilt is made or returned but the
6.27 adjudication of guilt is either withheld or not entered;

6.28 (2) a malpractice settlement or judgment entered against the regulated individual in
6.29 any state or jurisdiction within the past ten years. Information describing the settlements
6.30 and judgments shall be developed by the boards, shall be stated in plain English, and shall
6.31 ensure the public understands the context of the action involving the licensee; or

7.1 (3) any disciplinary or corrective action or restriction of privileges taken against the
7.2 individual's license in this state or in any other state or jurisdiction. The Web site shall
7.3 identify the basis for disciplinary action, the type of disciplinary action taken, and whether
7.4 the action was taken by a licensing board in this or another state, the federal government,
7.5 or a health care provider as defined in section 62A.63, subdivision 2.

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

7.7 Sec. 13. **[214.073] HEALTH-RELATED LICENSING BOARDS; AUTHORITY.**

7.8 (a) Each health-related licensing board, as defined in section 214.01, subdivision 2,
7.9 and the commissioner of health, as the regulator for occupational therapy practitioners,
7.10 speech-language pathologists, audiologists, and hearing instrument dispensers, shall
7.11 require an applicant to provide the individual's primary business address at the time of
7.12 initial application and all subsequent renewals.

7.13 (b) Each health-related licensing board, as defined in section 214.01, subdivision 2,
7.14 and the commissioner of health, as the regulator for occupational therapy practitioners,
7.15 speech-language pathologists, audiologists, and hearing instrument dispensers, shall have
7.16 the authority to conduct criminal background checks on all applicants and regulated
7.17 individuals, at the expense of the individual. The boards and the commissioner shall
7.18 establish a protocol for conducting criminal background checks no later than January 1,
7.19 2013. This protocol must require the applicant or regulated individual to:

7.20 (1) submit a full set of fingerprints to the board or its designee in a form and manner
7.21 specified by the board; and

7.22 (2) provide consent authorizing the board to obtain the individual's state and national
7.23 criminal history record information for the purpose of determining the individual's
7.24 suitability for a receiving a credential to practice.

7.25 (c) Each health-related licensing board, as defined in section 214.01, subdivision 2,
7.26 and the commissioner of health, as the regulator for occupational therapy practitioners,
7.27 speech-language pathologists, audiologists, and hearing instrument dispensers, shall
7.28 submit legislation for consideration in 2013 to require institutions, professional societies,
7.29 other licensed professionals, insurers and other entities, and the courts to report conduct
7.30 constituting grounds for disciplinary action to the respective regulatory entity. Each board
7.31 and the commissioner must include penalties that may be imposed for failure to report.
7.32 Boards with reporting obligations in statutes are exempt from this paragraph.

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

8.1 Sec. 14. **SUNSET ADVISORY COMMISSION; DEPARTMENT OF HEALTH**
8.2 **REVIEW.**

8.3 The Sunset Advisory Commission review of the Department of Health in 2013
8.4 and 2014 must include an analysis of the extent to which health occupations should be
8.5 licensed by the Department of Health, and the extent to which occupations should be
8.6 licensed by licensing boards.

8.7 Sec. 15. **REPORT; INVESTIGATIONS FOR HEALTH-RELATED LICENSING**
8.8 **BOARDS.**

8.9 The health-related licensing boards and the attorney general shall review and
8.10 make recommendations to the legislature by January 15, 2013, on the respective roles
8.11 of the boards and the attorney general in conducting investigations of licensees of the
8.12 health-related licensing boards.

8.13 Sec. 16. **REPORT; INFORMATION SYSTEMS FOR LICENSING BOARDS.**

8.14 The chief information officer of the Office of Enterprise Technology and the
8.15 commissioner of administration shall report to the legislature by January 15, 2013, on the
8.16 best method of providing electronic licensing systems to the health-related licensing
8.17 boards.

8.18 Sec. 17. **REPORT; HEALTH-RELATED LICENSING BOARD FEES.**

8.19 Each health-related licensing board shall report to the chair and lead minority
8.20 member of the senate and house of representatives committees with jurisdiction over
8.21 health and human services finance by January 15, 2013, on the degree to which fees
8.22 imposed by the board comply with Minnesota Statutes, sections 214.055 and 214.06.
8.23 If a board determines that its fees are expected to produce more revenue than needed
8.24 to recover expenditures during a five-year period, the board must propose reductions
8.25 in those fees to the legislature.

8.26 Sec. 18. **REPORTS; ADMINISTRATIVE SUPPORT SERVICES.**

8.27 (a) The commissioner of administration shall report to the legislature by January 15,
8.28 2013, on use of the SMART program by executive branch agencies.

8.29 (b) The administrative services unit of health-related licensing boards shall report to
8.30 the legislature by January 15, 2013, evaluating use of the units' services by health-related
8.31 licensing boards.

9.1 Sec. 19. **PRACTICE ACT; STUDY.**

9.2 The Board of Medical Practice shall convene a working group to evaluate the state's
9.3 Medical Practice Act to ensure that it effectively protects the safety and well-being of the
9.4 citizens of the state and allows transparency. In this evaluation the working group shall
9.5 consider practice acts in other states, including conduct that may result in disciplinary
9.6 action. The working group shall consult with consumers, experts, and others. The board
9.7 shall submit legislation modifying the practice for consideration in the 2013 legislative
9.8 session.

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

9.10 Sec. 20. **FEES; REDUCTION.**

9.11 The application and renewal fees for the following boards shall be reduced by 25
9.12 percent:

9.13 (1) the Board of Examiners of Nursing Home Administrators established pursuant
9.14 to section 144A.19;

9.15 (2) the Board of Medical Practice established pursuant to section 147.01;

9.16 (3) the Board of Nursing established pursuant to section 148.81;

9.17 (4) the Board of Chiropractic Examiners established pursuant to section 148.02;

9.18 (5) the Board of Optometry established pursuant to section 148.52;

9.19 (6) the Board of Physical Therapy established pursuant to section 148.67;

9.20 (7) the Board of Psychology established pursuant to section 148.90;

9.21 (8) the Board of Social Work established pursuant to section 148E.025;

9.22 (9) the Board of Marriage and Family Therapy established pursuant to section
9.23 148B.30;

9.24 (10) the Board of Behavioral Health and Therapy established pursuant to section
9.25 148B.51;

9.26 (11) the Board of Dietetics and Nutrition Practice established pursuant to section
9.27 148.622;

9.28 (12) the Board of Dentistry established pursuant to section 150A.02;

9.29 (13) the Board of Pharmacy established pursuant to section 151.02;

9.30 (14) the Board of Podiatric Medicine established pursuant to section 153.02; and

9.31 (15) the Board of Veterinary Medicine established pursuant to section 156.01.

9.32 **EFFECTIVE DATE.** This section is effective for all applications and renewals
9.33 received on or after August 1, 2012.

10.1 Sec. 21. **APPROPRIATION.**

10.2 \$..... is appropriated in fiscal year 2013 from the general fund to the Legislative
10.3 Coordinating Commission to carry out the duties of the Sunset Advisory Commission.

10.4 Sec. 22. **REPEALER.**

10.5 Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05;
10.6 and 138A.06, are repealed effective the day following final enactment.

APPENDIX
Article locations in 12-4900

ARTICLE 1 SUNSET REVIEW Page.Ln 1.15
ARTICLE 2 ADMINISTRATIVE PROCEDURES AND FEES Page.Ln 2.24

138A.01 LABOR INTERPRETIVE CENTER; BOARD OF DIRECTORS.

Subdivision 1. **Establishment.** The Labor Interpretive Center is a public corporation of the state and is not subject to the laws governing a state agency except as provided in this chapter.

Subd. 2. **Purpose.** The purpose of the Labor Interpretive Center is to celebrate the contribution of working people to the past, present, and future of Minnesota; to spur an interest among the people of Minnesota in their own family and community traditions of work; to help young people discover their work skills and opportunities for a productive working life; and to advance the teaching of work and labor studies in schools and colleges.

Subd. 3. **Board of directors.** The center is governed by a board of ten directors. The membership terms, compensation, removal, and filling of vacancies of members of the board are as provided in section 15.0575. Membership of the board consists of:

- (1) three directors appointed by the governor;
- (2) one director appointed by the mayor of St. Paul, subject to the approval of the city council;
- (3) three directors appointed by the speaker of the house; and
- (4) three directors appointed by the Subcommittee on Committees of the senate Committee on Rules and Administration.

Directors must be representatives of labor, business, state and local government, local education authorities, and arts groups. The chairs of the senate Committee on Jobs, Energy, and Community Development and the house of representatives Committee on Labor-Management Relations shall serve as nonvoting members.

The board shall select a chair of the board from its members, and any other officers of the board deemed necessary.

Subd. 4. **Location.** The center must be located in the Capitol area of St. Paul as defined in section 15B.02, at the site recommended by the Capitol Area Architectural and Planning Board.

Subd. 5. **Meetings of the board.** The board shall meet at least twice a year and may hold additional meetings upon giving notice. Board meetings are subject to chapter 13D.

Subd. 6. **Conflict of interest.** A director, employee, or officer of the center may not participate in or vote on a decision of the board relating to a matter in which the director has either a direct or indirect financial interest or a conflict of interest as described in section 10A.07.

Subd. 7. **Tort claims.** The center is a state agency for purposes of section 3.736.

138A.02 CENTER PERSONNEL.

Subdivision 1. **Generally.** The board shall appoint an executive director of the center to serve in the unclassified service. The executive director must be chosen on the basis of training, experience, and knowledge in the areas of labor history and the changing world of work. The center shall employ staff, consultants, and other parties necessary to carry out the mission of the center.

Subd. 2. **Status of employees.** Employees of the center are executive branch state employees.

138A.03 POWERS; DUTIES; BOARD; CENTER.

Subdivision 1. **General powers.** The board has the powers necessary for the care, management, and direction of the center. The powers include:

- (1) overseeing the planning and construction of the center as funds are available;
- (2) leasing a temporary facility for the center during development of its organization and program; and
- (3) establishing advisory groups as needed to advise the board on program, policy, and related issues.

Subd. 2. **Duties.** The center is a state agency for purposes of the following accounting and budgeting requirements:

- (1) financial reports and other requirements under section 16A.06;
- (2) the state budget system under sections 16A.095, 16A.10, and 16A.11;
- (3) the state allotment and encumbrance, and accounting systems under sections 16A.14, subdivisions 2, 3, 4, and 5; and 16A.15, subdivisions 2 and 3; and
- (4) indirect costs under section 16A.127.

Subd. 3. **Program.** The board shall appoint a program advisory group to oversee the development of the center's programming. It must consist of representatives of cultural and educational organizations, labor education specialists, and curriculum supervisors in local schools.

APPENDIX

Repealed Minnesota Statutes: 12-4900

The program of the center may be implemented through exhibits, performances, seminars, films and multimedia presentations, participatory programs for all ages, and a resource center for teachers. Collaborative program development is encouraged with technical colleges, the Minnesota Historical Society, and other cultural institutions.

Subd. 4. **Board of governors.** The board may establish a board of governors to incorporate as a nonprofit organization to receive donations for the center and to serve as honorary advisors to the board of directors.

138A.04 LABOR INTERPRETIVE CENTER ACCOUNT.

The Minnesota labor interpretive center account is an account in the special revenue fund. Funds in the account not needed for the immediate purposes of the center may be invested by the state Board of Investment in any way authorized by section 11A.24. Funds in the account are appropriated to the center to be used as provided in this chapter.

138A.05 AUDITS.

The center is subject to the auditing requirements of sections 3.971 and 3.972.

138A.06 ANNUAL REPORTS.

The board shall submit annual reports to the legislature on the planning, development, and activities of the center. The board shall supply more frequent reports if requested.