

**CHAPTER 290—S.F.No. 2468**

*An act relating to economic development; renaming Minnesota Technology, Inc. to Enterprise Minnesota, Inc.; updating provisions; making technical changes; expanding the Agricultural Utilization Research Institute's duties; amending Minnesota Statutes 2006, sections 116O.01; 116O.011; 116O.02, subdivision 6; 116O.03, subdivisions 1a, 7; 116O.04, subdivisions 1, 2; 116O.05, subdivisions 1, 2, 4; 116O.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 2006, sections 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.091, subdivisions 1, 4, 5, 6; 116O.10; 116O.11; 116O.12; 116O.122.*

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

Section 1. Minnesota Statutes 2006, section 116O.01, is amended to read:

**116O.01 CITATION.**

Sections 116O.01 to ~~116O.10~~ 116O.061 may be cited as the "~~Minnesota Technology, Inc. Act~~ Enterprise Minnesota, Inc. Act."

Sec. 2. Minnesota Statutes 2006, section 116O.011, is amended to read:

**116O.011 NAME CHANGE.**

~~The Greater Minnesota Corporation is renamed~~ Minnesota Technology, Inc., formerly known as the Greater Minnesota Corporation, is renamed Enterprise Minnesota, Inc.

Sec. 3. Minnesota Statutes 2006, section 116O.02, subdivision 6, is amended to read:

Subd. 6. **Technology-related assistance.** "Technology-related assistance" means the ~~transfer~~ application and utilization of technological information and technologies to assist in the development and production of new technology-related products or services or to increase the productivity or otherwise enhance the production or delivery of existing products or services. "Technology-related assistance" includes assistance in utilizing and developing processes and products that conserve energy.

Sec. 4. Minnesota Statutes 2006, section 116O.03, subdivision 1a, is amended to read:

Subd. 1a. **Purpose.** The purpose of the corporation is to foster long-term economic growth and job creation by stimulating innovation and the development of new products, services, and production processes through energy conservation, technology ~~transfer, applied research~~ application and utilization, and financial assistance. The corporation's purpose is not to create new programs or services but to build on the existing educational, business, and economic development infrastructure. The primary focus of the corporation's activities must be to benefit new or existing small and medium-sized businesses in greater Minnesota.

Sec. 5. Minnesota Statutes 2006, section 116O.03, subdivision 7, is amended to read:

Subd. 7. **Application and investigative data.** The following data is classified as private data with regard to data on individuals under section 13.02, subdivision 12, or as nonpublic data with regard to data not on individuals under section 13.02, subdivision 9, whichever is applicable:

(1) financial data, statistics, and information furnished in connection with assistance or proposed assistance under section ~~116O.06~~ 116O.061, including credit reports, financial statements, statements of net worth, income tax returns, either personal or corporate, and any other business and personal financial records; or

(2) security information, trade secret information, or labor relations information, as defined in section 13.37, subdivision 1, disclosed to members of the corporation board or employees of the corporation under section ~~116O.06~~ 116O.061.

Sec. 6. Minnesota Statutes 2006, section 116O.04, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The board shall appoint and set the compensation for a president, who serves as chief executive officer of the corporation, and who may appoint subordinate officers. ~~The president's salary may not exceed 95 percent of the governor's salary.~~ The board may designate the president as its general agent. Subject to the control of the board, the president shall employ employees, consultants, and agents the president considers necessary. The staff of the corporation must include individuals with operational experience and knowledgeable in commercial and industrial financing, energy conservation, research and development, economic development, and general fiscal affairs. The board shall define the duties and designate the titles of the employees and agents.

Sec. 7. Minnesota Statutes 2006, section 116O.04, subdivision 2, is amended to read:

Subd. 2. **Status of employees.** ~~(a)~~ Employees, officers, and directors of the corporation and programs governed by this chapter are not state employees, but are covered by section 3.736 and, at the option of the board, may participate in the state retirement plan and the state deferred compensation plan for employees in the unclassified service and an insurance plan administered by the commissioner of employee relations.

~~(b) The board of Minnesota Project Innovation, Inc., may extend the health care insurance benefits and coverage referenced in paragraph (a) to all of its employees.~~

Sec. 8. Minnesota Statutes 2006, section 116O.05, subdivision 1, is amended to read:

Subdivision 1. **General corporate powers.** (a) The corporation has the powers granted to a business corporation by section 302A.161, subdivisions 3; 4; 5; 7; 8; 9; 11; 12; 13, except that the corporation may not act as a general partner in any partnership; 14; 15; 16; 17; 18; and 22.

(b) The state is not liable for the obligations of the corporation.

(c) Section 302A.041 applies to this chapter and the corporation in the same manner that it applies to business corporations established under chapter 302A.

~~(d) The corporation is a state agency for the 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.~~

Sec. 9. Minnesota Statutes 2006, section 116O.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The primary duties of the corporation shall include:

(1) applied research development of new products and processes for operational efficiency and excellence, enabling company growth; and

(2) technology transfer and early stage funding to small manufacturers business development services with technology utilization and application, primarily for small and medium-sized manufacturers.

(b) The corporation shall also:

(1) ~~establish programs, activities, and policies that provide technology transfer and applied research and development assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations in the state that are primarily new and existing small and medium-sized businesses in greater Minnesota;~~

~~(2) provide or provide for technology-related assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations; and~~

~~(3) provide financial assistance under section 116O.06 to assist the development of new products, services, or production processes, to assist in energy conservation, or to assist in bringing new products or services to the marketplace;~~

~~(4) provide or provide for research services including on-site research and testing of production techniques and product quality;~~

~~(5) establish and operate regional research institutes as provided for in section 116O.08;~~

~~(6) make matching research grants for applied research and development to public and private postsecondary education institutes as provided for in section 116O.11;~~

~~(7) enter into contracts for establishing formal relationships with public or private research institutes or facilities;~~

~~(8) establish the Agricultural Utilization Research Institute under section 116O.09; and~~

~~(9)~~ (2) not duplicate existing services or activities provided by other public and private organizations but shall build on the existing educational, business, and economic development infrastructure.

Sec. 10. Minnesota Statutes 2006, section 116O.05, subdivision 4, is amended to read:

Subd. 4. **Supporting organizations.** On making a determination that the public policies and purposes of this chapter will be carried out to a greater extent than what might otherwise occur, the board may cause to be created and may delegate, assign, or

transfer to one or more entities, including without limitation a corporation, nonprofit corporation, limited liability company, partnership, or limited partnership, any or all rights and duties, assets and liabilities, powers or authority created, authorized, or allowed under this chapter, ~~including without limitation those pertaining to the seed capital fund under section 116O.122~~; except to the extent specifically limited by the Constitution or by law.

Sec. 11. **[116O.061] FINANCIAL ASSISTANCE.**

(a) Financial assistance may be provided to sole proprietorships, corporations, other entities, or nonprofit organizations. Financial assistance includes, but is not limited to, assisting a qualified company or organization with business services and products that will enhance the operations of the entity.

(b) Preference and priority will be given to business entities that are expanding their operations in Minnesota. Priority will be assigned to:

(1) projects whose return, in economic benefits, are most substantial and clear;

(2) projects whose outcomes are best accelerated through internal resources of the corporation; and

(3) companies and organizations not typically able to leverage external assistance.

(c) The corporation may enter into agreements with, or solicit grants from, other organizations to jointly promote:

(1) business improvements;

(2) the application of technology, energy conservation, new product development, and other initiatives leading to economic development; and

(3) job creation.

Sec. 12. Minnesota Statutes 2006, section 116O.09, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The Agricultural Utilization Research Institute is established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Agricultural Utilization Research Institute shall conduct onsite and applied research, promote the establishment of new products and product uses and the expansion of existing markets for the state's agricultural commodities and products, including direct financial and technical assistance for Minnesota entrepreneurs. The institute must establish or maintain facilities and work with private and public entities to leverage the resources available to achieve maximum results for Minnesota agriculture.

Sec. 13. **REVISOR'S INSTRUCTION.**

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

Column A

116O.09

116O.13

Column B

116V.01

116V.02

Sec. 14. **REPEALER.**

Minnesota Statutes 2006, sections 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.091, subdivisions 1, 4, 5, and 6; 116O.10; 116O.11; 116O.12; and 116O.122, are repealed.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective the day following final enactment.

Presented to the governor May 8, 2008

Signed by the governor May 12, 2008, 1:08 p.m.