

(SENATE AUTHORS: METZEN and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
03/17/2011	547	Introduction and first reading Referred to Jobs and Economic Growth

A bill for an act relating to state government; appropriating money; modifying fees and licensing, registration, and continuing education provisions; requiring rulemaking; amending Minnesota Statutes 2010, sections 116J.035, by adding a subdivision; 116L.3625; 116L.62; 326B.04, subdivision 2; 326B.091; 326B.098; 326B.148, subdivision 1; 326B.42, subdivisions 8, 9, 10, by adding subdivisions; 326B.435, subdivision 2; 326B.438; 326B.46, subdivisions 1a, 1b, 2, 3; 326B.47, subdivisions 1, 3; 326B.49, subdivision 1; 326B.56, subdivision 1; 326B.58; 326B.82, subdivisions 2, 3, 7, 9; 326B.821, subdivisions 1, 5, 5a, 6, 7, 8, 9, 10, 11, 12, 15, 16, 18, 19, 20, 22, 23; 326B.865; 341.321; Laws 2009, chapter 78, article 1, section 18; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2010, sections 326B.82, subdivisions 4, 6; 326B.821, subdivision 3.

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

ARTICLE 1

APPROPRIATIONS

Section 1. JOBS AND ECONOMIC DEVELOPMENT APPROPRIATIONS.

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

		<u>2012</u>		<u>2013</u>		<u>Total</u>
<u>General</u>	\$	<u>129,809,000</u>	\$	<u>123,393,000</u>	\$	<u>253,202,000</u>
<u>Workforce Development</u>		<u>17,451,000</u>		<u>17,451,000</u>		<u>34,902,000</u>
<u>Remediation</u>		<u>700,000</u>		<u>700,000</u>		<u>1,400,000</u>
<u>Workers' Compensation</u>		<u>22,574,000</u>		<u>22,574,000</u>		<u>45,148,000</u>
<u>Total</u>	\$	<u>170,534,000</u>	\$	<u>164,118,000</u>	\$	<u>334,652,000</u>

Sec. 2. JOBS AND ECONOMIC DEVELOPMENT.

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

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

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

**Subdivision 1. Total Appropriation**                      **\$**                      **61,277,000** **\$**                      **56,277,000**

	<u>Appropriations by Fund</u>	
	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>44,155,000</u>	<u>39,155,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
<u>Workforce</u>		
<u>Development</u>	<u>16,422,000</u>	<u>16,422,000</u>

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

**Subd. 2. Business and Community**  
**Development**                      **13,225,000**                      **8,225,000**

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>12,186,000</u>	<u>7,186,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
<u>Workforce</u>		
<u>Development</u>	<u>339,000</u>	<u>339,000</u>

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

3.1 (b) \$150,000 each year is from the general  
3.2 fund for a grant to WomenVenture for  
3.3 women's business development programs  
3.4 and for programs that encourage and assist  
3.5 women to enter nontraditional careers in the  
3.6 trades; manual and technical occupations;  
3.7 science, technology, engineering, and  
3.8 mathematics-related occupations; and green  
3.9 jobs. This appropriation may be matched  
3.10 dollar for dollar with any resources available  
3.11 from the federal government for these  
3.12 purposes with priority given to initiatives  
3.13 that have a goal of increasing by at least ten  
3.14 percent the number of women in occupations  
3.15 where women currently comprise less than  
3.16 25 percent of the workforce.

3.17 (c) \$79,000 each year is from the general  
3.18 fund and \$50,000 each year is from the  
3.19 workforce development fund for a grant to  
3.20 the Metropolitan Economic Development  
3.21 Association for continuing minority business  
3.22 development programs in the metropolitan  
3.23 area. This appropriation must be used for the  
3.24 sole purpose of providing free or reduced  
3.25 fee business consulting services to minority  
3.26 entrepreneurs and contractors.

3.27 (d)(1) \$356,000 each year is from the  
3.28 general fund for a grant to BioBusiness  
3.29 Alliance of Minnesota for bioscience  
3.30 business development programs to promote  
3.31 and position the state as a global leader in  
3.32 bioscience business activities. These funds  
3.33 may be used to create, recruit, retain, and  
3.34 expand biobusiness activity in Minnesota;  
3.35 implement the destination 2025 statewide  
3.36 plan; update a statewide assessment of the

4.1 bioscience industry and the competitive  
4.2 position of Minnesota-based bioscience  
4.3 businesses relative to other states and other  
4.4 nations; and develop and implement business  
4.5 and scenario-planning models to create,  
4.6 recruit, retain, and expand biobusiness  
4.7 activity in Minnesota.

4.8 (2) The BioBusiness Alliance must report  
4.9 each year by February 15 to the committees  
4.10 of the house of representatives and the senate  
4.11 having jurisdiction over bioscience industry  
4.12 activity in Minnesota on the use of funds;  
4.13 the number of bioscience businesses and  
4.14 jobs created, recruited, retained, or expanded  
4.15 in the state since the last reporting period;  
4.16 the competitive position of the biobusiness  
4.17 industry; and utilization rates and results of  
4.18 the business and scenario-planning models  
4.19 and outcomes resulting from utilization of  
4.20 the business and scenario-planning models.

4.21 (e) \$37,000 each year is from the general  
4.22 fund for a grant to the Minnesota Inventors  
4.23 Congress, of which at least \$6,500 must be  
4.24 used for youth inventors.

4.25 (f)(1) \$100,000 each year is from the  
4.26 workforce development fund for a grant  
4.27 under Minnesota Statutes, section 116J.421,  
4.28 to the Rural Policy and Development  
4.29 Center at St. Peter, Minnesota. The grant  
4.30 shall be used for research and policy  
4.31 analysis on emerging economic and social  
4.32 issues in rural Minnesota, to serve as a  
4.33 policy resource center for rural Minnesota  
4.34 communities, to encourage collaboration  
4.35 across higher education institutions, to

5.1 provide interdisciplinary team approaches  
5.2 to research and problem-solving in rural  
5.3 communities, and to administer overall  
5.4 operations of the center.

5.5 (2) The grant shall be provided upon the  
5.6 condition that each state-appropriated  
5.7 dollar be matched with a nonstate dollar.  
5.8 Acceptable matching funds are nonstate  
5.9 contributions that the center has received and  
5.10 have not been used to match previous state  
5.11 grants.

5.12 (g)(1) \$189,000 each year is appropriated  
5.13 from the workforce development fund for  
5.14 grants of \$63,000 to eligible organizations  
5.15 each year to assist in the development of  
5.16 entrepreneurs and small businesses. Each  
5.17 state grant dollar must be matched with \$1  
5.18 of nonstate funds.

5.19 (2) Three grants must be awarded to  
5.20 continue or to develop a program. One  
5.21 grant must be awarded to the Riverbend  
5.22 Center for Entrepreneurial Facilitation  
5.23 in Blue Earth County, and two to other  
5.24 organizations serving Faribault and Martin  
5.25 Counties. Grant recipients must report to the  
5.26 commissioner by February 1 of each year  
5.27 that the organization receives a grant with the  
5.28 number of customers served; the number of  
5.29 businesses started, stabilized, or expanded;  
5.30 the number of jobs created and retained; and  
5.31 business success rates. The commissioner  
5.32 must report to the house of representatives  
5.33 and senate committees with jurisdiction  
5.34 over economic development finance on the  
5.35 effectiveness of these programs for assisting

6.1 in the development of entrepreneurs and  
6.2 small businesses.

6.3 (h) \$3,000,000 the first year is for grants  
6.4 under Minnesota Statutes, section 116J.8731,  
6.5 for the Minnesota investment fund program.  
6.6 This is a onetime appropriation and is  
6.7 available until spent.

6.8 (i) \$2,000,000 the first year is for grants  
6.9 under Minnesota Statutes, section 116J.571,  
6.10 for the redevelopment grant program. This  
6.11 is a onetime appropriation and is available  
6.12 until spent.

6.13	<u>Subd. 3. Workforce Development</u>	<u>47,033,000</u>	<u>47,033,000</u>
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6.14	<u>Appropriations by Fund</u>		
6.15	<u>General</u>	<u>30,950,000</u>	<u>30,950,000</u>
6.16	<u>Workforce</u>		
6.17	<u>Development</u>	<u>16,083,000</u>	<u>16,083,000</u>

6.18 (a) \$4,196,000 each year is from the general  
6.19 fund for the Minnesota job skills partnership  
6.20 program under Minnesota Statutes, sections  
6.21 116L.01 to 116L.17. If the appropriation for  
6.22 either year is insufficient, the appropriation  
6.23 for the other year is available. This  
6.24 appropriation is available until spent.

6.25 (b) \$10,800,000 each year is from the general  
6.26 fund for the state's vocational rehabilitation  
6.27 program under Minnesota Statutes, chapter  
6.28 268A.

6.29 (c) \$5,928,000 each year is from the general  
6.30 fund for the state services for the blind  
6.31 activities.

6.32 (d) \$2,261,000 each year is from the general  
6.33 fund for grants to centers for independent  
6.34 living under Minnesota Statutes, section  
6.35 268A.11.

7.1 (e) \$315,000 each year is from the general  
7.2 fund and \$105,000 each year is from the  
7.3 workforce development fund for a grant  
7.4 under Minnesota Statutes, section 116J.8747,  
7.5 to Twin Cities RISE! to provide training to  
7.6 hard-to-train individuals.

7.7 (f) \$135,000 each year is from the general  
7.8 fund and \$50,000 each year is from the  
7.9 workforce development fund for a grant  
7.10 to Northern Connections in Perham to  
7.11 implement and operate a workforce program  
7.12 that provides one-stop supportive services  
7.13 to individuals as they transition into the  
7.14 workforce.

7.15 (g) \$135,000 each year is from the general  
7.16 fund for a grant to Advocating Change  
7.17 Together for training, technical assistance,  
7.18 and resource materials for persons with  
7.19 developmental and mental illness disabilities.

7.20 (h) \$5,280,000 each year is from the general  
7.21 fund and \$6,830,000 each year is from the  
7.22 workforce development fund for extended  
7.23 employment services for persons with severe  
7.24 disabilities or related conditions under  
7.25 Minnesota Statutes, section 268A.15. Of  
7.26 the general fund appropriation, \$125,000  
7.27 each year is to supplement funds paid for  
7.28 wage incentives for the community support  
7.29 fund established in Minnesota Rules, part  
7.30 3300.2045.

7.31 (i) \$1,555,000 each year is from the general  
7.32 fund for grants to programs that provide  
7.33 employment support services to persons with  
7.34 mental illness under Minnesota Statutes,  
7.35 sections 268A.13 and 268A.14. Grants

8.1 may be used for special projects for young  
8.2 people with mental illness transitioning from  
8.3 school to work and people with serious  
8.4 mental illness receiving services through  
8.5 a mental health court or civil commitment  
8.6 court. Special projects must demonstrate  
8.7 interagency collaboration.

8.8 (j) \$130,000 each year is from the general  
8.9 fund and \$175,000 each year is from the  
8.10 workforce development fund for a grant  
8.11 under Minnesota Statutes, section 268A.03,  
8.12 to Rise, Inc. for the Minnesota Employment  
8.13 Center for People Who are Deaf or Hard of  
8.14 Hearing.

8.15 (k) \$90,000 each year is from the general  
8.16 fund and \$200,000 each year is from the  
8.17 workforce development fund for a grant to  
8.18 Lifetrack Resources for its immigrant and  
8.19 refugee collaborative program, including  
8.20 those related to job-seeking skills and  
8.21 workplace orientation, intensive job  
8.22 development, functional work English, and  
8.23 on-site job coaching. This appropriation may  
8.24 also be used in Rochester.

8.25 (l) \$3,500,000 each year is from the  
8.26 workforce development fund for the  
8.27 Minnesota youth program under Minnesota  
8.28 Statutes, sections 116L.56 and 116L.561.

8.29 (m) \$1,375,000 each year is from the  
8.30 workforce development fund for the  
8.31 Opportunities Industrialization Center  
8.32 programs under Minnesota Statutes, sections  
8.33 116L.60 to 116L.64.

8.34 (n) \$900,000 each year is from the workforce  
8.35 development fund for grants for the



9.1 Minneapolis summer youth employment  
9.2 program. The grants shall be used to fund  
9.3 up to 500 jobs for youth each summer. The  
9.4 commissioner shall establish criteria for  
9.5 awarding the grant.

9.6 (o) \$300,000 each year is from the workforce  
9.7 development fund for a grant to the  
9.8 Minneapolis learn-to-earn summer youth  
9.9 employment program. The commissioner  
9.10 shall establish criteria for awarding the grant.

9.11 (p) \$750,000 each year is from the workforce  
9.12 development fund for a grant to the  
9.13 Minnesota Alliance of Boys and Girls  
9.14 Clubs to administer a statewide project  
9.15 of youth jobs skills development. This  
9.16 project, which may have career guidance  
9.17 components, including health and life skills,  
9.18 is to encourage, train, and assist youth in  
9.19 job-seeking skills, workplace orientation,  
9.20 and job-site knowledge through coaching.  
9.21 This grant requires a 25 percent match from  
9.22 nonstate resources.

9.23 (q) \$558,000 each year is from the workforce  
9.24 development fund for grants to fund summer  
9.25 youth employment in St. Paul. The grants  
9.26 shall be used to fund up to 500 jobs for  
9.27 youth each summer. The commissioner shall  
9.28 establish criteria for awarding the grants.

9.29 (r) \$1,000,000 each year is from the  
9.30 workforce development fund for the  
9.31 youthbuild program under Minnesota  
9.32 Statutes, sections 116L.361 to 116L.366.

9.33 (s) \$340,000 each year is from the workforce  
9.34 development fund for grants to provide  
9.35 interpreters for a regional transition program

10.1	<u>that specializes in providing culturally</u>			
10.2	<u>appropriate transition services leading to</u>			
10.3	<u>employment for deaf, hard-of-hearing, and</u>			
10.4	<u>deaf-blind students.</u>			
10.5	<u>(t) The first \$3,300,000 deposited in each year</u>			
10.6	<u>of the biennium into the contingent account</u>			
10.7	<u>created under Minnesota Statutes, section</u>			
10.8	<u>268.199, shall be transferred before the</u>			
10.9	<u>closing of each fiscal year to the workforce</u>			
10.10	<u>development fund created under Minnesota</u>			
10.11	<u>Statutes, section 116L.20. Deposits in excess</u>			
10.12	<u>of \$3,300,000 shall be transferred before the</u>			
10.13	<u>closing of each fiscal year to the general fund.</u>			
10.14	<u>Subd. 4. State-Funded Administration</u>	<u>1,019,000</u>		<u>1,019,000</u>
10.15	Sec. 4. <u>PUBLIC FACILITIES AUTHORITY</u>	<u>\$ 86,000</u>	<u>\$</u>	<u>86,000</u>
10.16	<u>For the small community wastewater</u>			
10.17	<u>treatment program under Minnesota Statutes,</u>			
10.18	<u>chapter 446A.</u>			
10.19	Sec. 5. <u>SCIENCE AND TECHNOLOGY</u>			
10.20	<u>AUTHORITY</u>	<u>\$ 107,000</u>	<u>\$</u>	<u>107,000</u>
10.21	Sec. 6. <u>EXPLORE MINNESOTA TOURISM</u>	<u>\$ 9,928,000</u>	<u>\$</u>	<u>8,928,000</u>
10.22	<u>(a) Of this amount, \$12,000 each year is for a</u>			
10.23	<u>grant to the Upper Minnesota Film Office.</u>			
10.24	<u>(b)(1) To develop maximum private sector</u>			
10.25	<u>involvement in tourism, \$500,000 the first</u>			
10.26	<u>year and \$500,000 the second year must</u>			
10.27	<u>be matched by Explore Minnesota Tourism</u>			
10.28	<u>from nonstate sources. Each \$1 of state</u>			
10.29	<u>incentive must be matched with \$3 of private</u>			
10.30	<u>sector funding. Cash match is defined as</u>			
10.31	<u>revenue to the state or documented cash</u>			
10.32	<u>expenditures directly expended to support</u>			
10.33	<u>Explore Minnesota Tourism programs. Up</u>			

11.1 to one-half of the private sector contribution  
11.2 may be in-kind or soft match. The incentive  
11.3 in the first year shall be based on fiscal  
11.4 year 2011 private sector contributions. The  
11.5 incentive in the second year will be based on  
11.6 fiscal year 2012 private sector contributions.  
11.7 This incentive is ongoing.

11.8 (2) Funding for the marketing grants is  
11.9 available either year of the biennium.  
11.10 Unexpended grant funds from the first year  
11.11 are available in the second year.

11.12 (3) Unexpended money from the general  
11.13 fund appropriations made under this section  
11.14 does not cancel but must be placed in a  
11.15 special marketing account for use by Explore  
11.16 Minnesota Tourism for additional marketing  
11.17 activities.

11.18 (c) \$325,000 the first year and \$325,000 the  
11.19 second year are for the Minnesota Film and  
11.20 TV Board. The appropriation in each year  
11.21 is available only upon receipt by the board  
11.22 of \$1 in matching contributions of money or  
11.23 in-kind contributions from nonstate sources  
11.24 for every \$3 provided by this appropriation,  
11.25 except that each year up to \$50,000 is  
11.26 available on July 1 even if the required  
11.27 matching contribution has not been received  
11.28 by that date.

11.29 (d) \$1,000,000 the first year is appropriated  
11.30 for a grant to the Minnesota Film and TV  
11.31 Board for the film jobs production program  
11.32 under Minnesota Statutes, section 116U.26.  
11.33 This is a onetime appropriation and is  
11.34 available until expended.

12.1	Sec. 7. <u>HOUSING FINANCE AGENCY</u>		
12.2	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 38,595,000</u>	<u>\$ 38,595,000</u>
12.3	<u>The amounts that may be spent for each</u>		
12.4	<u>purpose are specified in the following</u>		
12.5	<u>subdivisions.</u>		
12.6	<u>This appropriation is for transfer to the</u>		
12.7	<u>housing development fund for the programs</u>		
12.8	<u>specified. Except as otherwise indicated, this</u>		
12.9	<u>transfer is part of the agency's permanent</u>		
12.10	<u>budget base.</u>		
12.11	<u>Subd. 2. Challenge Program</u>	<u>7,159,000</u>	<u>7,159,000</u>
12.12	<u>For the economic development and housing</u>		
12.13	<u>challenge program under Minnesota</u>		
12.14	<u>Statutes, section 462A.33. Of this amount,</u>		
12.15	<u>\$1,208,000 each year shall be made available</u>		
12.16	<u>during the first eight months of the fiscal</u>		
12.17	<u>year exclusively for housing projects for</u>		
12.18	<u>American Indians. Any funds not committed</u>		
12.19	<u>to housing projects for American Indians in</u>		
12.20	<u>the first eight months of the fiscal year shall</u>		
12.21	<u>be available for any eligible activity under</u>		
12.22	<u>Minnesota Statutes, section 462A.33.</u>		
12.23	<u>Subd. 3. Housing Trust Fund</u>	<u>9,555,000</u>	<u>9,555,000</u>
12.24	<u>For deposit in the housing trust fund account</u>		
12.25	<u>created under Minnesota Statutes, section</u>		
12.26	<u>462A.201, and used for the purposes</u>		
12.27	<u>provided in that section.</u>		
12.28	<u>Subd. 4. Rental Assistance for Mentally Ill</u>	<u>2,638,000</u>	<u>2,638,000</u>
12.29	<u>For a rental housing assistance program for</u>		
12.30	<u>persons with a mental illness or families with</u>		
12.31	<u>an adult member with a mental illness under</u>		
12.32	<u>Minnesota Statutes, section 462A.2097.</u>		
12.33	<u>Subd. 5. Family Homeless Prevention</u>	<u>7,465,000</u>	<u>7,465,000</u>

13.1	<u>For the family homeless prevention and</u>		
13.2	<u>assistance programs under Minnesota</u>		
13.3	<u>Statutes, section 462A.204.</u>		
13.4	<b><u>Subd. 6. Home Ownership Assistance Fund</u></b>	<u>858,000</u>	<u>858,000</u>
13.5	<u>For the home ownership assistance program</u>		
13.6	<u>under Minnesota Statutes, section 462A.21,</u>		
13.7	<u>subdivision 8.</u>		
13.8	<b><u>Subd. 7. Affordable Rental Investment Fund</u></b>	<u>7,319,000</u>	<u>7,319,000</u>
13.9	<u>(a) For the affordable rental investment fund</u>		
13.10	<u>program under Minnesota Statutes, section</u>		
13.11	<u>462A.21, subdivision 8b. The appropriation</u>		
13.12	<u>is to finance the acquisition, rehabilitation,</u>		
13.13	<u>and debt restructuring of federally assisted</u>		
13.14	<u>rental property and for making equity</u>		
13.15	<u>take-out loans under Minnesota Statutes,</u>		
13.16	<u>section 462A.05, subdivision 39.</u>		
13.17	<u>(b) The owner of federally assisted rental</u>		
13.18	<u>property must agree to participate in the</u>		
13.19	<u>applicable federally assisted housing program</u>		
13.20	<u>and to extend any existing low-income</u>		
13.21	<u>affordability restrictions on the housing for</u>		
13.22	<u>the maximum term permitted. The owner</u>		
13.23	<u>must also enter into an agreement that gives</u>		
13.24	<u>local units of government, housing and</u>		
13.25	<u>redevelopment authorities, and nonprofit</u>		
13.26	<u>housing organizations the right of first refusal</u>		
13.27	<u>if the rental property is offered for sale to</u>		
13.28	<u>unrelated third parties. Priority must be</u>		
13.29	<u>given among comparable federally assisted</u>		
13.30	<u>rental properties to properties with the</u>		
13.31	<u>longest remaining term under an agreement</u>		
13.32	<u>for federal assistance. Priority must also</u>		
13.33	<u>be given among comparable rental housing</u>		
13.34	<u>developments to developments that are or</u>		
13.35	<u>will be owned by local government units, a</u>		

14.1	<u>housing and redevelopment authority, or a</u>		
14.2	<u>nonprofit housing organization.</u>		
14.3	<u>(c) The appropriation also may be used to</u>		
14.4	<u>finance the acquisition, rehabilitation, and</u>		
14.5	<u>debt restructuring of existing supportive</u>		
14.6	<u>housing properties. For purposes of this</u>		
14.7	<u>subdivision, "supportive housing" means</u>		
14.8	<u>affordable rental housing with links to</u>		
14.9	<u>services necessary for individuals, youth, and</u>		
14.10	<u>families with children to maintain housing</u>		
14.11	<u>stability.</u>		
14.12	<u>Subd. 8. <b>Housing Rehabilitation</b></u>	<u>2,633,000</u>	<u>2,633,000</u>
14.13	<u>For the housing rehabilitation program</u>		
14.14	<u>under Minnesota Statutes, section 462A.05,</u>		
14.15	<u>subdivision 14, for rental housing</u>		
14.16	<u>developments.</u>		
14.17	<u>Subd. 9. <b>Homeownership Education,</b></u>		
14.18	<u><b>Counseling, and Training</b></u>	<u>751,000</u>	<u>751,000</u>
14.19	<u>For the homeownership education,</u>		
14.20	<u>counseling, and training program under</u>		
14.21	<u>Minnesota Statutes, section 462A.209.</u>		
14.22	<u>Notwithstanding Minnesota Statutes, section</u>		
14.23	<u>462A.209, subdivision 7, paragraph (b),</u>		
14.24	<u>more than one-half of the funds awarded</u>		
14.25	<u>for foreclosure prevention and assistance</u>		
14.26	<u>activities may be used for mortgage or</u>		
14.27	<u>financial counseling services.</u>		
14.28	<u>Subd. 10. <b>Capacity-Building Grants</b></u>	<u>217,000</u>	<u>217,000</u>
14.29	<u>For nonprofit capacity-building grants</u>		
14.30	<u>under Minnesota Statutes, section 462A.21,</u>		
14.31	<u>subdivision 3b.</u>		
14.32	<u>Sec. 8. <b>DEPARTMENT OF LABOR AND</b></u>		
14.33	<u><b>INDUSTRY</b></u>		
14.34	<u>Subdivision 1. <b>Total Appropriation</b></u>	<u>\$ 22,717,000</u>	<u>\$ 22,717,000</u>

15.1	<u>Appropriations by Fund</u>		
15.2		<u>2012</u>	<u>2013</u>
15.3	<u>General</u>	<u>817,000</u>	<u>817,000</u>
15.4	<u>Workers'</u>		
15.5	<u>Compensation</u>	<u>20,871,000</u>	<u>20,871,000</u>
15.6	<u>Workforce</u>		
15.7	<u>Development</u>	<u>1,029,000</u>	<u>1,029,000</u>
15.8	<u>The amounts that may be spent for each</u>		
15.9	<u>purpose are specified in the following</u>		
15.10	<u>subdivisions.</u>		
15.11	<u>Subd. 2. <b>Workers' Compensation</b></u>	<u>14,832,000</u>	<u>14,832,000</u>
15.12	<u>This appropriation is from the workers'</u>		
15.13	<u>compensation fund.</u>		
15.14	<u>\$200,000 each year is for grants to the</u>		
15.15	<u>Vinland Center for rehabilitation services.</u>		
15.16	<u>Grants shall be distributed as the department</u>		
15.17	<u>refers injured workers to the Vinland Center</u>		
15.18	<u>for rehabilitation services.</u>		
15.19	<u>Subd. 3. <b>Labor Standards and Apprenticeship</b></u>	<u>1,846,000</u>	<u>1,846,000</u>
15.20	<u>Appropriations by Fund</u>		
15.21	<u>General</u>	<u>817,000</u>	<u>817,000</u>
15.22	<u>Workforce</u>		
15.23	<u>Development</u>	<u>1,029,000</u>	<u>1,029,000</u>
15.24	<u>(a) \$879,000 each year is appropriated from</u>		
15.25	<u>the workforce development fund for the</u>		
15.26	<u>apprenticeship program under Minnesota</u>		
15.27	<u>Statutes, chapter 178, and includes</u>		
15.28	<u>\$100,000 each year for labor education and</u>		
15.29	<u>advancement program grants and to expand</u>		
15.30	<u>and promote registered apprenticeship</u>		
15.31	<u>training in nonconstruction trade programs.</u>		
15.32	<u>(b) \$150,000 each year is from the workforce</u>		
15.33	<u>development fund for prevailing wage</u>		
15.34	<u>enforcement.</u>		
15.35	<u>Subd. 4. <b>General Support</b></u>	<u>6,039,000</u>	<u>6,039,000</u>

16.1	<u>This appropriation is from the workers'</u>			
16.2	<u>compensation fund.</u>			
16.3	Sec. 9. <b><u>BUREAU OF MEDIATION</u></b>			
16.4	<b><u>SERVICES</u></b>			
16.5	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>1,584,000</u>	<u>\$ 1,584,000</u>
16.6	<u>The amounts that may be spent for each</u>			
16.7	<u>purpose are specified in the following</u>			
16.8	<u>subdivisions.</u>			
16.9	<u>Subd. 2. Mediation Services</u>		<u>1,516,000</u>	<u>1,516,000</u>
16.10	<u>Subd. 3. Labor Management Cooperation</u>			
16.11	<b><u>Grants</u></b>		<u>68,000</u>	<u>68,000</u>
16.12	<u>\$68,000 each year is for grants to area labor</u>			
16.13	<u>management committees. Grants may be</u>			
16.14	<u>awarded for a 12-month period beginning</u>			
16.15	<u>July 1 each year. Any unencumbered balance</u>			
16.16	<u>remaining at the end of the first year does not</u>			
16.17	<u>cancel but is available for the second year.</u>			
16.18	Sec. 10. <b><u>WORKERS' COMPENSATION</u></b>			
16.19	<b><u>COURT OF APPEALS</u></b>	<u>\$</u>	<u>1,703,000</u>	<u>\$ 1,703,000</u>
16.20	<u>This appropriation is from the workers'</u>			
16.21	<u>compensation fund.</u>			
16.22	Sec. 11. <b><u>MINNESOTA HISTORICAL</u></b>			
16.23	<b><u>SOCIETY</u></b>			
16.24	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>21,575,000</u>	<u>\$ 21,459,000</u>
16.25	<u>The amounts that may be spent for each</u>			
16.26	<u>purpose are specified in the following</u>			
16.27	<u>subdivisions.</u>			
16.28	<u>Subd. 2. Education and Outreach</u>		<u>12,131,000</u>	<u>12,131,000</u>
16.29	<u>Notwithstanding Minnesota Statutes, section</u>			
16.30	<u>138.668, the Minnesota Historical Society</u>			
16.31	<u>may not charge a fee for its general tours at</u>			
16.32	<u>the Capitol, but may charge fees for special</u>			
16.33	<u>programs other than general tours.</u>			



17.1	<u>Subd. 3. <b>Preservation and Access</b></u>	<u>9,082,000</u>	<u>9,082,000</u>
17.2	<u>Subd. 4. <b>Fiscal Agent</b></u>		
17.3	<u>(a) Minnesota International Center</u>	<u>43,000</u>	<u>43,000</u>
17.4	<u>(b) Minnesota Air National Guard Museum</u>	<u>16,000</u>	<u>0</u>
17.5	<u>(c) Minnesota Military Museum</u>	<u>100,000</u>	<u>0</u>
17.6	<u>(d) Farmamerica</u>	<u>128,000</u>	<u>128,000</u>
17.7	<u>(e) \$75,000 the first year and \$75,000 the</u>		
17.8	<u>second year are for a grant to the city of</u>		
17.9	<u>Eveleth to be used for the support of the</u>		
17.10	<u>Hockey Hall of Fame Museum provided that</u>		
17.11	<u>it continues to operate in the city. This grant</u>		
17.12	<u>is in addition to and must not be used to</u>		
17.13	<u>supplant funding under Minnesota Statutes,</u>		
17.14	<u>section 298.28, subdivision 9c.</u>		
17.15	<u>(f) Balances Forward</u>		
17.16	<u>Any unencumbered balance remaining in</u>		
17.17	<u>this subdivision the first year does not cancel</u>		
17.18	<u>and is available for the second year of the</u>		
17.19	<u>biennium.</u>		
17.20	<u>Subd. 5. <b>Fund Transfer</b></u>		
17.21	<u>The Minnesota Historical Society may</u>		
17.22	<u>reallocate funds appropriated in and between</u>		
17.23	<u>subdivisions 2 and 3 for any program</u>		
17.24	<u>purposes and the appropriations are available</u>		
17.25	<u>in either year of the biennium.</u>		
17.26	<u>Sec. 12. <b>BOARD OF THE ARTS</b></u>		
17.27	<u>Subdivision 1. <b>Total Appropriation</b></u>	<u>\$ 7,923,000</u>	<u>\$ 7,923,000</u>
17.28	<u>The amounts that may be spent for each</u>		
17.29	<u>purpose are specified in the following</u>		
17.30	<u>subdivisions.</u>		
17.31	<u>Subd. 2. <b>Operations and Services</b></u>	<u>599,000</u>	<u>599,000</u>

18.1	Subd. 3. <b><u>Grants Program</u></b>	<u>5,066,000</u>	<u>5,066,000</u>
18.2	Subd. 4. <b><u>Regional Arts Councils</u></b>	<u>2,258,000</u>	<u>2,258,000</u>
18.3	<u>Any unencumbered balance remaining in this</u>		
18.4	<u>section the first year does not cancel and is</u>		
18.5	<u>available for the second year of the biennium.</u>		
18.6	Sec. 13. <b><u>MINNESOTA HUMANITIES</u></b>		
18.7	<b><u>CENTER</u></b>	<u>\$ 250,000</u>	<u>\$ 250,000</u>
18.8	Sec. 14. <b><u>PUBLIC BROADCASTING</u></b>	<u>\$ 1,932,000</u>	<u>\$ 1,932,000</u>
18.9	<u>(a) The appropriations under this section are</u>		
18.10	<u>to the commissioner of administration for the</u>		
18.11	<u>purposes specified.</u>		
18.12	<u>(b) \$1,113,000 the first year and \$1,113,000</u>		
18.13	<u>the second year are for matching grants for</u>		
18.14	<u>public television.</u>		
18.15	<u>(c) \$190,000 the first year and \$190,000</u>		
18.16	<u>the second year are for public television</u>		
18.17	<u>equipment grants. Equipment or matching</u>		
18.18	<u>grant allocations shall be made after</u>		
18.19	<u>considering the recommendations of the</u>		
18.20	<u>Minnesota Public Television Association.</u>		
18.21	<u>(d) \$16,000 the first year and \$16,000 the</u>		
18.22	<u>second year are for grants to the Twin Cities</u>		
18.23	<u>regional cable channel.</u>		
18.24	<u>(e) \$278,000 the first year and \$278,000 the</u>		
18.25	<u>second year are for community service grants</u>		
18.26	<u>to public educational radio stations.</u>		
18.27	<u>(f) \$97,000 the first year and \$97,000 the</u>		
18.28	<u>second year are for equipment grants to</u>		
18.29	<u>public educational radio stations.</u>		
18.30	<u>(g) The grants in paragraphs (e) and (f)</u>		
18.31	<u>must be allocated after considering the</u>		
18.32	<u>recommendations of the Association of</u>		

19.1 Minnesota Public Educational Radio Stations  
19.2 under Minnesota Statutes, section 129D.14.  
19.3 (h) \$238,000 the first year and \$238,000  
19.4 the second year are for equipment grants to  
19.5 Minnesota Public Radio, Inc.

19.6 (i) Any unencumbered balance remaining the  
19.7 first year for grants to public television or  
19.8 radio stations does not cancel and is available  
19.9 for the second year.

19.10	Sec. 15. <u>BOARD OF ACCOUNTANCY</u>	<u>\$</u>	<u>630,000</u>	<u>\$</u>	<u>480,000</u>
19.11	<u>\$150,000 the first year is to fund the costs</u>				
19.12	<u>associated with the e-licensing adaptor</u>				
19.13	<u>integration development. This is a onetime</u>				
19.14	<u>appropriation.</u>				

19.15	Sec. 16. <u>BOARD OF ARCHITECTURE,</u>				
19.16	<u>ENGINEERING, LAND SURVEYING,</u>				
19.17	<u>LANDSCAPE ARCHITECTURE,</u>				
19.18	<u>GEOSCIENCE, AND INTERIOR DESIGN</u>	<u>\$</u>	<u>924,000</u>	<u>\$</u>	<u>774,000</u>
19.19	<u>\$150,000 the first year is to fund the costs</u>				
19.20	<u>associated with the e-licensing adaptor</u>				
19.21	<u>integration development. This is a onetime</u>				
19.22	<u>appropriation.</u>				

19.23	Sec. 17. <u>BOARD OF COSMETOLOGIST</u>				
19.24	<u>EXAMINERS</u>	<u>\$</u>	<u>1,046,000</u>	<u>\$</u>	<u>1,046,000</u>
19.25	Sec. 18. <u>BOARD OF BARBER EXAMINERS</u>	<u>\$</u>	<u>257,000</u>	<u>\$</u>	<u>257,000</u>

19.26 ARTICLE 2

19.27 MISCELLANEOUS ECONOMIC DEVELOPMENT PROVISIONS

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

19.30 Subd. 7. Monitoring pass-through grant recipients. The commissioner shall  
19.31 monitor the activities and outcomes of programs and services funded by legislative  
19.32 appropriations and administered by the department on a pass-through basis. Unless

20.1 amounts are otherwise appropriated for administrative costs, the commissioner may  
20.2 retain up to five percent of the amount appropriated to the department for grants to  
20.3 pass-through entities. Amounts retained are deposited to a special revenue account and  
20.4 are appropriated to the commissioner for costs incurred in administering and monitoring  
20.5 the pass-through grants.

20.6 Sec. 2. Minnesota Statutes 2010, section 116L.3625, is amended to read:

20.7 **116L.3625 ADMINISTRATIVE COSTS.**

20.8 The commissioner may use up to five percent of the biennial appropriation for  
20.9 Youthbuild ~~from the general fund~~ to pay costs incurred by the department in administering  
20.10 Youthbuild during the biennium.

20.11 Sec. 3. Minnesota Statutes 2010, section 116L.62, is amended to read:

20.12 **116L.62 DISTRIBUTION AND USE OF STATE MONEY.**

20.13 The commissioner shall distribute the money appropriated for:

20.14 (a) comprehensive job training and related services or job opportunities programs  
20.15 for economically disadvantaged, unemployed, and underemployed individuals, including  
20.16 persons of limited English speaking ability, through opportunities industrialization  
20.17 centers; and

20.18 (b) the establishment and operation in Minnesota of these centers.

20.19 The commissioner may use up to five percent of the appropriation for opportunities  
20.20 industrialization center programs to pay costs incurred by the department in administering  
20.21 the programs.

20.22 Comprehensive job training and related services include: recruitment, counseling,  
20.23 remediation, motivational prejob training, vocational training, job development, job  
20.24 placement, and other appropriate services enabling individuals to secure and retain  
20.25 employment at their maximum capacity.

20.26 Sec. 4. Minnesota Statutes 2010, section 341.321, is amended to read:

20.27 **341.321 FEE SCHEDULE.**

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

20.29 (1) referees, ~~\$25~~ \$45 for each initial license and each renewal;

20.30 (2) promoters, \$400 for each initial license and each renewal;

20.31 (3) judges and knockdown judges, ~~\$25~~ \$45 for each initial license and each renewal;

20.32 (4) trainers, ~~\$25~~ \$45 for each initial license and each renewal;

- 21.1 (5) ring announcers, ~~\$25~~ \$45 for each initial license and each renewal;
- 21.2 (6) seconds, ~~\$25~~ \$45 for each initial license and each renewal;
- 21.3 (7) timekeepers, ~~\$25~~ \$45 for each initial license and each renewal;
- 21.4 (8) combatants, ~~\$25~~ \$45 for each initial license and each renewal;
- 21.5 (9) managers, ~~\$25~~ \$45 for each initial license and each renewal; and
- 21.6 (10) ringside physicians, ~~\$25~~ \$45 for each initial license and each renewal.

21.7 In addition to the license fee and the late filing penalty fee in section 341.32, subdivision  
21.8 2, if applicable, an individual who applies for a ~~combatant~~ professional license on the  
21.9 same day the combative sporting event is held shall pay a late fee of \$100 plus the original  
21.10 license fee of \$45 at the time the application is submitted.

- 21.11 (b) The fee schedule for amateur licenses issued by the commission is as follows:
- 21.12 (1) referees, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.13 (2) promoters, ~~\$100~~ \$400 for each initial license and each renewal;
  - 21.14 (3) judges and knockdown judges, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.15 (4) trainers, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.16 (5) ring announcers, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.17 (6) seconds, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.18 (7) timekeepers, ~~\$10~~ \$45 for each initial license and each renewal;
  - 21.19 (8) combatant, ~~\$10~~ \$25 for each initial license and each renewal;
  - 21.20 (9) managers, ~~\$10~~ \$45 for each initial license and each renewal; and
  - 21.21 (10) ringside physicians, ~~\$10~~ \$45 for each initial license and each renewal.

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

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

21.33 Sec. 5. Laws 2009, chapter 78, article 1, section 18, is amended to read:

21.34	Sec. 18. COMBATIVE SPORTS			
21.35	COMMISSION	\$	80,000	\$ 80,000

22.1 This is a onetime appropriation. ~~The~~  
22.2 ~~Combative Sports Commission expires on~~  
22.3 ~~July 1, 2011, unless the commissioner of~~  
22.4 ~~finance determines that the commission's~~  
22.5 ~~projected expenditures for the fiscal biennium~~  
22.6 ~~ending June 30, 2013, will not exceed the~~  
22.7 ~~commission's projected revenues for the~~  
22.8 ~~fiscal biennium ending June 30, 2013, from~~  
22.9 ~~fees and penalties authorized in Minnesota~~  
22.10 ~~Statutes 2008, chapter 341.~~

22.11 **ARTICLE 3**

22.12 **LABOR AND INDUSTRY**

22.13 Section 1. Minnesota Statutes 2010, section 326B.04, subdivision 2, is amended to read:

22.14 Subd. 2. **Deposits.** Unless otherwise specifically designated by law: (1) all money  
22.15 collected under sections 144.122, paragraph (f); 181.723; 326B.092 to 326B.096;  
22.16 326B.101 to 326B.194; 326B.197; 326B.32 to 326B.399; 326B.43 to 326B.49; 326B.52  
22.17 to 326B.59; 326B.802 to 326B.885; 326B.90 to 326B.998; 327.31 to 327.36; and  
22.18 327B.01 to 327B.12, except penalties, is credited to the construction code fund; (2) all  
22.19 fees collected under ~~section 45.23~~ sections 326B.098 to 326B.099 in connection with  
22.20 continuing education for ~~residential contractors, residential remodelers, and residential~~  
22.21 ~~roofers~~ any license, registration, or certificate issued pursuant to this chapter are credited  
22.22 to the construction code fund; and (3) all penalties assessed under the sections set forth  
22.23 in clauses (1) and (2) and all penalties assessed under sections 144.99 to 144.993 in  
22.24 connection with any violation of sections 326B.43 to 326B.49 or 326B.52 to 326B.59 or  
22.25 the rules adopted under those sections are credited to the assigned risk safety account  
22.26 established by section 79.253.

22.27 Sec. 2. Minnesota Statutes 2010, section 326B.091, is amended to read:

22.28 **326B.091 DEFINITIONS.**

22.29 Subdivision 1. **Applicability.** For purposes of sections 326B.091 to ~~326B.098~~  
22.30 326B.099, the terms defined in this section have the meanings given them.

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2010, section 326B.098, is amended to read:

**326B.098 CONTINUING EDUCATION.**

Subdivision 1. ~~Applicability~~ **Department seminars.** This section applies to seminars offered by the department for the purpose of ~~allowing~~ enabling licensees to meet continuing education requirements for license renewal.

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

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

Sec. 4. **[326B.0981] CONTINUING EDUCATION; NONDEPARTMENT SEMINARS.**

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

24.1 Sec. 5. Minnesota Statutes 2010, section 326B.148, subdivision 1, is amended to read:

24.2 Subdivision 1. **Computation.** To defray the costs of administering sections  
24.3 326B.101 to 326B.194, a surcharge is imposed on all permits issued by municipalities in  
24.4 connection with the construction of or addition or alteration to buildings and equipment or  
24.5 appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge  
24.6 receipts to award grants for code research and development and education.

24.7 If the fee for the permit issued is fixed in amount the surcharge is equivalent to  
24.8 one-half mill (.0005) of the fee or 50 cents, except that effective July 1, 2010, until June  
24.9 30, ~~2011~~ 2013, the permit surcharge is equivalent to one-half mill (.0005) of the fee or \$5,  
24.10 whichever amount is greater. For all other permits, the surcharge is as follows:

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

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

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

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

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

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

24.24 Sec. 6. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision  
24.25 to read:

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

24.31 Sec. 7. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision  
24.32 to read:

24.33 Subd. 1c. **Backflow prevention tester.** A "backflow prevention tester" is an  
24.34 individual who is qualified by training prescribed by the Plumbing Board to engage in



25.1 the testing of reduced pressure zone type backflow prevention assemblies as regulated by  
25.2 the plumbing code.

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

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

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

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

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

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

25.18 Sec. 11. Minnesota Statutes 2010, section 326B.435, subdivision 2, is amended to read:

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

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

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

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

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

(5) adopt rules that regulate the licensure, certification, or registration of plumbing contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeymen, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3.

The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

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

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

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

(9) approve license reciprocity agreements;

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

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

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

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

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

Sec. 12. **[326B.437] REDUCED PRESSURE BACKFLOW PREVENTION  
REBUILDERS AND TESTERS.**

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

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

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

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

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

Sec. 13. Minnesota Statutes 2010, section 326B.438, is amended to read:

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

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

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

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

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

Subd. 3. **Exemptions.** (a) ~~A person~~ An individual who on August 1, 2010, holds a valid certificate authorized by the American Society of Sanitary Engineering (ASSE) in accordance with standards recommended by the National Fire Protection Association under NFPA 99C is exempt from the requirements of subdivision 2. This exemption applies only if the ~~person~~ individual maintains a valid certification authorized by the ASSE.

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

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

Sec. 14. Minnesota Statutes 2010, section 326B.46, subdivision 1a, is amended to read:

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

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible

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

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

(d) A person may perform and offer to perform building sewer or water service installation without a contractor's license if the person is in compliance with the bond and insurance requirements of subdivision 2.

Sec. 15. Minnesota Statutes 2010, section 326B.46, subdivision 1b, is amended to read:

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

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

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

Sec. 16. Minnesota Statutes 2010, section 326B.46, subdivision 2, is amended to read:

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

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

~~In addition, as a condition of licensing, each contractor~~(c) Each person who performs or offers to perform plumbing work within the state shall have and maintain in effect public liability insurance, including products liability insurance with limits of at

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

Sec. 17. Minnesota Statutes 2010, section 326B.46, subdivision 3, is amended to read:

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

Sec. 18. Minnesota Statutes 2010, section 326B.47, subdivision 1, is amended to read:

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

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

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

32.6 Sec. 19. Minnesota Statutes 2010, section 326B.47, subdivision 3, is amended to read:

32.7 Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed  
32.8 individual may register by completing and submitting to the commissioner an application  
32.9 form provided by the commissioner, with all fees required by section 326B.092. A  
32.10 completed application form must state the date the individual began training, the  
32.11 individual's age, schooling, previous experience, and employer, and other information  
32.12 required by the commissioner. The Plumbing Board may prescribe rules, not inconsistent  
32.13 with this section, for the registration of unlicensed individuals. Applications for initial  
32.14 registration may be submitted at any time. Registration must be renewed annually and  
32.15 shall be for the period from July 1 of each year to June 30 of the following year.

32.16 Sec. 20. Minnesota Statutes 2010, section 326B.49, subdivision 1, is amended to read:

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

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

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



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

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

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

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

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

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

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

33.16 Sec. 21. Minnesota Statutes 2010, section 326B.56, subdivision 1, is amended to read:

33.17 Subdivision 1. **Bonds.** (a) As a condition of licensing, each water conditioning  
33.18 contractor shall give and maintain a bond to the state as described in paragraph (b).  
33.19 No applicant for a water conditioning contractor ~~or installer~~ license who maintains the  
33.20 bond under paragraph (b) shall be otherwise required to meet the bond requirements of  
33.21 any political subdivision.

33.22 (b) Each bond given to the state under this subdivision shall be in the total sum of  
33.23 \$3,000 conditioned upon the faithful and lawful performance of all water conditioning  
33.24 installation or servicing done within the state. The bond shall be for the benefit of  
33.25 persons suffering injuries or damages due to the work. The bond shall be filed with the  
33.26 commissioner and shall be written by a corporate surety licensed to do business in this  
33.27 state. The bond must remain in effect at all times while the application is pending and  
33.28 while the license is in effect.

33.29 Sec. 22. Minnesota Statutes 2010, section 326B.58, is amended to read:

33.30 **326B.58 FEES; RENEWAL.**

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

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

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

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

(1) a water conditioning journeyman license shall be considered a journeyman license;

(2) a water conditioning master license shall be considered a master license; and

(3) a water conditioning contractor license shall be considered a business license.

Sec. 23. Minnesota Statutes 2010, section 326B.82, subdivision 2, is amended to read:

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

Sec. 24. Minnesota Statutes 2010, section 326B.82, subdivision 3, is amended to read:

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

Sec. 25. Minnesota Statutes 2010, section 326B.82, subdivision 7, is amended to read:

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

Sec. 26. Minnesota Statutes 2010, section 326B.82, subdivision 9, is amended to read:

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

Sec. 27. Minnesota Statutes 2010, section 326B.821, subdivision 1, is amended to read:

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

Sec. 28. Minnesota Statutes 2010, section 326B.821, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37.1        Sec. 29. Minnesota Statutes 2010, section 326B.821, subdivision 5a, is amended to  
37.2 read:

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

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

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

37.11        (1) specify the minimum computer system requirements;

37.12        (2) provide encryption that ensures that all personal information, including the  
37.13 student's name, address, and credit card number, cannot be read as it passes across the  
37.14 Internet;

37.15        (3) include technology to guarantee seat time;

37.16        (4) include a high level of interactivity;

37.17        (5) include graphics that reinforce the content;

37.18        (6) include the ability for the student to contact an instructor or course sponsor  
37.19 within a reasonable amount of time;

37.20        (7) include the ability for the student to get technical support within a reasonable  
37.21 amount of time;

37.22        (8) include a statement that the student's information will not be sold or distributed  
37.23 to any third party without prior written consent of the student. Taking the course does not  
37.24 constitute consent;

37.25        (9) be available 24 hours a day, seven days a week, excluding minimal downtime  
37.26 for updating and administration, except that this provision does not apply to live courses  
37.27 taught by an actual instructor and delivered over the Internet;

37.28        (10) provide viewing access to the online course at all times to the commissioner,  
37.29 excluding minimal downtime for updating and administration;

37.30        (11) include a process to authenticate the student's identity;

37.31        (12) inform the student and the commissioner how long after its purchase a course  
37.32 will be accessible;

37.33        (13) inform the student that license education credit will not be awarded for taking  
37.34 the course after it loses its status as an approved course;

37.35        (14) provide clear instructions on how to navigate through the course;

37.36        (15) provide automatic bookmarking at any point in the course;

(16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;

(17) include a reinforcement response when a quiz question is answered correctly;

(18) include a response when a quiz question is answered incorrectly;

(19) include a final examination in which the student must correctly answer 70 percent of the questions;

(20) allow the student to go back and review any unit at any time, except during the final examination;

(21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;

(22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

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

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

Sec. 30. Minnesota Statutes 2010, section 326B.821, subdivision 6, is amended to read:

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

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

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

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

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

39.12 Sec. 31. Minnesota Statutes 2010, section 326B.821, subdivision 7, is amended to read:

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

39.17 Sec. 32. Minnesota Statutes 2010, section 326B.821, subdivision 8, is amended to read:

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

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

39.26 (c) A sponsor may also be an instructor.

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

39.29 Sec. 33. Minnesota Statutes 2010, section 326B.821, subdivision 9, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(i) the statement: "If you have any comments about this course offering, please mail them to the Minnesota Department of Labor and Industry.";

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



(iii) the licensee's or attendee's name and license, certificate, or registration number or the last four digits of the licensee's or attendee's Social Security number; and  
(10) (11) notifying the commissioner in writing within ten days of any change in the information in an application for approval on file with the commissioner.

Sec. 34. Minnesota Statutes 2010, section 326B.821, subdivision 10, is amended to read:

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

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

- (1) four years' practical experience in the subject area being taught;
- (2) a college or graduate degree in the subject area being taught;
- (3) direct experience in the development of laws, rules, or regulations related to the ~~residential construction~~ regulated industry; or
- (4) demonstrated expertise in the subject area being taught. Instructors providing instruction related to electricity, plumbing, or high pressure piping systems must comply with all applicable continuing education rules adopted by the Board of Electricity, the Plumbing Board, or the Board of High Pressure Piping Systems.

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

- (1) compliance with all laws and rules relating to continuing education;
- (2) providing students with current and accurate information;
- (3) maintaining an atmosphere conducive to learning in the classroom;
- (4) verifying attendance of students, and certifying course completion;
- (5) providing assistance to students and responding to questions relating to course materials; and
- (6) attending the workshops or instructional programs that are required by the commissioner.

Sec. 35. Minnesota Statutes 2010, section 326B.821, subdivision 11, is amended to read:

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

(1) recommend ~~or~~ promote, or disparage the specific services, products, processes, procedures, or practices of a particular ~~business~~ person in the regulated industry;

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

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

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

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

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

(7) misrepresent any information submitted to the commissioner;

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

(9) issue inaccurate course completion certificates.

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

Sec. 36. Minnesota Statutes 2010, section 326B.821, subdivision 12, is amended to read:

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

Sec. 37. Minnesota Statutes 2010, section 326B.821, subdivision 15, is amended to read:

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

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

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

43.7 "This course has been approved by the Minnesota Department of Labor and Industry  
43.8 for ..... (approved number of hours) hours for ~~residential contractor~~ ..... (regulated  
43.9 industry) continuing education."

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

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

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

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

43.22 Sec. 38. Minnesota Statutes 2010, section 326B.821, subdivision 16, is amended to  
43.23 read:

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

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

43.29 Sec. 39. Minnesota Statutes 2010, section 326B.821, subdivision 18, is amended to  
43.30 read:

43.31 Subd. 18. **Falsification of reports or certificates.** A licensee, its ~~qualified person~~  
43.32 qualifying individual, or an applicant found to have falsified an education report or  
43.33 certificate to the commissioner shall be considered to have violated the laws relating to  
43.34 the regulated industry for which the person has a license and shall be subject to ~~censure~~;

~~limitation, condition, suspension, or revocation of the license or denial of the application for licensure the enforcement provisions of section 326B.082.~~

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

Sec. 40. Minnesota Statutes 2010, section 326B.821, subdivision 19, is amended to read:

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

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

Sec. 41. Minnesota Statutes 2010, section 326B.821, subdivision 20, is amended to read:

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

Sec. 42. Minnesota Statutes 2010, section 326B.821, subdivision 22, is amended to read:

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

Sec. 43. Minnesota Statutes 2010, section 326B.821, subdivision 23, is amended to read:

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

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

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

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

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

Sec. 44. Minnesota Statutes 2010, section 326B.865, is amended to read:

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

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

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

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

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

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

Sec. 45. **REVISOR'S INSTRUCTION.**

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

<u>Column A</u>	<u>Column B</u>
<u>326B.82, subd. 2</u>	<u>326B.091, subd. 2a</u>
<u>326B.82, subd. 3</u>	<u>326B.091, subd. 2b</u>
<u>326b.82, subd. 5</u>	<u>326B.091, subd. 2c</u>
<u>326B.82, subd. 7</u>	<u>326B.091, subd. 4a</u>
<u>326B.82, subd. 8</u>	<u>326B.091, subd. 5a</u>
<u>326B.82, subd. 9</u>	<u>326B.091, subd. 5c</u>
<u>326B.82, subd. 10</u>	<u>326B.091, subd. 7</u>
<u>326B.821, subd. 4</u>	<u>326B.0981, subd. 17</u>
<u>326B.821, subd. 5</u>	<u>326B.0981, subd. 3</u>
<u>326B.821, subd. 5a</u>	<u>326B.0981, subd. 4</u>
<u>326B.821, subd. 6</u>	<u>326B.0981, subd. 5</u>
<u>326B.821, subd. 7</u>	<u>326B.0981, subd. 6</u>
<u>326B.821, subd. 8</u>	<u>326B.099, subd. 1</u>
<u>326B.821, subd. 9</u>	<u>326B.099, subd. 2</u>
<u>326B.821, subd. 10</u>	<u>326B.099, subd. 3</u>
<u>326B.821, subd. 11</u>	<u>326B.099, subd. 4</u>
<u>326B.821, subd. 12</u>	<u>326B.0981, subd. 7</u>
<u>326B.821, subd. 13</u>	<u>326B.0981, subd. 8</u>
<u>326B.821, subd. 14</u>	<u>326B.0981, subd. 9</u>
<u>326B.821, subd. 15</u>	<u>326B.0981, subd. 10</u>
<u>326B.821, subd. 16</u>	<u>326B.0981, subd. 11</u>
<u>326B.821, subd. 17</u>	<u>326B.099, subd. 5</u>
<u>326B.821, subd. 18</u>	<u>326B.0981, subd. 12</u>
<u>326B.821, subd. 19</u>	<u>326B.0981, subd. 13</u>

47.1	<u>326B.821, subd. 20</u>	<u>326B.0981, subd. 14</u>
47.2	<u>326B.821, subd. 22</u>	<u>326B.0981, subd. 2</u>
47.3	<u>326B.821, subd. 23</u>	<u>326B.0981, subd. 15</u>
47.4	<u>326B.821, subd. 24</u>	<u>326B.0981, subd. 16</u>

47.5       Sec. 46. **REPEALER.**

47.6               Minnesota Statutes 2010, sections 326B.82, subdivisions 4 and 6; and 326B.821,

47.7 subdivision 3, are repealed.

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

APPENDIX  
Article locations in 11-1877

ARTICLE 1 APPROPRIATIONS ..... Page.Ln 1.15

ARTICLE 2 MISCELLANEOUS ECONOMIC DEVELOPMENT PROVISIONS. Page.Ln 19.26

ARTICLE 3 LABOR AND INDUSTRY ..... Page.Ln 22.11