

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2007

## THIRTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 15, 2007

The House of Representatives convened at 10:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 6B, Hermantown, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Hilstrom	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Hilty	Lillie	Paulsen	Sviggum
Anderson, S.	Dominguez	Holberg	Loeffler	Paymar	Swails
Anzelc	Doty	Hoppe	Madore	Pelowski	Thao
Atkins	Eastlund	Hornstein	Magnus	Peppin	Thissen
Beard	Eken	Hortman	Mahoney	Peterson, A.	Tillberry
Benson	Emmer	Hosch	Mariani	Peterson, N.	Tingelstad
Berns	Erhardt	Howes	Marquart	Peterson, S.	Tschumper
Bigham	Erickson	Huntley	Masin	Poppe	Urdahl
Bly	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brod	Finstad	Johnson	McNamara	Ruth	Walker
Brown	Fritz	Juhnke	Moe	Ruud	Ward
Brynaert	Gardner	Kahn	Morgan	Sailer	Wardlow
Buesgens	Garofalo	Kalin	Morrow	Scalze	Walti
Bunn	Gottwalt	Knuth	Mullery	Seifert	Westrom
Carlson	Greiling	Koenen	Murphy, E.	Sertich	Winkler
Clark	Gunther	Kohls	Murphy, M.	Severson	Wollschlager
Cornish	Hackbarth	Kranz	Nelson	Shimanski	Zellers
Davnie	Hamilton	Laine	Nornes	Simon	Spk. Kelliher
Dean	Hansen	Lanning	Norton	Simpson	
DeLaForest	Hausman	Lenczewski	Olin	Slawik	
Demmer	Haws	Lesch	Olson	Slocum	
Dettmer	Heidgerken	Liebling	Otremba	Smith	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Winkler moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 14, 2007

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 160, relating to finance; authorizing transfer of appropriations within the Help America Vote Act account.

Sincerely,

TIM PAWLENTY  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2007 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2007</i>	<i>Date Filed 2007</i>
	160	5	11:50 a.m. March 14	March 14

Sincerely,

MARK RITCHIE  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 420, A bill for an act relating to education; providing for statewide health and physical education requirements; directing the Education Department to post approved local school wellness policies on the department Web site; establishing a grant program to implement local school wellness policies; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 532, A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 325E; 325G.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Sec. 4. **[190.056] OTHER RIGHTS AND PROTECTIONS.**

The rights and protections afforded to service members under the Servicemembers Civil Relief Act, United States Code, title 50, Appendix, sections 501 to 596, also apply in Minnesota to any business wholly owned by the service member or the service member's spouse."

Page 3, line 31, delete everything after "contract" and insert a period

Page 3, line 32, delete "orders, and"

Page 3, line 33, after the period, insert "The termination of the contract is effective the day following receipt of proper notice as described in this subdivision."

Page 4, delete section 4

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 571, A bill for an act relating to state government; defining best value; changing provisions for acquisition and competitive bidding; amending Minnesota Statutes 2006, sections 16C.02, by adding subdivisions; 16C.03, subdivisions 3, 4, 16, by adding a subdivision; 16C.26, subdivisions 1, 3, 4, 5; 16C.27, subdivision 1; 16C.28, subdivisions 1, 3, 4; 103D.811, subdivision 3; 103E.505, subdivision 5; 116A.13, subdivision 5; 123B.52, subdivision 1, by adding a subdivision; 160.17, by adding a subdivision; 160.262, by adding a subdivision; 161.32, by adding a subdivision; 161.3412, subdivision 1; 161.38, subdivision 4; 365.37, by adding a subdivision; 374.13; 375.21, by adding a subdivision; 383C.094, by adding a subdivision; 412.311; 429.041, by adding a subdivision; 458D.21, by adding a subdivision; 469.015, by adding a subdivision; 469.068, subdivision 1, by adding a subdivision; 471.345, subdivision 5, by adding subdivisions; 473.523, by adding a subdivision; 473.756, subdivision 12.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 593, A bill for an act relating to natural resources; modifying restrictions on access to public waters wetlands; amending Minnesota Statutes 2006, section 103G.235.

Reported the same back with the following amendments:

Page 1, line 6, strike "PUBLIC WATERS"

Page 1, line 10, after "restored" insert "or created" and delete "restores a public waters" and insert "creates or restores a"

Page 1, line 12, delete "public waters" and insert "created or restored" and before the comma, insert "as posted by the landowner"

Amend the title as follows:

Page 1, line 2, delete "public waters" and insert "created or restored"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 615, A bill for an act relating to education; providing for comprehensive family life and sexuality education programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2006, section 121A.23.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[121A.231] RESPONSIBLE FAMILY LIFE AND SEXUALITY EDUCATION PROGRAMS.**

Subdivision 1. **Notice and parental options.** It is the legislature's intent to encourage pupils to communicate with their parents or guardians about human sexuality and to respect rights of parents and guardians to supervise their children's education on these subjects.

Subd. 2. **Definitions.** (a) "Responsible family life and sexuality education" means education in grades 7 through 12 that:

(1) respects community values and encourages family communication;

(2) develops skills in communication, decision making, and conflict resolution;

(3) contributes to healthy relationships;

(4) provides human development and sexuality education that is age appropriate and medically accurate;

(5) includes an abstinence-first approach to delaying initiation of sexual activity that emphasizes abstinence while also including education about the use of protection and contraception; and

(6) promotes individual responsibility.

(b) "Age appropriate" refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(c) "Medically accurate" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, or the American College of Obstetricians and Gynecologists.

Subd. 3. **Curriculum requirements.** (a) A school district may offer and may independently establish policies, procedures, curriculum, and services for providing responsible family life and sexuality education that is age appropriate and medically accurate for kindergarten through grade 6.

(b) A school district must offer and may independently establish policies, procedures, curriculum, and services for providing responsible family life and sexuality education that is age appropriate and medically accurate for grades 7 through 12.

(c) A school district must consult with parents or guardians of enrolled students when establishing policies, procedures, curriculum, and services under this subdivision.

Subd. 4. **Notice and parental options.** (a) It is the legislature's intent to encourage pupils to communicate with their parents or guardians about human sexuality and to respect rights of parents or guardians to supervise their children's education on these subjects.

(b) Parents or guardians may excuse their children from all or part of a responsible family life and sexuality education program, consistent with subdivision 6.

(c) A school district must establish policies and procedures, consistent with subdivision 6, for providing parents or guardians reasonable notice with the following information:

(1) if the district is offering a responsible family life and sexuality education program to the parents' or guardians' child during the course of the year;

(2) how the parents or guardians may inspect the written and audio/visual educational materials used in the program and the process for inspection;

(3) if the program is presented by school district personnel or outside consultants, and if outside consultants are used, who they may be; and

(4) parents' or guardians' right to choose not to have their child participate in the program and the procedure for exercising that right.

(d) A school district must establish policies and procedures for reasonably restricting the availability of written and audio/visual educational materials from public view of students who have been excused from all or part of a responsible family life and sexuality education program at the request of a parent or guardian, consistent with subdivision 6.

Subd. 5. **Assistance to school districts.** (a) The Department of Education may offer services to school districts to help them implement effective responsible family life and sexuality education programs. In providing these services, the department may contract with a school district, or a school district in partnership with a local health agency or a nonprofit organization, to establish up to eight regional training sites, taking into account geographical balance, to provide:

(1) training for teachers, parents, and community members in the development of responsible family life and sexuality education curriculum or services and in planning for monitoring and evaluation activities;

(2) resource staff persons to provide expert training, curriculum development and implementation, and evaluation services;

(3) technical assistance to promote and coordinate community, parent, and youth forums in communities identified as having high needs for responsible family life and sexuality education;

(4) technical assistance for issue management and policy development training for school boards, superintendents, principals, and administrators across the state; and

(5) funding for grants to school-based responsible family life and sexuality education programs to promote innovation and to recognize outstanding performance and promote replication of demonstrably effective strategies.

(b) Technical assistance in accordance with National Health Education Standards provided by the department to school districts or regional training sites may:

(1) promote instruction and use of materials that are age appropriate;

(2) provide information that is medically accurate and objective;

(3) provide instruction and promote use of materials that are respectful of marriage and commitments in relationships;

(4) provide instruction and promote use of materials that are appropriate for use with pupils and family experiences based on race, gender, sexual orientation, ethnic and cultural background, and appropriately accommodate alternative learning based on language or disability;

(5) provide instruction and promote use of materials that encourage pupils to communicate with their parents or guardians about human sexuality;

(6) provide instruction and promote use of age-appropriate materials that teach abstinence from sexual intercourse as the only certain way to prevent unintended pregnancy or sexually transmitted infections, including HIV, and provide information about the role and value of abstinence while also providing medically accurate information on other methods of preventing and reducing risk for unintended pregnancy and sexually transmitted infections;

(7) provide instruction and promote use of age-appropriate materials that are medically accurate in explaining transmission modes, risks, symptoms, and treatments for sexually transmitted infections, including HIV;

(8) provide instruction and promote use of age-appropriate materials that address varied societal views on sexuality, sexual behaviors, pregnancy, and sexually transmitted infections, including HIV, in an age-appropriate manner;

(9) provide instruction and promote use of age-appropriate materials that provide information about the effectiveness and safety of all FDA-approved methods for preventing and reducing risk for unintended pregnancy and sexually transmitted infections, including HIV;

(10) provide instruction and promote use of age-appropriate materials that provide instruction in skills for making and implementing responsible decisions about sexuality;

(11) provide instruction and promote use of age-appropriate materials that provide instruction in skills for making and implementing responsible decisions about finding and using health services; and

(12) provide instruction and promote use of age-appropriate materials that do not teach or promote religious doctrine nor reflect or promote bias against any person on the basis of any category protected under the Minnesota Human Rights Act, chapter 363A.

Subd. 6. **Parent option.** A school district may offer a responsible family life and sexuality education program under this section to a pupil only with the prior written consent of the pupil's parent or guardian. A school district must make reasonable arrangements with school personnel for alternative instruction for those pupils whose parents or guardians refuse to give their consent, and must not impose an academic or other penalty upon a pupil merely for arranging the alternative instruction. School personnel may evaluate and assess the quality of the pupil's work completed as part of the alternative instruction.

## Sec. 2. **APPROPRIATION.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the commissioner of education for the fiscal years designated.

Subd. 2. **Responsible family life and sexuality education programs.** For responsible family life and sexuality education programs under section 1:

\$430,000	.....	<u>2008</u>
\$430,000	.....	<u>2009</u>

Of these amounts, \$400,000 each year is to establish and operate up to eight regional training sites under section 1, subdivision 5, paragraph (a), and \$30,000 each year is to school districts for the purposes of section 1, subdivision 5, paragraph (a), clause (5).

Sec. 3. **REPEALER.**

Minnesota Statutes 2006, section 121A.23, is repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for responsible family life and sexuality education programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2006, section 121A.23."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Rukavina from the Higher Education and Work Force Development Policy and Finance Division to which was referred:

H. F. No. 648, A bill for an act relating to unemployment insurance; making various policy, housekeeping, and style changes to the Minnesota Unemployment Insurance Law; incorporating certain administrative rules into Minnesota Statutes; modifying fraud penalties; amending Minnesota Statutes 2006, sections 268.001; 268.03, subdivisions 1, 2; 268.035, subdivisions 1, 4, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21a, 23, 23a, 24, 26, 29, 30, by adding a subdivision; 268.042, subdivisions 1, 3, 4; 268.043; 268.0435; 268.044, subdivisions 1, 1a, 2, 3, 4; 268.045, subdivision 1; 268.046; 268.047, subdivisions 1, 2, 3, 5; 268.051, subdivisions 1, 1a, 2, 3, 4, 4a, 5, 6, 7, 8, 9; 268.052, subdivisions 1, 2, 3, 4, 5; 268.0525; 268.053, subdivisions 1, 2, 3; 268.057, subdivisions 1, 2, 3, 4, 5, 6, 7, 10; 268.058; 268.059; 268.0625, subdivisions 4, 5; 268.063; 268.064; 268.065, subdivisions 1, 3; 268.066; 268.067; 268.0675; 268.068; 268.069, subdivisions 1, 2, 3; 268.07, subdivisions 1, 2, 3a, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 11, 12, 13, 13a, 13b, 13c, 16; 268.086, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 268.087; 268.095, subdivisions 1, 2, 3, 4, 5, 6, 6a, 7, 10, 11; 268.101; 268.103, subdivisions 1, 2; 268.105, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7; 268.115; 268.125, subdivisions 3, 4, 5; 268.131, subdivision 1; 268.135; 268.145, subdivisions 1, 2, 3; 268.155; 268.18, subdivisions 1, 2, 2b, 4, 5, 6; 268.182, subdivisions 1, 2; 268.184, subdivisions 1, 1a; 268.186; 268.188; 268.19, subdivisions 1, 1a, 2; 268.192; 268.194, subdivisions 1, 2, 3, 4, 5, 6; 268.196, subdivisions 1, 3; 268.20; 268.21; 268.22; 268.23; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2006, sections 268.0435; 268.0511; 268.085, subdivision 10; 268.103, subdivision 4; Minnesota Rules, parts 3315.0210; 3315.0220; 3315.0515; 3315.0520; 3315.0525; 3315.0530, subparts 2, 3, 4, 5, 6; 3315.0540; 3315.0550; 3315.0910, subparts 1, 2, 3, 4, 5, 6, 7, 8; 3315.1005, subparts 1, 3; 3315.1315, subpart 4; 3315.2010; 3315.2810, subparts 2, 4.

Reported the same back with the following amendments:

Page 98, line 14, before the period, insert "or that all members are restricted to obtaining employment among signatory contractors in the construction industry"

With the recommendation that when so amended the bill pass.

The report was adopted.



Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 754, A bill for an act relating to occupations and professions; requiring licenses for plumbing work statewide; amending Minnesota Statutes 2006, section 326.40, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2006, section 326.45.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 325E.37, subdivision 6, is amended to read:

Subd. 6. **Scope; limitations.** (a) This section applies to a sales representative who, during some part of the period of the sales representative agreement:

(1) is a resident of Minnesota or maintains that person's principal place of business in Minnesota; or

(2) whose geographical territory specified in the sales representative agreement includes part or all of Minnesota.

(b) To be effective, any demand for arbitration under subdivision 5 must be made in writing and delivered to the principal on or before one year after the effective date of the termination of the agreement.

(c) A provision in any contract between a sales representative dealing in plumbing equipment or supplies and a principal purporting to waive any provision of this act, whether by express waiver or by a provision stipulating that the contract is subject to the laws of another state, shall be void.

Sec. 2. Minnesota Statutes 2006, section 326.38, is amended to read:

### **326.38 LOCAL REGULATIONS.**

Any city having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any statutory cities located therein, or the metropolitan airports commission, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state commissioner of ~~health labor and industry~~. No city or such town shall prohibit plumbers licensed by the state commissioner of ~~health labor and industry~~ from engaging in or working at the business, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. No city or town may require a license for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of labor and industry. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state commissioner of ~~health labor and industry~~, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state commissioner of ~~health labor and industry~~.

Sec. 3. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

Subdivision 1. **License required; master and journeyman plumbers.** ~~In any city now or hereafter having 5,000 or more population, according to the last federal census, and having a system of waterworks or sewerage, (a)~~ No person, firm, or corporation shall engage in or work at the business of a master plumber ~~or, restricted master plumber, journeyman plumber, and restricted journeyman plumber~~ unless licensed to do so by the state commissioner of ~~health~~ labor and industry. ~~A license is not required for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of labor and industry. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state commissioner of health labor and industry on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.~~

~~In any such city (b)~~ No person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, ~~or in cities and towns with a population of fewer than 5,000 according to the federal census a restricted master plumber,~~ who shall be responsible for proper installation, is in charge of the plumbing work of the person, firm, or corporation.

The Department of ~~Health~~ Labor and Industry shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Sec. 4. **[326.402] RESTRICTED PLUMBER LICENSE.**

Subdivision 1. **Licensure.** The commissioner of labor and industry shall grant a restricted journeyman or master plumber license to an individual if:

- (1) the individual completes an application with information required by the commissioner of labor and industry;
- (2) the completed application is accompanied by a fee of \$90;
- (3) the commissioner of labor and industry receives the completed application and fee before January 1, 2008;
- (4) the completed application demonstrates that the applicant has had at least two years for a restricted journeyman plumber license or four years for a restricted master plumber license of practical plumbing experience in the plumbing trade prior to the application; and
- (5) during the entire time for which the applicant is claiming experience in contracting for plumbing work under clause (4), the applicant was in compliance with all applicable requirements of section 326.40.

Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman plumber may engage in the plumbing trade in all areas of the state except in cities and towns with a population of more than 5,000 according to the federal census.

Subd. 3. **Application period.** Applications for restricted master plumber and restricted journeyman plumber licenses must be submitted to the commissioner prior to January 1, 2008.

Subd. 4. **Renewal; use period for license.** A restricted master plumber and restricted journeyman plumber license must be renewed annually for as long as that licensee engages in the plumbing trade. Failure to renew a restricted master plumber and restricted journeyman plumber license within 12 months after the expiration date will result in permanent forfeiture of the restricted master plumber and restricted journeyman plumber license.

Subd. 5. **Prohibition of transference.** A restricted master plumber and restricted journeyman plumber license may not be transferred or sold to any other person.

Subd. 6. **Bond; insurance.** A restricted master plumber licensee is subject to the bond and insurance requirements of section 326.40, subdivision 2, unless the exemption provided by section 326.40, subdivision 3, applies.

Subd. 7. **Fee.** The annual fee for the restricted master plumber and restricted journeyman plumber licenses is the same fee as for a master or journeyman plumber license, respectively.

Sec. 5. **REPEALER.**

Minnesota Statutes 2006, section 326.45, is repealed."

Delete the title and insert:

"A bill for an act relating to occupations; changing provisions for certain plumber's licenses; adding a restricted plumber's license; amending Minnesota Statutes 2006, sections 325E.37, subdivision 6; 326.38; 326.40, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2006, section 326.45."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 766, A bill for an act relating to motor fuels; modifying definition of ethanol blender; establishing specifications for two classes of gasoline-ethanol blends; allowing ethanol blends approved by the United States Environmental Protection Agency; directing state departments to further expand gasoline-ethanol blend options for Minnesota consumers and facilitate the installment of renewable fuel-blending pumps; updating superseded ASTM specifications; synchronizing redundant ethanol-gasoline blend definitions and specifications in statute; amending Minnesota Statutes 2006, sections 239.051, subdivision 15; 239.761, subdivision 4, by adding subdivisions; 239.7911, subdivision 2; 296A.01, subdivisions 2, 25.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 2006, section 239.761, subdivision 3, is amended to read:

Subd. 3. **Gasoline.** (a) Gasoline that is not blended with ethanol must not be contaminated with water or other impurities and must comply with ASTM specification ~~D4814-04a~~ D4814-06a. Gasoline that is not blended with ethanol must also comply with the volatility requirements in Code of Federal Regulations, title 40, part 80.

(b) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal, a person responsible for the product:

- (1) may blend the gasoline with agriculturally derived ethanol as provided in subdivision 4;
- (2) shall not blend the gasoline with any oxygenate other than denatured, agriculturally derived ethanol;
- (3) shall not blend the gasoline with other petroleum products that are not gasoline or denatured, agriculturally derived ethanol;
- (4) shall not blend the gasoline with products commonly and commercially known as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline; and
- (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive designed to replace tetra-ethyl lead, that is registered by the EPA."

Page 1, lines 24 and 26, delete "D4814-06" and insert "D4814-06a"

Page 2, after line 3, insert:

"Sec. 4. Minnesota Statutes 2006, section 239.761, subdivision 6, is amended to read:

Subd. 6. **Gasoline blended with nonethanol oxygenate.** (a) A person responsible for the product shall comply with the following requirements:

(1) after July 1, 2000, gasoline containing in excess of one-third of one percent, in total, of nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale at any time in this state; and

(2) after July 1, 2005, gasoline containing any of the nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale in this state.

(b) The oxygenates prohibited under paragraph (a) are:

- (1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;
- (2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or
- (3) tertiary amyl methyl ether.

(c) Gasoline that is blended with a nonethanol oxygenate must comply with ASTM specification ~~D4814-04a~~ D4814-06a. Nonethanol oxygenates must not be blended into gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal."

Page 2, line 7, delete "may" and insert "must"

Page 2, line 21, before "If" insert "If a person responsible for the product uses an ethanol-blending fuel dispenser to dispense both gasoline blended with ethanol for use in alternative fuel vehicles and gasoline blended with ethanol for use in standard combustion engines, the person must ensure that the gasoline blended with ethanol for use in standard combustion engines is dispensed from a fuel-dispensing hose and nozzle or other conveyance dedicated solely to gasoline blended with ethanol for use in standard combustion engines."

Page 3, line 5, before "blends" insert "and diesel-biodiesel"

Page 3, after line 20, insert:

"Sec. 9. Minnesota Statutes 2006, section 296A.01, subdivision 23, is amended to read:

Subd. 23. **Gasoline.** (a) "Gasoline" means:

(1) all products commonly or commercially known or sold as gasoline regardless of their classification or uses, except casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline that under the requirements of section 239.761, subdivision 3, must not be blended with gasoline that has been sold, transferred, or otherwise removed from a refinery or terminal; and

(2) any liquid prepared, advertised, offered for sale or sold for use as, or commonly and commercially used as, a fuel in spark-ignition, internal combustion engines, and that when tested by the Weights and Measures Division meets the specifications in ASTM specification ~~D4814-04a~~ D4814-06a.

(b) Gasoline that is not blended with ethanol must not be contaminated with water or other impurities and must comply with both ASTM specification ~~D4814-04a~~ D4814-06a and the volatility requirements in Code of Federal Regulations, title 40, part 80.

(c) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal, a person responsible for the product:

(1) may blend the gasoline with agriculturally derived ethanol, as provided in subdivision 24;

(2) must not blend the gasoline with any oxygenate other than denatured, agriculturally derived ethanol;

(3) must not blend the gasoline with other petroleum products that are not gasoline or denatured, agriculturally derived ethanol;

(4) must not blend the gasoline with products commonly and commercially known as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline; and

(5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive designed to replace tetra-ethyl lead, that is registered by the EPA.

Sec. 10. Minnesota Statutes 2006, section 296A.01, subdivision 24, is amended to read:

Subd. 24. **Gasoline blended with nonethanol oxygenate.** "Gasoline blended with nonethanol oxygenate" means gasoline blended with ETBE, MTBE, or other alcohol or ether, except denatured ethanol, that is approved as an oxygenate by the EPA, and that complies with ASTM specification ~~D4814-04a~~ D4814-06a. Oxygenates, other than denatured ethanol, must not be blended into gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete everything after "fuels;"

Page 1, delete lines 3 to 7

Page 1, line 8, delete everything before "amending" and insert "modifying motor fuel specifications, standards, and requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Labor.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 767, A bill for an act relating to public safety; appropriating money for an offender reentry pilot project; requiring a report.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 904, A bill for an act relating to state lands; modifying land acquisition requirements; modifying land owners' bill of rights; modifying recordation requirements for mineral interests; adding to and deleting from state parks; exempting certain exchanged land from the tax-forfeited land assurance fee; authorizing certain leases of tax-forfeited lands; authorizing public and private sales and conveyances of certain state lands; amending Minnesota Statutes 2006, sections 84.0272, subdivision 3; 84.0274, subdivision 5; 93.55, subdivision 1; Laws 2006, chapter 236, article 1, section 21.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 916, A bill for an act relating to child care; requiring inspections of child care centers and homes; requiring reports; amending Minnesota Statutes 2006, sections 245A.04, subdivision 4; 245A.16, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1016, A bill for an act relating to natural resources; providing for forest pest control measures; amending Minnesota Statutes 2006, section 89.55.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 89.55, is amended to read:

#### **89.55 INFESTATION CONTROL, COSTS.**

Upon the establishment of the zone of infestation, the commissioner may apply measures of infestation control on public and private forest and other lands within ~~such an infected~~ zone and to any trees, timber, plants ~~or~~ shrubs ~~thereon~~, or contaminated soil harboring or which may harbor the forest pests. For this purpose, the duly authorized representatives of the commissioner are authorized to enter upon any lands, public or private within such zone. The commissioner may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of ~~such the~~ work will be shared between the commissioner and said owner.

#### **Sec. 2. [89.551] APPROVED FIREWOOD REQUIRED.**

(a) After the commissioner issues an order under paragraph (b), a person may not possess firewood on land administered by the commissioner of natural resources unless the firewood:

(1) was obtained from a firewood distribution facility located on land administered by the commissioner;

(2) was obtained from a firewood dealer who is selling firewood that is approved by the commissioner under paragraph (b); or

(3) has been approved by the commissioner of natural resources under paragraph (b).

(b) The commissioner of natural resources shall, by written order published in the State Register, approve firewood for possession on lands administered by the commissioner. The order is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(c) A violation under this section is subject to confiscation of firewood and after May 1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation and assessed a \$100 penalty for each sale of firewood not approved under the provisions of this section and sold for use on land administered by the commissioner.

(d) For the purposes of this section, "firewood" means any wood that is intended for use in a campfire, as defined in section 88.01, subdivision 25.

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

Sec. 3. Minnesota Statutes 2006, section 239.092, is amended to read:

**239.092 SALE FROM BULK.**

(a) Bulk sales of commodities, when the buyer and seller are not both present to witness the measurement, must be accompanied by a delivery ticket containing the following information:

- (1) the name and address of the person who weighed or measured the commodity;
- (2) the date delivered;
- (3) the quantity delivered;
- (4) the count of individually wrapped packages delivered, if more than one is included in the quantity delivered;
- (5) the quantity on which the price is based, if different than the quantity delivered; and

(6) the identity of the commodity in the most descriptive terms commercially practicable, including representations of quality made in connection with the sale.

(b) This section is not intended to conflict with the bulk sale requirements of the Department of Agriculture. If a conflict occurs, the law and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed across state boundaries or more than 100 miles from its origin must include delivery ticket information regarding the harvest locations of the wood by county and state.

Sec. 4. Minnesota Statutes 2006, section 239.093, is amended to read:

**239.093 INFORMATION REQUIRED WITH PACKAGE.**

(a) A package offered, exposed, or held for sale must bear a clear and conspicuous declaration of:

(1) the identity of the commodity in the package, unless the commodity can be easily identified through the wrapper or container;

(2) the net quantity in terms of weight, measure, or count;

(3) the name and address of the manufacturer, packer, or distributor, if the packages were not produced on the premises where they are offered, exposed, or held for sale; and

(4) the unit price, if the packages are part of a lot containing random weight packages of the same commodity.



(b) This section is not intended to conflict with the packaging requirements of the Department of Agriculture. If a conflict occurs, the laws and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed across state boundaries or more than 100 miles from its origin must include information regarding the harvest locations of the wood by county and state on each label or wrapper."

Delete the title and insert:

"A bill for an act relating to natural resources; providing for pest control measures; requiring approved firewood on land administered by the commissioner of natural resources; regulating sale and distribution of firewood; amending Minnesota Statutes 2006, sections 89.55; 239.092; 239.093; proposing coding for new law in Minnesota Statutes, chapter 89."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 1043, A bill for an act relating to public safety; requiring predatory offenders to register electronic mail addresses and related information to law enforcement; amending Minnesota Statutes 2006, section 243.166, subdivision 4a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1051, A bill for an act relating to state government; changing the state Indian Affairs Council; amending Minnesota Statutes 2006, section 3.922.

Reported the same back with the following amendments:

Page 2, delete line 2 and insert:

"(1) one member of each of the following tribal sovereign nations, designated by the elected tribal president or chairperson of the governing"

Page 2, line 3, after "of" insert a colon

Page 2, line 14, before "the directors" insert "(2)"

Page 2, line 17, before "a" insert "(3)"

Page 2, delete lines 31 to 32 and insert:

"(4) three members of the house of representatives, including one member of the largest minority caucus, appointed by the speaker; and

(5) three members of the senate, including one member of the largest minority caucus, appointed by its Subcommittee on Committees."

Page 3, line 4, delete the new language and insert "Only members of" and after "council" insert "designated under clause (1)"

Page 3, line 20, strike "nonlegislator" and after "members" insert "appointed under subdivision 1, clause (1),"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 1063, A bill for an act relating to environment; adopting the Uniform Environmental Covenants Act; amending Minnesota Statutes 2006, sections 115.072; 115B.17, subdivision 15; proposing coding for new law as Minnesota Statutes, chapter 114E.

Reported the same back with the following amendments:

Page 3, line 7, after the period, insert "When the environmental agency is a federal agency, the covenant must also be approved and signed by the state environmental agency that has authority under state law to address the release or threatened release involved in the environmental response project."

Page 3, line 34, delete the second "of" and insert "title to"

Page 8, line 11, delete the second "of" and insert "title to"

Page 9, after line 13, insert:

"(b) The state environmental agency that signed the covenant may use any remedy or enforcement measure provided in section 115.071, subdivisions 3 to 5, or 116.072 to remedy violations of a covenant. This paragraph does not limit the state environmental agency from taking action to enforce the terms of a covenant against a person required to comply with the covenant in connection with that person's obligation to perform response actions or as a condition of receiving a liability assurance with respect to a release or threatened release of contaminants."

Page 9, line 14, delete "(b)" and insert "(c)"

Page 9, line 16, delete "(c)" and insert "(d)"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1065, A bill for an act relating to veterans affairs; providing a health screening benefit for eligible members of the armed forces; requiring notification; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[197.08] HEALTH SCREENING TEST FOR EXPOSURE TO DEPLETED URANIUM.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following definitions apply.

(b) "Commissioner" means the commissioner of veterans affairs.

(c) "Depleted uranium" means uranium containing less Uranium 235 than the naturally occurring distribution of uranium isotopes.

(d) "Eligible person" means a veteran or current member of the United States armed forces, including the Minnesota National Guard and other reserves, who has served in active military service as defined in section 190.05, subdivision 5, at any time since August 2, 1990, and who is a Minnesota resident.

(e) "Veteran" has the meaning assigned in section 197.447.

**Subd. 2. Health screening test.** (a) The following eligible persons have a right to a best practice health screening test for exposure to depleted uranium:

(1) those who have been assigned a risk level I or II for depleted uranium exposure by the person's branch of service;

(2) those who can provide to the satisfaction of the commissioner evidence of exposure equivalent to an assigned risk of level I or II; and

(3) those who provide evidence to the satisfaction of the commissioner of a medical diagnosis of serious debilitating symptoms of nonspecific origin following service in an area where depleted uranium ammunition was expended.

(b) The commissioner, in consultation with the commissioner of health, must select a test that utilizes a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium.

Subd. 3. **Commissioner to provide for test.** The commissioner shall establish a method for administering the health screening test described in subdivision 2.

Subd. 4. **Notification of availability to those eligible.** The commissioner must make reasonable efforts to inform all eligible persons of their potential right to the health screening test described in subdivision 2.

Subd. 5. **Random sample study.** (a) In addition to the testing required under subdivision 2, the commissioner shall select a random sample containing ten percent of the eligible members who as Minnesota residents have served for a period of 30 days or more within Iraq or Afghanistan in support of contingency operations for Operation Iraqi Freedom or Operation Enduring Freedom. Each eligible member who is selected into the sample by the commissioner has the right to the same health screening test as provided under subdivision 2. The commissioner must make a reasonable effort to inform each selected person of that right, and must provide the person with a reasonable opportunity to take the health screening test. The commissioner, acting in accordance with the requirements of chapter 13, the Government Data Practices Act, must statistically tabulate the results of the screening tests for the selected sample and upon request must report those results to the chairs and ranking minority members of the senate and house of representatives committees responsible for military and veterans affairs.

(b) The adjutant general of the Minnesota National Guard, and the senior officer of each military reserve organization located within Minnesota shall assist the commissioner with the sampling task by providing to the commissioner in a timely manner a complete listing of the names, unit designations, and most recent mailing addresses of their current and previous members who as Minnesota residents have served for a period of 30 days or more in active military service within Iraq or Afghanistan in support of contingency operations for Operation Iraqi Freedom or Operation Enduring Freedom.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 2. **APPROPRIATION.**

\$3,000,000 is appropriated from the general fund to the commissioner of veterans affairs in fiscal year 2007 to implement section 1. Any balance remaining does not expire and is available for this same purpose in fiscal year 2008."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 1087, A bill for an act relating to education; establishing a funding source for a teacher residency program designed to prepare and support newly licensed teachers to effectively teach a diverse student population; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1101, A bill for an act relating to agriculture; providing an exception to recreational camping regulations for county fairgrounds; proposing coding for new law in Minnesota Statutes, chapter 38.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1110, A bill for an act relating to elections; changing certain definitions, voter registration procedures and requirements, filing requirements, voting procedures, election day prohibitions, and ballot preparation requirements; establishing a complaint and resolution process; requiring certain notices; providing for assessment of certain costs; changing a petition requirement; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 200.02, subdivisions 7, 23; 201.056; 201.061, subdivision 1, by adding a subdivision; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.121, by adding a subdivision; 201.171; 204B.06, subdivision 1; 204B.09, subdivision 1; 204B.11, subdivision 2; 204B.27, by adding a subdivision; 204B.45, subdivision 1; 204C.06, subdivision 8; 204D.09, subdivision 2; 204D.16; 205.16, subdivisions 2, 3; 205A.07, subdivision 2; 206.89, subdivision 1; 211A.05; 211B.37; 325L.03; 410.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 10A.14, subdivision 1, is amended to read:

Subdivision 1. **First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization no later than 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, or within 24 hours after it has received a loan or contribution that must be reported under section 10A.20, subdivision 5, whichever is earlier. The 24-hour registration requirement does not apply to the principal campaign committee of a legislative candidate seeking to fill an unexpired term in a special election.

Sec. 2. Minnesota Statutes 2006, section 10A.20, subdivision 5, is amended to read:

Subd. 5. **Preelection reports.** Any loan, contribution, or contributions to a political committee, political fund, or party unit from any one source totaling \$800 or more, or in a statewide election any loan, contribution, or contributions to a candidate from any one source totaling \$2,000 \$800 or more, or to a candidate in any judicial district or legislative election totaling more than \$400, received between the last day covered in the last report before an election and the election must be reported to the board in one of the following ways:

- (1) in person within ~~48~~ 24 hours after its receipt;
- ~~(2) by telegram or mailgram within 48 hours after its receipt;~~
- ~~(3) by certified mail sent within 48 hours after its receipt; or~~

(4) (2) by electronic means sent within ~~48~~ 24 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The ~~48-hour~~ 24-hour notice requirement does not apply with respect to a primary in which the statewide or legislative candidate is unopposed. The 24-hour notice requirement also does not apply to principal campaign committees for legislative candidates seeking to fill an unexpired term in a special election.

The board must post the report on its Web site within 24 hours after it is received.

Sec. 3. Minnesota Statutes 2006, section 200.02, subdivision 7, is amended to read:

Subd. 7. **Major political party.** (a) "Major political party" means a political party that maintains a party organization in the state, political division, or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state ~~at any time before the close of filing for the state partisan primary ballot~~ at least six weeks before the start of the filing period a petition for a place on the state partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election. The petition may be circulated at any time after January 1 and more than six weeks before the start of the filing period in the year the petition is submitted.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

Sec. 4. Minnesota Statutes 2006, section 200.02, subdivision 23, is amended to read:

Subd. 23. **Minor political party.** (a) "Minor political party" means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state ~~at any time before the close of filing for the state partisan primary ballot~~ at least six weeks before the start of the filing period a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. The petition may be circulated at any time after January 1 and more than six weeks before the start of the filing period in the year the petition is submitted.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office.

Sec. 5. Minnesota Statutes 2006, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a violation notice to any voter who the county auditor can determine has voted ~~in a precinct other than the precinct in using an address at which the voter maintains~~ does not maintain residence on election day. The notice must be in the form provided by the secretary of state. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

(b) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor.

(c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

(d) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, county, or municipality is an affirmative defense to a prosecution under this subdivision.

Sec. 6. Minnesota Statutes 2006, section 201.056, is amended to read:

**201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.**

An individual who is unable to write the individual's name shall be required to sign a registration ~~card by making the individual's mark~~ application in the manner provided by section 645.44, subdivision 14. If the individual registers in person ~~and signs by making a mark~~, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail ~~and signs by making a mark~~, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and the voter's own name and give the voter's own address.

Sec. 7. Minnesota Statutes 2006, section 201.061, subdivision 1, is amended to read:

Subdivision 1. **Prior to election day.** At any time except during the 20 days immediately preceding any regularly scheduled election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a paper voter registration application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. If the individual has a Minnesota driver's license, identification card, or learner's permit, the individual may register online using the Web site maintained by the secretary of state. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten business days after the applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

Sec. 8. Minnesota Statutes 2006, section 201.061, is amended by adding a subdivision to read:

Subd. 1b. **Prohibited methods of compensation; penalty.** (a) No individual may be compensated for the solicitation, collection, or acceptance of voter registration applications from voters for submission to the secretary of state, a county auditor, or other local election official in a manner in which payment is calculated by multiplying (1) either a set or variable payment rate, by (2) the number of voter registration applications solicited, collected, or accepted.

(b) No individual may be deprived of compensation or have compensation automatically reduced exclusively for failure to solicit, collect, or accept a minimum number of voter registration applications and no individual may receive additional compensation for reaching or exceeding a minimum number of voter registration applications.

(c) A person who violates this subdivision is guilty of a petty misdemeanor.



Sec. 9. Minnesota Statutes 2006, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application ~~and the information on the oath must be recorded on the records of both the voter registering on election day and the voter who is vouching for the person's residence, and entered into the statewide voter registration system by the county auditor when the voter registration application is entered into that system.~~

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 10. Minnesota Statutes 2006, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and weight for mailing and~~ contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, and the last four digits of the voter's Social Security number; ~~and voter's signature~~. The registration application may include the voter's e-mail address, if provided by the voter, and the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) will be at least 18 years old on election day;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under court-ordered guardianship in which the court order revokes my right to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

A paper voter registration application must include space for the voter's signature and be of suitable size and weight for mailing.

Sec. 11. Minnesota Statutes 2006, section 201.091, is amended by adding a subdivision to read:

Subd. 5a. **Registration verification to registered voter.** The secretary of state must provide for voter registration verification to a registered voter on the secretary of state's Web site. An individual must provide the individual's name, address, and date of birth when requesting registration verification. If the verification information provided completely matches an active registration record in the statewide registration system, the individual must be informed that the individual is a registered voter and provided with the individual's polling place location. If the verification information provided does not completely match an active registration record in the statewide registration system, the individual must be informed that a registration record at the name and address provided cannot be retrieved and advised to contact the county auditor or secretary of state for further information.

Sec. 12. Minnesota Statutes 2006, section 201.121, is amended by adding a subdivision to read:

Subd. 4. **Biennial verification.** At least seven weeks before the state general election, the secretary of state shall mail a nonforwardable notice about the upcoming election to every registered voter in the state. The notice must include the voter's polling place location and the legislative, congressional, county commissioner, and school district in which the voter resides. It must also include information on voting eligibility and how to register to vote on election day.

Sec. 13. Minnesota Statutes 2006, section 201.171, is amended to read:

**201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.**

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding ~~four~~ six years. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration.

Sec. 14. Minnesota Statutes 2006, section 203B.07, subdivision 2, is amended to read:

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card and application folded along its perforations. The return envelope shall be designed to open on the left-hand end. ~~Notwithstanding any rule to the contrary, the return envelope must be designed in one of the following ways:~~

~~(1) it must be of sufficient size to contain an additional envelope that when sealed, conceals the signature, identification, and other information; or~~

~~(2) it must provide an additional flap that when sealed, conceals the signature, identification, and other information. Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information. A certificate of eligibility to vote by absentee ballot shall be printed on the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate shall also contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:~~

~~(a) the ballots were displayed to that individual unmarked;~~

~~(b) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and~~

~~(c) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.~~

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 15. Minnesota Statutes 2006, section 203B.081, is amended to read:

#### **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

An eligible voter may vote by absentee ballot during the 30 days before the election in the office of the county auditor and at any other polling place designated by the county auditor. The county auditor shall make such designations at least 90 days before the election. At least one voting booth and at least one electronic ballot marker in each polling place must be made available by the county auditor for this purpose.

Sec. 16. Minnesota Statutes 2006, section 203B.12, subdivision 4, is amended to read:

Subd. 4. **Placement in container; opening and counting of ballots.** The ballot envelopes from return envelopes marked "Accepted" shall be placed by the election judges in a separate absentee ballot container. The container and each ballot envelope may be opened only after ~~the last regular mail delivery by the United States postal service~~ noon on election day. The ballots shall then be initialed by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box.

If more than one ballot of any kind is enclosed in the ballot envelope, none of the ballots of that kind shall be counted but all ballots of that kind shall be returned in the manner provided by section 204C.25 for return of spoiled ballots.

Sec. 17. Minnesota Statutes 2006, section 203B.13, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The governing body of any county ~~that has established a counting center as provided in section 206.85, subdivision 2,~~ any municipality, or any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Sec. 18. Minnesota Statutes 2006, section 203B.13, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board may ~~do any of the following:~~

~~(a) receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive~~ accept or reject absentee ballots in the manner provided in section 203B.12;

~~(b) open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; or~~

~~(c) report the vote totals tabulated for each precinct.~~

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot. ~~The secretary of state shall provide samples of the replacement ballot and return envelope for use by the county auditor.~~

Sec. 19. Minnesota Statutes 2006, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. **Form of affidavit.** An affidavit of candidacy shall state the name of the office sought and, except as provided in subdivision 4, shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington County, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less. The affidavit of candidacy must include an original signature of the candidate.

Sec. 20. Minnesota Statutes 2006, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07, but no earlier than 70 days before the state primary. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices ~~to be voted on in only one county shall~~ must be filed with the county auditor of that county. Affidavits and petitions for federal offices ~~to be voted on in more than one county shall~~ must be filed with the secretary of state. Affidavits and petitions for state offices must be filed with the secretary of state or with the county auditor of the county in which the candidate resides.

Sec. 21. Minnesota Statutes 2006, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the ~~fifth~~ seventh day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 22. Minnesota Statutes 2006, section 204B.11, subdivision 2, is amended to read:

Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be circulated from the date of precinct caucuses to the end of the period for filing affidavits of candidacy. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county or legislative office, or for the office of district judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 23. Minnesota Statutes 2006, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within ~~3,000 feet~~ one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 24. Minnesota Statutes 2006, section 204B.27, is amended by adding a subdivision to read:

Subd. 12. **Information to naturalized citizens.** Each month, the secretary of state shall obtain a list of the name and residential address of each citizen newly naturalized in this state during the previous month and shall mail to each person on the list information on registering to vote and serving as an election judge.

Sec. 25. **[204B.445] VOTER COMPLAINT AND RESOLUTION PROCESS.**

Subdivision 1. **Scope.** An eligible voter may file a complaint to seek the resolution of any of the following conditions that have occurred or are about to occur:

(1) voter records in the statewide registration system are not maintained by the secretary of state or a county auditor in the manner provided in chapter 201;

(2) voters are unable to register to vote in the manner provided by section 201.061;

(3) a voting system, including an electronic ballot marker, meeting the requirements of section 206.80 is not available for use by voters either casting an absentee ballot in person at the locations designated by the county auditor or local election official, or for voting at any polling place on election day; or

(4) the secretary of state, county auditor, or local election official has failed to carry out a duty required by Title III of the Help America Vote Act of 2002.

A complaint against a municipal or school district clerk must be filed with the county auditor of the county in which the action has occurred or is about to occur. A complaint against a county auditor must be filed with the secretary of state. A complaint against the secretary of state must be filed with the Office of Administrative Hearings. The secretary of state shall provide a standard form for a complaint under this section. The form must provide space for the complainant to specify the legal basis for the complaint. The proceedings authorized by this section are not subject to the requirements of chapter 14.

Subd. 2. **Notice of complaint.** The official with whom the complaint is filed must, within seven days after the complaint was filed, provide written notice of the complaint, including a copy of the complaint, to the official against whom the complaint has been made.

Subd. 3. **Response.** Within 14 days after the notice of complaint is received, the official complained against must respond in writing to the complainant and state the manner in which the respondent proposes to resolve the complaint.

Subd. 4. **Hearing.** If the complainant believes the response does not resolve the complaint, the complainant may file with the official with whom the complaint was filed a request for a hearing. The request must state the objection to the response and propose to resolve the complaint in a way that is consistent with the Minnesota Election Law. The official with whom the complaint was filed must rule on the complaint within 14 days after the hearing.

Subd. 5. **Appeal.** No later than 30 days after the ruling, the complainant may appeal the ruling. If the complaint was filed against a municipal clerk, school district clerk, or county auditor, the appeal must be filed with the secretary of state. If the complaint was filed against the secretary of state, the appeal must be filed with the Ramsey County District Court. The appeal must be heard within 14 days. Upon hearing the appeal, the secretary of state or district court may affirm, reverse, or modify the ruling and give appropriate instructions, as needed, to the secretary of state, county auditor, or local election official to resolve the complaint.

**EFFECTIVE DATE.** This section is effective January 1, 2008.

Sec. 26. Minnesota Statutes 2006, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least six weeks prior to the election. ~~No earlier~~ Not more than 20 30 days ~~or~~ nor later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.



Sec. 27. Minnesota Statutes 2006, section 204C.06, subdivision 1, is amended to read:

Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote shall stand within 100 feet of the ~~entrance to a polling place. The entrance to a polling place is the doorway or point of entry leading into the room or area where voting is occurring building in which a polling place is located.~~

Sec. 28. Minnesota Statutes 2006, section 205.10, is amended by adding a subdivision to read:

Subd. 6. **Cancellation.** A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 46 days before the election.

Sec. 29. Minnesota Statutes 2006, section 205.13, is amended by adding a subdivision to read:

Subd. 7. **Write-in candidates.** A candidate for a city office who wants write-in votes for the candidate to be counted must file a written request with the filing officer for the office sought no later than the seventh day before the general election. The filing officer must provide copies of the form to make the request.

Sec. 30. Minnesota Statutes 2006, section 205.16, subdivision 3, is amended to read:

Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot for each precinct in the municipality, make them available for public inspection in the clerk's office for public inspection, and post a sample ballot in each polling place on election day.

Sec. 31. Minnesota Statutes 2006, section 205.16, subdivision 4, is amended to read:

Subd. 4. **Notice to auditor.** At least 53 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. Not less than 46 days before the election, the municipal clerk must provide written notice to the county auditor of any special election canceled under section 205.10, subdivision 6.

Sec. 32. Minnesota Statutes 2006, section 205A.05, is amended by adding a subdivision to read:

Subd. 3. **Cancellation.** A special election ordered by the school board on its own motion under subdivision 1 may be canceled by motion of the school board, but not less than 46 days before the election.

Sec. 33. Minnesota Statutes 2006, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **Notice to auditor.** At least 53 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of education and prior to actual initiation of the election. Not less than 46 days before the election, the school district clerk must provide written notice to the county auditor of any special election canceled under section 205A.05, subdivision 3.

Sec. 34. Minnesota Statutes 2006, section 205A.07, subdivision 3a, is amended to read:

Subd. 3a. **Notice to commissioner of education.** At least 49 days prior to every school district election, under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall provide a written notice to the commissioner of education. The notice must include the date of the election and the title and language for each ballot question to be voted on at the election. Not less than 46 days before the election, the school district clerk must provide a written notice to the commissioner of education of any special election canceled under section 205A.05, subdivision 3. The certified vote totals for each ballot question shall be provided in a written notice to the commissioner in a timely manner.

Sec. 35. Minnesota Statutes 2006, section 206.57, subdivision 5, is amended to read:

Subd. 5. **Voting system for disabled voters.** In federal and state elections held after December 31, 2005, ~~and in county, municipal city, and school district elections held after December 31, 2007, and in township elections held after December 31, 2009,~~ the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 36. Minnesota Statutes 2006, section 206.89, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section "postelection review official" means the ~~election administration official who is responsible for the conduct of elections in a precinct selected for review under this section.~~ county auditor, unless the county auditor designates the municipal clerk as the "postelection review official" within 24 hours after the canvass of the state general election.

Sec. 37. Minnesota Statutes 2006, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts reveals a difference greater than one-half of one percent, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the postelection review official must, within two days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review in any of the reviewed precincts also indicates a difference in the vote totals compiled by the voting system that is greater than one-half of one percent from the result indicated by the postelection review, or greater than two votes in a precinct where 400 or fewer voters cast ballots, the county auditor must conduct a review of the ballots from all the remaining precincts in the county for the races indicated in subdivision 3. This review must be completed no later than six weeks after the state general election.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the postelection review official must conduct a manual recount of all the ballots in the district for the affected office. The recount must be completed and the results reported to the appropriate canvassing board no later than ten weeks after the state general election.

Sec. 38. Minnesota Statutes 2006, section 211A.02, subdivision 2, is amended to read:

Subd. 2. **Information required.** The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the printed name and address, telephone number, signature, and e-mail address, if available, of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;
- (4) the amount, date, and purpose for each expenditure; and
- (5) the name, address, and employer, or occupation if self-employed, of any individual or committee that during the year has made one or more contributions that in the aggregate are equal to or greater than \$100, and the amount and date of each contribution.

The filing officer must restrict public access to the address of any individual who has made a contribution equal to or greater than \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Sec. 39. Minnesota Statutes 2006, section 211A.05, is amended to read:

#### **211A.05 FAILURE TO FILE STATEMENT.**

Subdivision 1. **Penalty.** A candidate who intentionally fails to file a report required by section 211A.02 or a certification required by this section is guilty of a misdemeanor. The treasurer of a committee formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 or a certification required by this section is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The secretary of state shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor.

Subd. 2. **Notice of failure to file; penalty.** ~~If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section 211B.32. No later than four business days after the date on which a report is due, the filing officer must send a notice by certified mail to any individual who fails to file a statement required by this chapter. If an individual fails to file a statement within ten business days after the notice of failure to file was sent, the filing officer must impose a late filing fee of \$10 per day, not to exceed \$200, commencing with the 11th day after the notice was sent. If the individual fails to file the statement within 30 days after the notice was sent, the filing officer must file a complaint under section 211B.32 and the late filing fee must be made payable to the Office of Administrative Hearings in lieu of any payment that would otherwise be assessed to the county from which the complaint was filed.~~

Sec. 40. Minnesota Statutes 2006, section 211B.03, is amended to read:

**211B.03 USE OF THE TERM REELECT.**

(a) A person or candidate may not use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office. If the incumbent is seated in that office but was not elected to the office in a general or special election, the incumbent may not use the term "reelect."

(b) In the event of redistricting, a person or candidate may not, ~~in the event of redistricting,~~ use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

(c) For purposes of this section, "incumbent" means the individual currently seated in the office for which the election will be held, as of the last day of filing as a candidate for election to that office.

Sec. 41. Minnesota Statutes 2006, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is ~~situated, or anywhere on the public property on which a polling place is situated~~ located, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may provide stickers which contain the words "I VOTED" and nothing more. Election judges may offer a sticker of this type to each voter who has signed the polling place roster.

Sec. 42. Minnesota Statutes 2006, section 325L.03, is amended to read:

**325L.03 SCOPE.**

(a) Except as otherwise provided in paragraphs (b) and (e), this chapter applies to electronic records and electronic signatures relating to a transaction.

(b) This chapter does not apply to a transaction to the extent it is governed by:

(1) the Uniform Commercial Code other than section 336.1-306, article 2, and article 2A; and

(2) section 145C.03, subdivision 1, relating to requirements for creation of a health care directive; section 507.24, relating to requirements for recording any conveyance, power of attorney, or other instrument affecting real estate; section 523.23, subdivision 3, relating to requirements for creation of a statutory short form power of attorney; and section 253B.03, subdivision 6b, relating to requirements for creation of a declaration of preferences or instructions regarding intrusive mental health treatment.

(c) This chapter applies to an electronic record or electronic signature otherwise excluded from the application of this chapter under paragraph (b) to the extent it is governed by a law other than those specified in paragraph (b).

(d) A transaction subject to this chapter is also subject to other applicable substantive law.

(e) This chapter does not apply to the creation and execution of wills, codicils, or trusts other than trusts relating to the conduct of business, commercial, or governmental purposes.

(f) This chapter does not apply to affidavits of candidacy relating to the conduct of elections.

Sec. 43. Minnesota Statutes 2006, section 375.101, subdivision 1, is amended to read:

Subdivision 1. **Option for filling vacancies; election in 30 to 60 days.** Except as provided in subdivision 3, a vacancy in the office of county commissioner ~~shall~~ may be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a special election not less than 30 nor more than ~~60~~ 90 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election but the special election shall be held not less than 14 days after the special primary. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.

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

Sec. 44. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision to read:

Subd. 4. **Option for filling vacancies; appointment.** Except as provided in subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of county commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next county general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election.

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

Sec. 45. Minnesota Statutes 2006, section 410.12, subdivision 1, is amended to read:

Subdivision 1. **Proposals.** The charter commission may propose amendments to such charter and shall do so upon the petition of voters equal in number to five percent of the total votes cast at the last previous state general election in the city. Proposed charter amendments must be submitted at least 12 weeks before the general election. Petitions may be signed no earlier than 26 weeks before the general election. Only registered voters are eligible to sign the petition. All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except that in the case of a proposed amendment containing more than 1,000 words, a true and correct copy of the same may be filed with the city clerk, and the petition shall then contain a summary of not less than 50 nor more than 300 words setting forth in substance the nature of the proposed amendment. Such summary shall contain a statement of the objects and purposes of the amendment proposed and an outline of any proposed new scheme or frame work of government and shall be sufficient to inform the signers of the petition as to what change in government is sought to be accomplished by the amendment. The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to form and substance. The commission shall within ten days after such submission to it, return the same to the proposers of the amendment with such modifications in statement as it may deem necessary in order that the summary may fairly comply with the requirements above set forth.

Sec. 46. Minnesota Statutes 2006, section 447.32, subdivision 4, is amended to read:

Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than 70 days nor less than 56 days before the first Tuesday after the first Monday in November of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy. A candidate for a hospital district office who wants write-in votes for the candidate to be counted must file a written request with the filing officer for the office sought no later than the seventh day before the general election. The filing officer must provide copies of the form to make the request.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 47. **APPROPRIATION.**

\$..... in fiscal year 2008 and \$..... in fiscal year 2009 are appropriated from the general fund to the secretary of state for the purpose of implementing sections 1 to 48.

Sec. 48. **REPEALER.**

Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7; 201.096; 203B.02, subdivision 1a; and 203B.13, subdivision 3a, are repealed."

Delete the title and insert:

"A bill for an act relating to elections; changing certain definitions, voter registration procedures and requirements, filing requirements, voting procedures, election day prohibitions, and ballot preparation requirements; establishing a complaint and resolution process; requiring certain notices; providing for assessment of certain costs; changing a petition requirement; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 10A.14, subdivision 1; 10A.20, subdivision 5; 200.02, subdivisions 7, 23; 201.016, subdivision 1a; 201.056; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.121, by adding a subdivision; 201.171; 203B.07, subdivision 2; 203B.081; 203B.12, subdivision 4; 203B.13, subdivisions 1, 2; 204B.06, subdivision 1; 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.16, subdivision 1; 204B.27, by adding a subdivision; 204B.45, subdivision 2; 204C.06, subdivision 1; 205.10, by adding a subdivision; 205.13, by adding a subdivision; 205.16, subdivisions 3, 4; 205A.05, by adding a subdivision;

205A.07, subdivisions 3, 3a; 206.57, subdivision 5; 206.89, subdivisions 1, 5; 211A.02, subdivision 2; 211A.05; 211B.03; 211B.11, subdivision 1; 325L.03; 375.101, subdivision 1, by adding a subdivision; 410.12, subdivision 1; 447.32, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7; 201.096; 203B.02, subdivision 1a; 203B.13, subdivision 3a."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1116, A bill for an act relating to game and fish; modifying definitions; providing for and modifying certain fees; modifying provisions for taking animals causing damage; modifying license and stamp provisions; modifying certain possession and taking restrictions; providing for an apprentice hunter validation; providing criminal and civil penalties; amending Minnesota Statutes 2006, sections 97A.015, by adding subdivisions; 97A.045, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.421, by adding a subdivision; 97A.451, subdivision 3; 97A.465, by adding a subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 4; 97A.511; 97B.020; 97B.075; 97B.301, subdivision 7; 97B.715, subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.081, subdivision 3; 97C.325; 97C.355, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.365.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 26c. **Immediately released or immediately returned to the water.** "Immediately released" or "immediately returned to the water" means that a fish must not be retained longer than is needed at the site of capture to unhook, identify, measure, or photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or other container is not "immediately released" or "immediately returned to the water."

Sec. 2. Minnesota Statutes 2006, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, American woodcock, and common snipe.

Sec. 3. Minnesota Statutes 2006, section 97A.045, is amended by adding a subdivision to read:

Subd. 12. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees providing for the use of state wildlife management area or aquatic management area lands for specific purposes, including dog trials; special events; and commercial uses. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 4. Minnesota Statutes 2006, section 97A.401, subdivision 5, is amended to read:

Subd. 5. **Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals ~~that are damaging property~~ or to remove or destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing damage or injury to people, property, agricultural crops, or other interests.

The commissioner may prescribe rules for taking Canada geese and their nests and eggs, with or without a permit, consistent with federal regulations. ~~A special permit issued under this subdivision to take beaver must state the number to be taken.~~

Sec. 5. Minnesota Statutes 2006, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license ~~or stamp~~ issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license ~~or stamp validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp.~~ A pictorial turkey stamp or a pictorial, migratory waterfowl, pheasant, or trout and salmon stamp shall be mailed provided to the licensee after purchase of a license or stamp validation only if the licensee pays an additional \$2 fee.

Sec. 6. Minnesota Statutes 2006, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags ~~for that license~~ for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

- (1) when the season for the license being surrendered has not yet opened; ~~or~~
- (2) when the person is upgrading from a regular firearms or archery deer license to ~~a multizone or an~~ all season deer license;
- (3) when the person is upgrading from a regular firearms license to a multizone deer license; or



(4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 7. Minnesota Statutes 2006, section 97A.421, is amended by adding a subdivision to read:

Subd. 7. **Taking wild animals while privileges are suspended.** A person who takes a protected wild animal during the time the person is prohibited from obtaining a license to take that animal under this section is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 2006, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a person who is an owner or tenant ~~and is living and actively farming on~~ of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 9. Minnesota Statutes 2006, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; ~~or~~

(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or

~~(3)~~ (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 10. Minnesota Statutes 2006, section 97A.451, subdivision 3a, is amended to read:

Subd. 3a. **Nonresidents under age 16 18; small game.** (a) A nonresident under age ~~46~~ 18 may obtain a small game license at the resident fee under section 97A.475, subdivision 2, clause (2), if the nonresident:

- (1) possesses a firearms safety certificate; or
- (2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.

(b) A nonresident age 13 or under must be accompanied by a parent or guardian to take small game. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take small game.

Sec. 11. Minnesota Statutes 2006, section 97A.465, is amended by adding a subdivision to read:

Subd. 1a. **Spouses of residents on active military duty.** Notwithstanding section 97A.405, subdivision 5, the spouse of a resident who is on active military duty may obtain resident hunting and fishing licenses.

Sec. 12. Minnesota Statutes 2006, section 97A.473, subdivision 3, is amended to read:

Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt and trap small game in the state. The license authorizes those hunting and trapping activities authorized by the annual resident small game hunting ~~license~~ and trapping licenses. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to licenses issued after February 28, 2001.

Sec. 13. Minnesota Statutes 2006, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling ~~and~~ resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;

(3) age 16 to age 50, \$613; and

(4) age 51 and over, \$413.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to licenses issued after February 28, 2001.

Sec. 14. Minnesota Statutes 2006, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

(3) to take turkey, \$18;

(4) for persons age 18 or over to take deer with firearms, \$26;

(5) for persons age 18 or over to take deer by archery, \$26;

(6) to take moose, for a party of not more than six persons, \$310;

(7) to take bear, \$38;

(8) to take elk, for a party of not more than two persons, \$250;

(9) multizone license to take antlered deer in more than one zone, \$52;

(10) to take Canada geese during a special season, \$4;

(11) all season license to take ~~two~~ three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;

(12) to take prairie chickens, \$20;

(13) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and

(14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

Sec. 15. Minnesota Statutes 2006, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 and older to take small game, \$73;

(2) for persons age 18 and older to take deer with firearms, \$135;

(3) for persons age 18 and older to take deer by archery, ~~the greater of:~~

~~(i) an amount equal to the total amount of license fees and surcharges charged to a Minnesota resident to take deer by archery in the person's state or province of residence; or~~

~~(ii) \$135;~~

(4) to take bear, \$195;

(5) to take turkey, \$73;

(6) to take raccoon, bobcat, fox, or coyote, \$155;

(7) multizone license to take antlered deer in more than one zone, \$270; ~~and~~

(8) to take Canada geese during a special season, \$4~~;~~

(9) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and

(10) for persons at least age 12 and under age 18 to take deer by archery, \$13.

Sec. 16. Minnesota Statutes 2006, section 97A.475, subdivision 6, is amended to read:

Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only, are:

(1) to take fish by angling or by spearing from a dark house, \$17;

(2) to take fish by angling, for a combined license for a married couple, \$25; and

~~(3) to take fish by spearing from a dark house, \$17; and~~

~~(4) to take fish by angling for a 24-hour period selected by the licensee, \$8.50.~~

Sec. 17. Minnesota Statutes 2006, section 97A.505, subdivision 4, is amended to read:

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. ~~A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.~~

Sec. 18. Minnesota Statutes 2006, section 97A.511, is amended to read:

#### **97A.511 FUR-BEARING ANIMALS.**

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. ~~The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.~~

Sec. 19. Minnesota Statutes 2006, section 97B.015, is amended by adding a subdivision to read:

Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a person who has successfully completed basic training in the United States armed forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate. The commissioner may require written proof of

the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce this exemption from the range and shooting exercise requirement and the availability of the department's online, remote study option for adults seeking firearms safety certification. Military personnel are not exempt from any other requirement of this section for obtaining a firearms safety certificate.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to applications for certificates made on or after that date.

Sec. 20. Minnesota Statutes 2006, section 97B.020, is amended to read:

**97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator; ~~or~~
- (4) an apprentice hunter validation issued under section 97B.022; or
- ~~(4)~~ (5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 21. **97B.022 APPRENTICE HUNTER VALIDATION.**

Subdivision 1. Definition. For the purpose of this section, "accompanied" means to stay within a distance of another person that permits uninterrupted visual contact and unaided verbal communication.

Subd. 2. Apprentice hunter validation requirements. A resident born after December 31, 1979, who is age 12 or older and who does not possess a firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 22. Minnesota Statutes 2006, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. **Firearms and ammunition that may be used to take big game.** (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
- (4) the ammunition has a case length of at least 1.285 inches;
- (5) the muzzle-loader used is incapable of being loaded at the breech;
- (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
- (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, ~~or~~ a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50 Spencer, or 56-56 Spencer cartridge.

Sec. 23. Minnesota Statutes 2006, section 97B.035, is amended by adding a subdivision to read:

Subd. 1a. **Minimum draw weight.** A bow used to take big game must have a pull that meets or exceeds 30 pounds at or before full draw.

Sec. 24. Minnesota Statutes 2006, section 97B.075, is amended to read:

**97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset.

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

Sec. 25. Minnesota Statutes 2006, section 97B.085, subdivision 3, is amended to read:

Subd. 3. **Communication excepted.** This section does not prohibit the use of:

- (1) one-way radio communication between a handler and a dog; or
- (2) a remote-controlled animal noise caller used for fox and coyote.

Sec. 26. Minnesota Statutes 2006, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer license that authorizes the resident to hunt during the archery, regular firearms, and muzzle-loader seasons. The all season license is valid for taking three deer, no more than one of which may be a legal buck.

(b) The all season deer license is valid for taking antlerless deer as ~~follows:~~

~~(1) up to two antlerless deer may be taken during the archery or muzzle loader seasons in any open area or during the regular firearms season in managed or intensive deer areas; and~~

~~(2) one antlerless deer may be taken during the regular firearms season in a lottery deer area, only with an either-sex permit or statutory exemption from an either-sex permit, prescribed by the commissioner.~~

(c) The commissioner shall issue three tags when issuing a license under this subdivision.

Sec. 27. Minnesota Statutes 2006, section 97B.311, is amended to read:

**97B.311 DEER SEASONS AND RESTRICTIONS.**

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas at any time of year.

~~(c) Smokeless gunpowder may not be used in a muzzle loader during the muzzle loader season.~~

Sec. 28. Minnesota Statutes 2006, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at ~~U.S. Highway 10; thence along U.S. Highway 10~~ the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning.

Sec. 29. Minnesota Statutes 2006, section 97B.327, is amended to read:

**97B.327 REPORT; DEER OTHER THAN WHITE-TAILED OR MULE.**

A hunter legally taking a deer that is not a white-tailed or mule deer must report the type of deer taken to the commissioner of natural resources within seven days of taking. Violation of this section ~~shall not result in a penalty and is not subject to section 97A.301~~ will result in a civil penalty of \$100.

Sec. 30. Minnesota Statutes 2006, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

~~(1) a pheasant stamp in possession; and~~

~~(2) a pheasant stamp validation on the small game license when issued electronically.~~

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65;

(2) persons hunting on licensed commercial shooting preserves; and

(3) resident disabled veterans with a license issued under section 97A.441, subdivision 6a.

Sec. 31. Minnesota Statutes 2006, section 97B.801, is amended to read:

**97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

~~(1) a Minnesota migratory waterfowl stamp in possession; and~~

~~(2) a migratory waterfowl stamp validation on the small game license when issued electronically.~~

(b) Residents under age 18 or over age 65; resident disabled veterans with a license issued under section 97A.441, subdivision 6a; and persons hunting on their own property are not required to possess a stamp ~~or a license~~ validation under this section.

Sec. 32. Minnesota Statutes 2006, section 97B.928, subdivision 1, is amended to read:

Subdivision 1. **Information required.** (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the lands or waters:

(1) the number and state of the person's driver's license;

(2) the person's Minnesota identification card number; ~~or~~

(3) the person's name and mailing address; or

(4) the license identification number issued by the Department of Natural Resources.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

(c) Until March 1, 2013, the driver's license number under paragraph (a), clause (1), may be the person's previously issued Minnesota driver's license number.



Sec. 33. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. ~~Permits shall be issued without a fee. The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and monitoring the activities allowed by the permit. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.~~

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

Sec. 34. Minnesota Statutes 2006, section 97C.325, is amended to read:

**97C.325 PROHIBITED METHODS OF RESTRICTIONS ON TAKING FISH.**

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;

(2) substances or devices that kill, stun, or affect the nervous system of fish;

(3) nets, traps, trot lines, or snares; or

(4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

(d) To protect water quality or improve habitat for fish or wildlife, the commissioner may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of water.

Sec. 35. Minnesota Statutes 2006, section 97C.335, is amended to read:

**97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.**

A person may not use artificial lights to lure or attract fish or to see fish in the water while spearing, except that while angling or spearing, a person may:

(1) affix to the end of a fishing line a lighted artificial bait with hooks attached to the end of a fishing line; or

(2) use a lighted decoy for spearing.

Any battery that is used in lighted fishing lures cannot contain any intentionally introduced mercury.

Sec. 36. Minnesota Statutes 2006, section 97C.355, subdivision 8, is amended to read:

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

Sec. 37. Minnesota Statutes 2006, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. **Sucker season.** Notwithstanding any other law to the contrary, the commissioner may allow spearing and dip netting of sucker before May 1 when weather conditions warrant it and the earlier season would not interfere with spawning of other fish. The commissioner must post notice of the earlier spring opening by both print and electronic means. Regional fisheries chiefs in any of the department's regions may recommend the earlier spring opening for sucker spearing and dip netting to the commissioner.

Sec. 38. **[97C.417] REPORTING ASIAN CARP.**

A person who takes any of the following Asian carp species must report the type of carp taken to the commissioner within seven days of taking:

(1) grass carp (*Ctenopharyngodon idella*);

(2) bighead carp (*Hypophthalmichthys nobilis*); or

(3) silver carp (*Hypophthalmichthys molitrix*).

Sec. 39. Minnesota Statutes 2006, section 97C.835, subdivision 1, is amended to read:

Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to fish commercially in Lake Superior shall be issued to a maximum of ~~50~~ 25 residents. To qualify for licensing, a resident must have landed fish in the previous year with a value of at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the previous year. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet the requirements for the dollar value of fish landed or number of days fished resulted from illness or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least five of the previous ten years.

(b) A license may be issued to a resident who has not previously fished commercially on Lake Superior and has not been convicted of a game and fish law violation in the preceding three years, if the applicant:

(1) shows a bill of sale indicating the purchase of gear and facilities connected with an existing license;

(2) shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) has served at least two years as an apprentice in a Minnesota Lake Superior licensed commercial fishing operation.

Sec. 40. Minnesota Statutes 2006, section 97C.835, subdivision 2, is amended to read:

Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, ~~pygmy whitefish~~, rainbow smelt, and rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section.

Sec. 41. Minnesota Statutes 2006, section 97C.835, subdivision 3, is amended to read:

Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take ~~lake whitefish~~, round whitefish, ~~pygmy whitefish~~, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under the rules prescribed by the commissioner.

Sec. 42. Minnesota Statutes 2006, section 97C.835, subdivision 8, is amended to read:

Subd. 8. **Special permits.** The commissioner may issue special permits to duly licensed commercial fishing operators ~~not exceeding 20 in number~~, for the purpose of taking lake trout, ciscoes, and lake whitefish ~~spawn during the closed season for the propagation of trout~~ in Lake Superior and adjacent waters under rules prescribed by the commissioner.

Sec. 43. **[97C.836] LAKE SUPERIOR LAKE TROUT EXPANDED ASSESSMENT HARVEST.**

The commissioner shall provide for taking of lake trout by licensed commercial operators in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale. The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake Superior management zone MN-3 beginning in 2007 and zone MN-2 beginning in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone MN-3 or 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect the lake trout population or to manage the effects of invasive species or fish disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1 to September 30, but may end earlier in the respective zones if the quotas are reached. The quotas must be reassessed at the expiration of the current ten-year Fisheries Management Plan for the Minnesota Waters of Lake Superior dated September 2006.

Sec. 44. **RULE AMENDMENTS.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to sections 39 to 43. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 45. **LAKE TROUT REPORT.**

By February 1, 2008, the commissioner of natural resources must review and report to the legislative policy committees with jurisdiction over natural resources on the pros and cons of changing the winter lake trout season so that it would be open from the Saturday nearest January 1 to March 31.

Sec. 46. **ACCESS TO MINNESOTA OUTDOORS PLAN.**

Subdivision 1. **Walk-in access plan.** (a) The commissioner of natural resources shall prepare a plan for a walk-in public access program under which the commissioner may encourage owners and operators of privately held land to voluntarily make that land available for walk-in access by the public for hunting and fishing under programs administered by the commissioner.

(b) As part of the plan, the commissioner shall explore entering into contracts with the owners or lessees of land to establish voluntary walk-in public access for hunting, fishing, or other wildlife-dependent recreational activities.

(c) In the plan, the commissioner must describe:

(1) the costs and benefits that private land access will provide the public, such as hunting, fishing, bird watching, and related outdoor activities; and

(2) the types of game, fish, and wildlife habitat improvements made to the land that will enhance public uses.

(d) The commissioner shall explore the effectiveness and public and private cost of walk-in public access programs in other states and recommend walk-in program options for public access to private lands for hunting, fishing, and related recreational activities.

Subd. 2. **Other law.** Nothing in the plan may preempt trespass and liability laws. Recommendations submitted by the commissioner of natural resources under subdivision 3 shall include any changes to Minnesota Statutes, sections 604A.20 to 604A.27, necessary to ensure that landowners are not exposed to additional liability as a result of the walk-in access program.

Subd. 3. **Report.** The commissioner must present the walk-in public access plan to the house and senate committees with jurisdiction over natural resources policy and finance, with recommendations on program implementation, by January 15, 2008.

**Sec. 47. COCK PHEASANT BAG LIMIT; RULEMAKING.**

The commissioner of natural resources shall amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the 16th day of the pheasant season. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

**Sec. 48. CROSSBOW DEER SEASON.**

Notwithstanding Minnesota Statutes, section 97B.035, or other law to the contrary, the commissioner of natural resources shall establish an open season for taking deer by crossbow during the regular firearm or muzzleloader season from November 1 to December 15 each year. The commissioner may adopt exempt rules regulating the crossbow deer season according to Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes, section 14.386, a rule adopted under this section is effective until January 1, 2009.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires January 1, 2009.

**Sec. 49. CROSSBOW SEASON REPORT.**

By February 1, 2009, the commissioner of natural resources shall submit a report to the chairs of the house and senate committees having jurisdiction over natural resources that includes the number of crossbow deer season licenses issued under section 48 and addresses whether there was an increase in poaching or other hunting problems during the time a crossbow deer season was permitted.

Sec. 50. **REPEALER.**

Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.301, subdivision 3; and 97C.365, are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying definitions; providing for and modifying certain fees; modifying provisions for taking animals causing damage; modifying license and stamp provisions; modifying certain possession and taking restrictions; providing for an apprentice hunter validation; modifying commercial fishing provisions; providing for a crossbow deer season; requiring reports; requiring rulemaking; providing criminal and civil penalties; amending Minnesota Statutes 2006, sections 97A.015, subdivision 24, by adding a subdivision; 97A.045, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.421, by adding a subdivision; 97A.441, subdivision 7; 97A.451, subdivisions 3, 3a; 97A.465, by adding a subdivision; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 2, 3, 6; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.031, subdivision 1; 97B.035, by adding a subdivision; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.318, subdivision 1; 97B.327; 97B.715, subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.081, subdivision 3; 97C.325; 97C.335; 97C.355, subdivision 8; 97C.371, by adding a subdivision; 97C.835, subdivisions 1, 2, 3, 8; proposing coding for new law in Minnesota Statutes, chapters 97B; 97C; repealing Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.301, subdivision 3; 97C.365."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1190, A bill for an act relating to occupations; establishing the Plumbing Council; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, line 5, delete "COUNCIL" and insert "BOARD"

Page 1, line 6, delete "Council" and insert "Board"

Page 2, lines 8, 10, 14, 21, 27, 28, 29, 31, 32, 33, and 35, delete "council" and insert "board"

Page 2, line 34, delete everything before "shall" and insert "under this provision" and delete "council" and insert "board"

Amend the title as follows:

Page 1, line 2, delete "Council" and insert "Board"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1208, A bill for an act relating to state government; changing provisions for construction codes and licensing provisions; providing penalties and enforcement; instructing the revisor to renumber certain statutory sections; appropriating money; amending Minnesota Statutes 2006, sections 16B.04, subdivision 2; 16B.60, subdivisions 4, 7, 8, 11; 16B.61; 16B.615, subdivision 4; 16B.617; 16B.6175; 16B.63; 16B.65; 16B.70; 16B.72; 16B.73; 16B.735; 16B.74, subdivisions 1, 2, by adding subdivisions; 16B.741; 16B.744; 16B.745, subdivisions 1, 4; 16B.747; 16B.748; 16B.76; 31.175; 103I.621, subdivision 3; 144.122; 144.99, subdivision 1; 175.16, subdivision 1; 178.01; 178.02; 178.03, subdivision 3; 178.041, subdivision 1; 183.38; 183.39, subdivision 1; 183.411, subdivision 2; 183.42; 183.45; 183.46; 183.465; 183.466; 183.48; 183.501; 183.505; 183.51; 183.54, subdivisions 1, 3; 183.545, subdivisions 2, 4, 8, by adding a subdivision; 183.56; 183.57, subdivisions 1, 2, 5, 6; 183.59; 183.60; 183.61, subdivisions 2, 4; 299F.011, subdivision 1; 299M.02; 299M.04; 325E.58; 326.01, subdivisions 2, 3, 5, 6, 6a, 6b, 6c, 6e, 6f, 6g, 6j, 6k, 6l, 7, 8, 9, by adding subdivisions; 326.241, subdivision 2; 326.242; 326.243; 326.244, subdivisions 1, 1a, 5, 6, by adding a subdivision; 326.2441; 326.37; 326.38; 326.39; 326.40; 326.401; 326.405; 326.41; 326.42; 326.46; 326.461, by adding subdivisions; 326.47; 326.48; 326.50; 326.57, subdivision 1; 326.58; 326.59; 326.60; 326.601; 326.61, subdivisions 1, 2, 3, 4; 326.62; 326.65; 326.83, subdivisions 6, 7, 11, 18, 19, 20; 326.84; 326.841; 326.842; 326.86; 326.87; 326.88; 326.89; 326.90, subdivision 1; 326.91, subdivision 1; 326.92; 326.921; 326.93; 326.94; 326.95, subdivision 2; 326.96; 326.97; 326.975, subdivision 1; 326.992; 327.20, subdivision 1; 327.205; 327.31, subdivisions 2, 3, 4, 7, 15, by adding a subdivision; 327.32, subdivision 8; 327.33, subdivisions 2, 6, 7; 327.34, subdivision 3; 327.35, subdivisions 1, 2; 327A.01, subdivision 2; 327B.01, subdivisions 4, 5, 7, 17, by adding subdivisions; 327B.04, subdivisions 1, 4, 6, 7, 8, by adding a subdivision; 327B.05, subdivision 1; 327B.10; 363A.40, subdivision 1; 462.357, subdivision 6a; 462A.07, subdivision 8; 471.465; 471.466; 471.467; 471.471; proposing coding for new law in Minnesota Statutes, chapters 326; 327B; proposing coding for new law as Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2006, sections 16B.665; 16B.747, subdivision 4; 183.001; 183.02; 183.375, subdivisions 1, 2, 3, 4, 5, 6; 183.41, subdivisions 1, 2, 3, 4; 183.44, subdivisions 1, 2, 3; 183.52; 183.54, subdivision 2; 183.545, subdivision 9; 183.61, subdivisions 1, 3, 5, 6; 299M.02; 326.01, subdivisions 4, 6h, 10, 11, 12, 13; 326.242, subdivisions 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10; 326.244, subdivision 6; 326.246; 326.2461; 326.40, subdivision 4; 326.41; 326.44; 326.45; 326.47, subdivision 5; 326.51; 326.52; 326.521; 326.64; 326.83, subdivisions 3, 4, 12, 13; 326.85; 326.875; 326.91, subdivisions 2, 3, 4; 326.945; 326.975; 326.98; 327B.05, subdivisions 2, 3, 4, 5, 6; Minnesota Rules, parts 2809.0230; 2891.0010; 2891.0030; 3800.2650; 3800.3580; 3800.3590; 3800.3630; 3800.3750; 3800.3835; 4715.5600; 4715.5900; 4717.7000, subpart 1, item I; 5225.0880; 5225.8600, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9; 5230.0010; 5230.0020; 5230.0040; 5230.0060, subpart 2; 5230.0100, subparts 1, 3, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

### REVISOR'S INSTRUCTION

#### Section 1. **REVISOR'S INSTRUCTION.**

(a) In Minnesota Rules, parts 3800.3500 to 3800.3885, the revisor of statutes shall change the terms "board" and "Board of Electricity" to "commissioner."

(b) In Minnesota Rules, parts 4715.0150 to 4715.6000, the revisor of statutes shall change the terms "commissioner" and "commissioner of health" to the term "commissioner of labor and industry"; and shall change the terms "department" and "Department of Health" to "Department of Labor and Industry."

(c) In Minnesota Rules, chapters 1300, 1301, 1305, 1306, 1307, 1309, 1311, 1315, 1346, 1350, 1360, and 7672, the revisor of statutes shall:

(1) change the term "commissioner of administration" to "commissioner of labor and industry";

(2) change the term "Department of Administration" to "Department of Labor and Industry";

(3) change the term "Department of Administration's Building Codes and Standards Division" to "Department of Labor and Industry"; and

(4) change the term "director of the Building Codes and Standards Division of the Department of Administration" to "individual appointed by the commissioner of labor and industry to administer the code."

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

## ARTICLE 2

### CONSTRUCTION CODES AND LICENSING

Section 1. Minnesota Statutes 2006, section 299F.011, subdivision 1, is amended to read:

Subdivision 1. **State Fire Code rulemaking authority.** ~~The commissioner of public safety through the Division of Fire Marshal may promulgate~~ labor and industry, consistent with the recommendations of the state fire marshal, shall adopt a State Fire Code and make amendments thereto in accordance with the Administrative Procedure Act in chapter 14. The code and its amendments shall conform insofar as practicable to model fire codes generally accepted and in use throughout the United States, with consideration given to existing statewide specialty codes presently in use in the state of Minnesota. Statewide specialty codes and model codes with necessary modifications may be adopted by reference in accordance with section 14.07, subdivision 4.

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

Sec. 2. **[326B.01] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this section apply to chapter 326B.

Subd. 2. **ASME.** "ASME" means the American Society of Mechanical Engineers.

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

Subd. 4. **Department.** "Department" means the Department of Labor and Industry.

Subd. 5. **Day.** "Day" means calendar day unless otherwise provided.

Subd. 6. **Individual.** "Individual" means a human being.

Subd. 7. **Person.** "Person" means any individual, limited liability company, corporation, partnership, incorporated or unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

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

Sec. 3. **[326B.02] POWERS.**

Subdivision 1. **Transfer of responsibilities.** The responsibilities of the commissioner of administration relating to the state building code, sections 16B.59 to 16B.76; construction of low-cost manufactured home park storm shelters, section 327.205; manufactured homes, sections 327.31 to 327.36 and 327B.01 to 327B.12; and statutory warranties in connection with the sale of dwellings and home improvement work, chapter 327A, are transferred under section 15.039 to the commissioner of labor and industry as amended and recodified in this chapter. The responsibilities of the commissioner of health relating to the state plumbing code and licensing, sections 16B.61, 144.99 to 144.993, and 326.37 to 326.45, and water conditioning contractors and installers, sections 326.57 to 326.65, are transferred under section 15.039 to the commissioner of labor and industry as amended and recodified in this chapter. The responsibilities of the commissioner of commerce relating to residential contractors, residential remodelers, residential roofers, manufactured home installers, and the contractor's recovery fund under sections 45.027 to 45.23 and 326.83 to 326.992 are transferred under section 15.039 to the commissioner of labor and industry as amended and recodified in this chapter. The responsibilities of the Board of Electricity relating to the state electrical code and licensing, sections 16B.61 and 326.241 to 326.248, are transferred under section 15.039 to the commissioner of labor and industry as amended and recodified in this chapter.

Subd. 2. **Definition of responsibilities.** For purposes of subdivision 1, responsibilities include powers, duties, rights, obligations, and other authority imposed by law on the commissioner and the department.

Subd. 3. **State fire marshal cooperation.** The state fire marshal shall work with the commissioner to improve the delivery of services to the public through the coordination of services and utilization of technology.

Subd. 4. **General rulemaking authority.** The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter.

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

Sec. 4. **[326B.04] DEPOSIT OF MONEY.**

Subdivision 1. **Construction code fund.** There is created in the state treasury a construction code fund as a special revenue fund for the purpose of administering this chapter, sections 327.31 to 327.36, and chapter 327B. All money collected under those sections, except penalties, are credited to the construction code fund unless otherwise specifically designated by law. Any interest or profit accruing from investment of these sums is credited to the construction code fund. All money collected in the construction code fund is appropriated to the commissioner to administer and enforce the provisions of these laws.

Unless otherwise provided by law, all penalties assessed under this chapter, section 327.35, and chapter 327B are credited to the assigned risk safety account established by section 79.253.

Subd. 2. **Deposits.** All remaining balances as of June 30, 2007, in the state government special revenue fund and special revenue fund accounts maintained for the Building Codes and Standards Division, Board of Electricity, and plumbing and engineering unit are transferred to the construction code fund. Unless otherwise specifically designated by law: (1) all money collected under chapter 183 and sections 16B.59 to 16B.76; 144.122, paragraph (f); 326.241 to 326.248; 326.37 to 326.521; 326.57 to 326.65; 326.83 to 326.992; 327.31 to 327.36; and 327B.01 to 327B.12, except penalties, is credited to the construction code fund; (2) all fees collected under section 45.23 in connection with continuing education for residential contractors, residential remodelers, and residential roofers are



credited to the construction code fund; and (3) all penalties assessed under the sections set forth in clauses (1) and (2) and all penalties assessed under sections 144.99 to 144.993 in connection with any violation of sections 326.37 to 326.45 or 326.57 to 327.65 or the rules adopted under those sections are credited to the assigned risk safety account established by section 79.253.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 5. **[326B.06] BONDS.**

Bonds issued under this chapter are not state bonds or contracts for purposes of sections 8.05 and 16C.05, subdivision 2.

Sec. 6. **[326B.075] COMMISSIONER NOT SUBJECT TO SUBPOENA.**

The commissioner shall not be subject to subpoena for purposes of providing expert testimony or for purposes of providing testimony or documents, as that term is defined in section 326B.081, subdivision 4, about an investigation or inspection conducted by the commissioner, except in an enforcement proceeding brought by the commissioner.

ARTICLE 3

ENFORCEMENT

Section 1. **[326B.081] DEFINITIONS.**

Subdivision 1. **Application.** For purposes of sections 326B.081 to 326B.085, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative order.** "Administrative order" means an order issued under section 326B.082, subdivision 7.

Subd. 3. **Applicable law.** "Applicable law" means the provisions of sections 326B.084 to 326B.998 and 327.31 to 327.36 and chapter 327B, and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted, issued, or enforced by the department under sections 326B.02 or 326B.084 to 326B.998 or 327.31 to 327.36 or chapter 327B.

Subd. 4. **Document or documents.** "Document" or "documents" includes papers; books; records; memoranda; data; contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings; records; accounts; files; statements; letters; e-mails; invoices; bills; notes; and calendars maintained in any form or manner.

Subd. 5. **Final.** "Final" when used to describe any order issued under section 326B.082 means that:

(1) no request for hearing in connection with the order was filed in the manner and within the time provided by section 326B.082;

(2) all requests for hearing have been withdrawn;

(3) an agreement that resolves the order has been signed by all the parties; or

(4) after the filing of a request for hearing, an order has been issued by the commissioner, the Court of Appeals, or the Supreme Court, and all appeals have been pursued or forgone.

Subd. 6. **Licensing order.** "Licensing order" means an order issued under section 326B.082, subdivision 12, paragraph (a).

Subd. 7. **Minimum qualifications.** "Minimum qualifications" means the educational, experience, fee, examination, application, and other eligibility requirements that an applicant must meet in order to obtain a license, registration, certificate, or permit under the applicable law. For an applicant that is not an individual, the minimum qualifications include the requirement that an employee or other individual associated with the applicant hold a license.

Subd. 8. **Stop order.** "Stop order" means an order issued under section 326B.082, subdivision 10.

Sec. 2. **[326B.082] ENFORCEMENT.**

Subdivision 1. **Remedies available.** The commissioner may enforce all applicable law under this section. The commissioner may use any enforcement provision in this section, including the assessment of monetary penalties, against a person required to have a license, registration, certificate, or permit under the applicable law based on conduct that would provide grounds for action against a licensee, registrant, certificate holder, or permit holder under the applicable law. The use of an enforcement provision in this section shall not preclude the use of any other enforcement provision in this section or otherwise provided by law.

Subd. 2. **Access to information and property; subpoenas.** (a) In order to carry out the purposes of the applicable law, the commissioner may:

(1) administer oaths and affirmations, certify official acts, interview, question, take oral or written statements, and take depositions;

(2) request, examine, take possession of, test, sample, measure, photograph, record, and copy any documents, apparatus, devices, equipment, or materials;

(3) at a time and place indicated by the commissioner, request persons to appear before the commissioner to give testimony and produce documents, apparatus, devices, equipment, or materials;

(4) issue subpoenas to compel persons to appear before the commissioner to give testimony and produce documents, apparatus, devices, equipment, or materials; and

(5) with or without notice, enter without delay upon any property, public or private, for the purpose of taking any action authorized under this subdivision or the applicable law, including obtaining information, remedying violations, or conducting surveys, inspections, or investigations.

(b) Persons requested by the commissioner to give testimony or produce documents, apparatus, devices, equipment, or materials shall respond within the time and in the manner specified by the commissioner. If no time to respond is specified in the request, then a response shall be submitted within 30 days of the commissioner's service of the request.

(c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's representative, or lessee's representative to permit the commissioner's entry onto property as provided in paragraph (a), the commissioner may apply for an administrative inspection order in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the property is located. The commissioner may anticipate that a property owner or lessee will refuse entry if the property owner, lessee, property owner's representative, or lessee's representative has refused to permit entry on a prior occasion or has informed the commissioner that entry will be refused. Upon showing of administrative probable cause by the commissioner, the district court shall issue an administrative inspection order that compels the property owner or lessee to permit the commissioner to enter the property for the purposes specified in paragraph (a).

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to obey a subpoena lawfully issued by the commissioner under this subdivision as a contempt of court.

Subd. 3. **Service.** Unless otherwise specified, service of a document on a person under this section or section 326B.083 may be by mail, by personal service, or in accordance with any consent to service filed with the commissioner. Service by mail shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 2. Personal service shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 3.

Subd. 4. **Fax transmission.** When this section or section 326B.083 permits a request for reconsideration or request for hearing to be served by fax on the commissioner, the fax shall not exceed 15 pages in length. The request shall be considered timely served if the fax is received by the commissioner, at the fax number identified by the commissioner in the order or notice of violation, no later than 4:30 p.m. central time on the last day permitted for faxing the request. Where the quality or authenticity of the faxed request is at issue, the commissioner may require the original request to be filed. Where the commissioner has not identified quality or authenticity of the faxed request as an issue and the request has been faxed in accordance with this subdivision, the person faxing the request does not need to file the original request with the commissioner.

Subd. 5. **Time computation.** In computing any period of time prescribed or allowed by this section, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or legal holiday.

Subd. 6. **Notices of violation.** (a) The commissioner may issue a notice of violation to any person who the commissioner determines has committed a violation of the applicable law. The notice of violation must state a summary of the facts that constitute the violation and the applicable law violated. The notice of violation may require the person to correct the violation. If correction is required, the notice of violation must state the deadline by which the violation must be corrected.

(b) The commissioner shall issue the notice of violation by:

(1) serving the notice of violation on the property owner or on the person who committed the violation; or

(2) posting the notice of violation at the location where the violation occurred.

(c) If the person to whom the commissioner has issued the notice of violation believes the notice was issued in error, then the person may request reconsideration of the parts of the notice that the person believes are in error. The request for reconsideration must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the notice of violation by the tenth day after the commissioner issued the notice of violation. The date on which a request for reconsideration is served by mail shall be the postmark date on the envelope in which the request for reconsideration is mailed. If the person does not serve or fax a written request for reconsideration or if the person's written request for reconsideration is not served on or faxed to the commissioner by the tenth day after the commissioner issued the notice of violation, the notice of violation shall become a final order of the commissioner and will not be subject to review by any court or agency. The request for reconsideration must:

(1) specify which parts of the notice of violation the person believes are in error;

(2) explain why the person believes the parts are in error; and

(3) provide documentation to support the request for reconsideration.

The commissioner shall respond in writing to requests for reconsideration made under this paragraph within 15 days after receiving the request. A request for reconsideration does not stay a requirement to correct a violation as set forth in the notice of violation. After reviewing the request for reconsideration, the commissioner may affirm, modify, or rescind the notice of violation. The commissioner's response to a request for reconsideration is final and shall not be reviewed by any court or agency.

Subd. 7. **Administrative orders; correction; assessment of monetary penalties.** (a) The commissioner may issue an administrative order to any person who the commissioner determines has committed a violation of the applicable law. The commissioner shall issue the administrative order by serving the administrative order on the person. The administrative order may require the person to correct the violation, may require the person to cease and desist from committing the violation, and may assess monetary penalties. The commissioner shall follow the procedures in section 326B.083 when issuing administrative orders. Except as provided in paragraph (b), the commissioner may issue to each person a monetary penalty of up to \$10,000 for each violation of applicable law committed by the person. The commissioner may order that part or all of the monetary penalty will be forgiven if the person to whom the order is issued demonstrates to the commissioner by the 31st day after the order is issued that the person has corrected the violation or has developed a correction plan acceptable to the commissioner.

(b) The commissioner may issue an administrative order for failure to correct a violation by the deadline stated in a final administrative order issued under paragraph (a). Each day after the deadline during which the violation remains uncorrected is a separate violation for purposes of calculating the maximum monetary penalty amount.

(c) Upon the application of the commissioner, a district court shall find the failure of any person to correct a violation as required by a final administrative order issued by the commissioner under this subdivision as a contempt of court.

Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the commissioner issues an administrative order or within 20 days after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the person to whom the administrative order or notice is issued may request an expedited hearing to review the commissioner's order or notice. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order or notice. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after the commissioner issues the administrative order or the 20th day after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order or notice. The person to whom the order or notice is issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order or notice is issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 45 days after a request for hearing has been served on the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making findings of fact, conclusions of law, and a recommended order to the commissioner within 30 days following the close of the record.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the department by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner shall not issue a final order until at least five days after the date of the administrative law judge's report. Any person aggrieved by the administrative law judge's report may, within those five days, serve written comments to the commissioner on the report and the commissioner shall consider the comments. The commissioner's final order may be appealed in the manner provided in sections 14.63 to 14.69.

Subd. 9. **Injunctive relief.** In addition to any other remedy provided by law, the commissioner may bring an action for injunctive relief in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the commissioner has determined a violation of the applicable law has occurred or is about to occur to enjoin the violation. A temporary restraining order and other injunctive relief shall be granted by the district court if the court determines that a person has engaged in or is about to engage in an act, conduct, or practice constituting a violation of the applicable law. The commissioner shall not be required to show irreparable harm.

Subd. 10. **Stop orders.** (a) If the commissioner determines based on an inspection or investigation that a person has violated or is about to violate the applicable law, the commissioner may issue to the person a stop order requiring the person to cease and desist from committing the violation.

(b) If the commissioner determines that a condition exists on real property that violates the applicable law, the commissioner may issue a stop order to the owner or lessee of the real property to cease and desist from committing the violation and to correct the condition that is in violation.

(c) The commissioner shall issue the stop work order by:

(1) serving the order on the person who has committed or is about to commit the violation;

(2) posting the order at the location where the violation was committed or is about to be committed or at the location where the violating condition exists; or

(3) serving the order on any owner or lessee of the real property where the violating condition exists.

(d) A stop order shall:

(1) describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate; and

(2) provide notice that any person aggrieved by the stop order may request a hearing as provided in paragraph (e).

(e) Within 30 days after the commissioner issues a stop order, any person aggrieved by the order may request an expedited hearing to review the commissioner's action. The request for hearing must be made in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner issued the stop order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts

1400.8510 to 1400.8612, as modified by this subdivision. The administrative law judge shall issue a report containing findings of fact, conclusions of law, and a recommended order within ten days after the conclusion of the hearing. Any party aggrieved by the administrative law judge's report shall have five days after the date of the administrative law judge's report to submit exceptions and argument to the commissioner. Within 15 days after receiving the administrative law judge's report, the commissioner shall issue an order vacating, modifying, or making permanent the stop order. The commissioner and the person requesting the hearing may by agreement lengthen any time periods described in this paragraph. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this subdivision.

(f) A stop order issued under this subdivision shall be in effect until it is modified or vacated by the commissioner or an appellate court. The administrative hearing provided by this subdivision and any appellate judicial review as provided in chapter 14 shall constitute the exclusive remedy for any person aggrieved by a stop order.

(g) Upon the application of the commissioner, a district court shall find the failure of any person to comply with a final stop order lawfully issued by the commissioner under this subdivision as a contempt of court.

**Subd. 11. Licensing orders; grounds; reapplication.** (a) The commissioner may deny an application for a permit, license, registration, or certificate if the applicant does not meet or fails to maintain the minimum qualifications for holding the permit, license, registration, or certificate, or has any unresolved violations or unpaid fees or monetary penalties related to the activity for which the permit, license, registration, or certificate has been applied for or was issued.

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

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

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

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

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

(5) violated a final administrative order issued under subdivision 7 or a final stop order issued under subdivision 10, or injunctive relief issued under subdivision 9;

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

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

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

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

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

(d) If a permit, license, registration, or certificate expires, or is surrendered, withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the permit, license, registration, or certificate was last effective and enter a revocation or suspension order as of the last date on which the permit, license, registration, or certificate was in effect.

Subd. 12. **Issuance of licensing orders; hearings related to licensing orders.** (a) If the commissioner determines that a permit, license, registration, or certificate should be conditioned, limited, suspended, revoked, or denied under subdivision 11, or that the permit holder, licensee, registrant, or certificate holder should be censured under subdivision 11, then the commissioner shall issue to the person an order denying, conditioning, limiting, suspending, or revoking the person's permit, license, registration, or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

(b) Any order issued under paragraph (a) may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a).

(c) The permit holder, licensee, registrant, certificate holder, or applicant to whom the commissioner issues an order under paragraph (a) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after service of the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the person submits to the commissioner a timely request for hearing, a contested case hearing shall be held in accordance with chapter 14.

(d) Paragraph (c) does not apply to summary suspension under subdivision 13.

Subd. 13. **Summary suspension.** In any case where the commissioner has issued an order to revoke or suspend a license, registration, certificate, or permit under subdivision 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the public. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

Subd. 14. **Plan for assessing penalties.** The commissioner may prepare a plan for assessing penalties in orders issued under subdivision 7 or 12. The commissioner shall provide a 30-day period for public comment on any such plan. Penalties assessed by the commissioner in accordance with the plan shall be presumed reasonable.

Subd. 15. **Effect on other laws.** Nothing in this section shall be construed to limit the application of other state or federal laws, including specifically but not exclusively section 270C.72, that require suspension of, revocation of, denial of, or refusal to renew a permit, license, registration, or certificate issued by the commissioner.

Subd. 16. **Misdemeanor penalties.** Except as otherwise provided by law, a person who violates an applicable law is guilty of a misdemeanor.

Subd. 17. **Revocation and suspension of license.** If a person fails to pay a penalty owed under this section or section 326B.083, the commissioner may revoke, suspend, or deny any or all licenses, permits, certificates, and registrations issued by the department.

**Sec. 3. [326B.083] AMOUNT OF PENALTY; CONTENTS OF ADMINISTRATIVE AND LICENSING ORDERS.**

Subdivision 1. **Amount of penalty; considerations.** In determining the amount of a penalty assessed under section 326B.082, subdivision 7 or 12, the commissioner shall consider the factors described in section 14.045, subdivision 3.

Subd. 2. **Contents of administrative order and licensing order.** (a) An administrative order and a licensing order must include:

- (1) a summary of the facts that constitute the violation or violations;
- (2) a reference to the applicable law that has been violated; and
- (3) a statement of the person's right to request a hearing.

(b) An administrative order may include a requirement that the violation be corrected. If the order includes a requirement that the violation be corrected, then the order must include, in addition to any statements required under paragraphs (a) and (c), the deadline by which the violation must be corrected.

(c) An administrative order or a licensing order may assess monetary penalties. If the order assesses monetary penalties, then the order must include, in addition to any statements required under paragraphs (a) and (b):

- (1) a statement of the amount of the monetary penalty imposed;
- (2) a statement that, when the order becomes final, the commissioner may file and enforce the unpaid portion of a penalty as a judgment in district court without further notice or additional proceedings; and
- (3) if the order is an administrative order, a statement of the amount of the penalty, if any, that will be forgiven if the person who is subject to the order demonstrates to the commissioner by the 31st day after the order is served that the person has corrected the violation or has developed a correction plan acceptable to the commissioner.

Subd. 3. **Penalty.** (a) If an administrative order includes a penalty assessment, then the penalty is due and payable on the date the administrative order becomes final unless some or all of the penalty is forgivable. If a licensing order includes a penalty assessment, then the penalty is due and payable on the date the licensing order becomes final.



(b) This paragraph applies if an administrative order includes a penalty assessment and all or a portion of the penalty is forgivable.

(1) If any portion of the penalty is not forgivable, that portion of the penalty is due and payable ten days after the date the administrative order becomes final.

(2) The commissioner shall forgive the forgivable portion of the penalty if the commissioner determines that the violation has been corrected within the time set by the order or the person to whom the order was issued has developed a correction plan acceptable to the commissioner within the time set by the order.

(3) If the commissioner determines that the person to whom the order was issued has failed to correct the violation within the time set by the order or has failed to develop a correction plan acceptable to the commissioner within the time set by the order, then the forgivable portion of the penalty is due and payable ten days after the commissioner serves notice of the determination on the person or on the date the administrative order becomes final, whichever is later.

(c) This paragraph applies if an administrative order or a licensing order includes a penalty assessment and if the person subject to the order has requested a hearing. The administrative law judge may not recommend a change in the amount of the penalty if the penalty was assessed in accordance with a plan prepared under section 326B.082, subdivision 14. If the commissioner has not prepared a plan under section 326B.082, subdivision 14, then the administrative law judge may not recommend a change in the amount of the penalty unless the administrative law judge determines that, based on the factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

(d) The assessment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

#### Sec. 4. **[326B.084] FALSE INFORMATION.**

A person subject to any of the requirements in the applicable law may not make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, or other document required under the applicable law.

#### Sec. 5. **[326B.085] RECOVERY OF LITIGATION COSTS AND EXPENSES.**

In any action brought by the commissioner for enforcement of an order issued under section 326B.082 for injunctive relief, or to compel performance pursuant to the applicable law, if the state finally prevails, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the amount of the litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

#### Sec. 6. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber Minnesota Statutes, section 299F.011, subdivision 1, as Minnesota Statutes, section 326B.02, subdivision 5.

## ARTICLE 4

## BUILDING CODE

Section 1. Minnesota Statutes 2006, section 16B.04, subdivision 2, is amended to read:

Subd. 2. **Powers and duties, general.** Subject to other provisions of this chapter, the commissioner is authorized to:

- (1) supervise, control, review, and approve all state contracts and purchasing;
- (2) provide agencies with supplies and equipment and operate all central store or supply rooms serving more than one agency;
- (3) investigate and study the management and organization of agencies, and reorganize them when necessary to ensure their effective and efficient operation;
- (4) manage and control state property, real and personal;
- (5) maintain and operate all state buildings, as described in section 16B.24, subdivision 1;
- (6) supervise, control, review, and approve all capital improvements to state buildings and the capitol building and grounds;
- (7) provide central duplicating, printing, and mail facilities;
- (8) oversee publication of official documents and provide for their sale;
- (9) manage and operate parking facilities for state employees and a central motor pool for travel on state business; and
- ~~(10) establish and administer a State Building Code; and~~
- ~~(11)~~ (10) provide rental space within the capitol complex for a private day care center for children of state employees. The commissioner shall contract for services as provided in this chapter. The commissioner shall report back to the legislature by October 1, 1984, with the recommendation to implement the private day care operation.

Sec. 2. Minnesota Statutes 2006, section 16B.60, subdivision 4, is amended to read:

Subd. 4. **Code.** "Code" means the State Building Code adopted by the commissioner of labor and industry in consultation with each industry advisory committee and in accordance with sections 16B.59 to 16B.75.

Sec. 3. Minnesota Statutes 2006, section 16B.60, subdivision 7, is amended to read:

Subd. 7. ~~**Physically disabled Person with a disability.** "Physically disabled" means having sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, or other disabilities that significantly reduce mobility, flexibility, coordination, or perceptiveness. "Person with a disability" or "persons with disabilities" includes people who have a vision disability, a hearing disability, a disability of coordination, a disability of aging, or any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.~~

Sec. 4. Minnesota Statutes 2006, section 16B.60, subdivision 8, is amended to read:

Subd. 8. **Remodeling.** "Remodeling" means deliberate reconstruction of an existing public building in whole or in part in order to bring it ~~up-to-date in~~ into conformity with present uses of the structure and to which other rules on the upgrading of health and safety provisions are applicable.

Sec. 5. Minnesota Statutes 2006, section 16B.60, subdivision 11, is amended to read:

Subd. 11. **State licensed facilities facility.** "State licensed ~~facilities~~ facility" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, ~~or~~ correctional facility, boarding care home, or residential hospice.

Sec. 6. Minnesota Statutes 2006, section 16B.61, is amended to read:

#### **16B.61 GENERAL POWERS OF COMMISSIONER OF LABOR AND INDUSTRY.**

Subdivision 1. **Adoption of code.** Subject to sections 16B.59 to 16B.75, the commissioner shall by rule and in consultation with each industry board establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 16B.75. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

Subd. 1a. **Administration by commissioner.** The commissioner shall administer and enforce the State Building Code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, ~~and~~ inspection fees, and surcharges for public buildings and state licensed facilities. ~~Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.~~

Municipalities other than the state having an agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the jurisdiction by the applicant seeking authorization to construct a public building or a state licensed facility. The commissioner shall sign an agreement with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

The commissioner may direct the state building official to assist a community that has been affected by a natural disaster with building evaluation and other activities related to building codes.

Administration and enforcement in a municipality under this section must apply any optional provisions of the State Building Code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption.

The commissioner shall administer and enforce the provisions of the code relating to elevators statewide, except as provided for under section 16B.747, subdivision 3.

Subd. 2. **Enforcement by certain bodies.** Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations ~~shall be enforced by the State Board of Electricity, pursuant to the Minnesota Electrical Act, the provisions relating to~~ plumbing ~~shall be enforced by the commissioner of health, the provisions relating to~~ boilers, high pressure steam piping and appurtenances, and ammonia refrigeration piping, and bioprocess piping shall be enforced by the Department of Labor and Industry. Fees for inspections conducted by the ~~State Board of Electricity~~ commissioner shall be paid in accordance with the rules of the ~~State Board of Electricity~~ department. Under direction of the commissioner of ~~public safety~~ labor and industry, the state fire marshal shall enforce the State Fire Code as provided in chapter 299F. The ~~commissioner, in consultation with the commissioner of labor and industry,~~ shall adopt amendments to the mechanical code portion of the State Building Code to implement standards for process piping.

Subd. 3. **Special requirements.** (a) **Space for commuter vans.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

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

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

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

~~(e) **Child care facilities in churches; vertical access.** Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 6, shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the State Building Code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.~~

~~(f)~~ (e) **Family and group family day care.** Until the legislature enacts legislation specifying appropriate standards, the definition of ~~Group R-3 occupancies in dwellings constructed in accordance with the International Residential Code as adopted as part of~~ the State Building Code applies to family and group family day care homes licensed by the Department of Human Services under Minnesota Rules, chapter 9502.

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

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

~~(i)~~ **(h) Relocated residential buildings.** A residential building relocated within or into a political subdivision of the state need not comply with the State Energy Code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

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

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

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

~~(m)~~ **(l) Bioprocess piping and equipment.** No permit fee for bioprocess piping may be imposed by municipalities under the State Building Code, except as required under section 326.47, subdivision 1. Permits for bioprocess piping shall be according to section 326.47 administered by the Department of Labor and Industry. All data regarding the material production processes, including the bioprocess system's structural design and layout, are nonpublic data as provided by section 13.7911.

Subd. 3a. **Recycling space.** The code must require suitable space for the separation, collection, and temporary storage of recyclable materials within or adjacent to new or significantly remodeled structures that contain 1,000 square feet or more. Residential structures with fewer than four dwelling units are exempt from this subdivision.

Subd. 4. **Review of plans for public buildings and state licensed facilities.** Construction or remodeling may not begin on any public building or state licensed facility until the plans and specifications have been approved by the commissioner or municipality under contractual agreement pursuant to subdivision 1a. The plans and specifications must be submitted for review, and within 30 days after receipt of the plans and specifications, the commissioner or municipality under contractual agreement shall notify the submitting authority of any corrections.

Subd. 5. **Accessibility.** (a) **Public buildings.** The code must provide for making public buildings constructed or remodeled after July 1, 1963, accessible to and usable by ~~physically disabled persons~~ with disabilities, although this does not require the remodeling of public buildings solely to provide accessibility and usability to ~~the physically disabled persons~~ with disabilities when remodeling would not otherwise be undertaken.

(b) **Leased space.** No agency of the state may lease space for agency operations in a non-state-owned building unless the building satisfies the requirements of the State Building Code for accessibility by ~~the physically disabled~~ persons with disabilities, or is eligible to display the state symbol of accessibility. This limitation applies to leases of 30 days or more for space of at least 1,000 square feet.

(c) **Meetings or conferences.** Meetings or conferences for the public or for state employees which are sponsored in whole or in part by a state agency must be held in buildings that meet the State Building Code requirements relating to accessibility for ~~physically disabled~~ persons with disabilities. This subdivision does not apply to any classes, seminars, or training programs offered by the Minnesota State Colleges and Universities or the University of Minnesota. Meetings or conferences intended for specific individuals none of whom need the accessibility features for ~~disabled~~ persons with disabilities specified in the State Building Code need not comply with this subdivision unless a ~~disabled~~ person with a disability gives reasonable advance notice of an intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites must be chosen which allow hearing impaired participants to see their signing clearly.

(d) **Exemptions.** The commissioner may grant an exemption from the requirements of paragraphs (b) and (c) in advance if an agency has demonstrated that reasonable efforts were made to secure facilities which complied with those requirements and if the selected facilities are the best available for access for ~~disabled~~ persons with disabilities. Exemptions shall be granted using criteria developed by the commissioner in consultation with the Council on Disability.

(e) **Symbol indicating access.** The wheelchair symbol adopted by Rehabilitation International's Eleventh World Congress is the state symbol indicating buildings, facilities, and grounds which are accessible to and usable by ~~disabled~~ persons with disabilities. In the interests of uniformity, this symbol is the sole symbol for display in or on all public or private buildings, facilities, and grounds which qualify for its use. The secretary of state shall obtain the symbol and keep it on file. No building, facility, or grounds may display the symbol unless it is in compliance with the rules adopted by the commissioner under subdivision 1. Before any rules are proposed for adoption under this paragraph, the commissioner shall consult with the Council on Disability. Rules adopted under this paragraph must be enforced in the same way as other accessibility rules of the State Building Code.

(f) **Municipal enforcement.** Municipalities which have not adopted the State Building Code may enforce the building code requirements for ~~disabled~~ persons with disabilities by either entering into a joint powers agreement for enforcement with another municipality which has adopted the State Building Code; or contracting for enforcement with an individual certified under section 16B.65, subdivision 3, to enforce the State Building Code.

~~(g) **Equipment allowed.** The code must allow the use of vertical wheelchair lifts and inclined stairway wheelchair lifts in public buildings. An inclined stairway wheelchair lift must be equipped with light or sound signaling device for use during operation of the lift. The stairway or ramp shall be marked in a bright color that clearly indicates the outside edge of the lift when in operation. The code shall not require a guardrail between the lift and the stairway or ramp. Compliance with this provision by itself does not mean other disability accessibility requirements have been met.~~

Subd. 6. **Energy efficiency.** The code must provide for building new low-income housing in accordance with energy efficiency standards adopted under subdivision 1. For purposes of this subdivision, low-income housing means residential housing built for low-income persons and families under a program of a housing and redevelopment authority, the Minnesota Housing Finance Agency, or another entity receiving money from the state to construct such housing.

Subd. 7. **Access for the hearing-impaired.** All rooms in the State Office Building and in the Capitol that are used by the house of representatives or the senate for legislative hearings, and the public galleries overlooking the house and senate chambers, must be fitted with assistive listening devices for the hearing-impaired. Each hearing room and the public galleries must have a sufficient number of receivers available so that hearing-impaired members of the public may participate in the committee hearings and public sessions of the house and senate.

Subd. 8. **Separate metering for electric service.** The standards concerning heat loss, illumination, and climate control adopted pursuant to subdivision 1, shall require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy primarily by persons who are 62 years of age or older or disabled, or which contain a majority of units not equipped with complete kitchen facilities, shall be exempt from the provisions of this subdivision.

Sec. 7. Minnesota Statutes 2006, section 16B.615, subdivision 4, is amended to read:

Subd. 4. **Rules.** The commissioner of ~~administration~~ shall adopt rules to implement this section. The rules may provide for a greater ratio of women's to men's facilities for certain types of occupancies than is required in subdivision 3, and may apply the required ratios to categories of occupancies other than those defined as places of public accommodation under subdivision 1.

Sec. 8. Minnesota Statutes 2006, section 16B.617, is amended to read:

**16B.617 ENERGY CODE RULES REMAIN IN EFFECT.**

(a) Notwithstanding Laws 1999, chapter 135, section 9, Minnesota Rules, chapter 7670, does not expire on April 15, 2000, but remains in effect for residential buildings not covered by Minnesota Rules, chapter 7676. The provisions of Minnesota Rules, chapter 7670, that apply to category 1 buildings govern new, detached single one- and two-family R-3 occupancy residential buildings. All new, detached single one- and two-family R-3 occupancy buildings subject to Minnesota Rules, chapter 7670, submitting an application for a building permit after April 14, 2000, must meet the requirements for category 1 buildings, as set out in Minnesota Rules, chapter 7670.

(b) As an alternative to compliance with paragraph (a), compliance with Minnesota Rules, chapters 7672 and 7674, is optional for a contractor or owner.

~~(c) The Department of Administration, Building Codes and Standards Division (BCSD), shall issue a report to the legislature by December 1, 2001, addressing the cost benefit, as well as air quality, building durability, moisture, enforcement, enforceability, and liability regarding implementation of Minnesota Rules, chapters 7670, 7672, and 7674. The report must include a feasibility study of establishing new criteria for category 2 detached single one- and two-family R-3 occupancy buildings that are energy efficient, enforceable, and provide sufficient nonmechanical ventilation or permeability for a home to maintain good air quality, building durability, and adequate release of moisture.~~

~~(d)~~ (c) This section expires when the commissioner of ~~administration~~ adopts a new energy code in accordance with Laws 2002, chapter 317, section 4.

Sec. 9. Minnesota Statutes 2006, section 16B.6175, is amended to read:

**16B.6175 ENERGY CODE.**

Notwithstanding section 16B.617, the commissioner ~~of administration~~, in consultation with the Construction Codes Advisory Council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the Construction Codes Advisory Council.

Sec. 10. Minnesota Statutes 2006, section 16B.63, is amended to read:

**16B.63 STATE BUILDING OFFICIAL.**

Subdivision 1. **Appointment.** The commissioner shall appoint a state building official who under the direction and supervision of the commissioner shall administer the code.

Subd. 2. **Qualifications.** To be eligible for appointment as state building official an individual must be competent in the field of administration and shall have the experience in building design, construction, and supervision which the commissioner considers necessary.

Subd. 3. **Powers and duties.** The state building official may, with the approval of the commissioner, employ personnel necessary to carry out the inspector's function under sections 16B.59 to 16B.75. The state building official shall distribute without charge ~~one copy~~ a printed or electronic version of the code to each municipality within the state. ~~Additional copies~~ A printed or electronic version of the code shall be made available to municipalities and interested parties for a fee prescribed by the commissioner. The state building official shall perform other duties in administering the code assigned by the commissioner.

Subd. 4. **Accessibility specialists.** The state building official shall, with the approval of the commissioner, assign three department employees to assist municipalities in complying with section 16B.61, subdivision 5.

Subd. 5. **Interpretative authority.** To achieve uniform and consistent application of the State Building Code, the state building official has final interpretative authority applicable to all codes adopted as part of the State Building Code ~~except for the Plumbing Code and the Electrical Code when enforced by the State Board of Electricity~~, except with the advice of the Electrical Board, Mechanical Systems Board, Plumbing Board, Board of Construction, Building and Structural Code Board, Fire Protection Board, and High Pressure Piping Systems Board. A final interpretative committee composed of seven members, consisting of three building officials, two inspectors from the affected field, and two construction industry representatives, shall review requests for final interpretations relating to that field. A request for final interpretation must come from a local or state level building code board of appeals. The state building official must establish procedures for membership of the interpretative committees. The appropriate committee shall review the request and make a recommendation to the state building official for the final interpretation within 30 days of the request. The state building official must issue an interpretation within ten



business days from the recommendation from the review committee. A final interpretation may be appealed within 30 days of its issuance to the commissioner under section 16B.67. The final interpretation must be published within ten business days of its issuance and made available to the public. Municipal building officials shall administer all final interpretations issued by the state building official until the final interpretations are considered for adoption as part of the State Building Code.

Sec. 11. Minnesota Statutes 2006, section 16B.65, is amended to read:

#### **16B.65 BUILDING OFFICIALS.**

Subdivision 1. **Designation.** ~~By January 1, 2002,~~ Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of these services rendered by state employees must be borne by the involved municipality and receipts arising from these services must be paid ~~into the state treasury and credited to the special revenue fund~~ to the commissioner.

Subd. 2. **Qualifications.** A building official, to be eligible for designation, must be certified and have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.

Subd. 3. **Certification.** The commissioner shall by rule establish certification criteria as proof of qualification according to subdivision 2. The commissioner may:

(1) ~~prepare and conduct~~ develop and administer written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;

(2) accept documentation of successful completion of testing programs developed and administered by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or

(3) determine qualifications by ~~both clauses (1) and (2)~~ satisfactory completion of clause (2) and a mandatory training program developed or approved by the commissioner.

Upon a determination of qualification under clause (1), (2), or ~~both of them~~ (3), the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

~~The Department of Employee Relations may, at the request of the commissioner, provide statewide testing services.~~

Subd. 4. **Duties.** Building officials shall, in the municipality for which they are designated, be responsible for all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

Subd. 5. **Oversight committee.** (a) The commissioner shall establish a Code Administration Oversight Committee ~~to evaluate, mediate, and that will, at the commissioner's request, recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect appropriate action according to section 326B.82, in response to complaints filed with or information received or obtained by the commissioner alleging or indicating that supports a finding that:~~ (1) an individual has engaged in, or is about to engage in, the unauthorized performance of ~~official~~ the duties of a certified building official or the unauthorized use of the ~~title~~ certified building official; ~~title;~~ or ~~a violation of~~ (2) a certified building official has violated a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or is empowered ~~has the authority to enforce and that is related to the duties of a certified building official.~~

(b) The committee ~~consists~~ shall consist of six members. One member shall be the commissioner's designee and five members shall be certified building officials; who are appointed by the commissioner. At least two of ~~whom~~ the appointed certified building officials must be from nonmetropolitan counties. ~~For the committee members must be compensated according to who are not state officials or employees, their compensation and removal from the oversight committee is governed by section 15.059, subdivision 3. The commissioner's designee shall act as an ex-officio member of the oversight committee serve as the chair of the oversight committee and shall not vote. The terms of the appointed members of the oversight committee shall be four years. The terms of three of the appointed members shall be coterminous with the governor and the terms of the remaining two appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. The committee is not subject to the expiration provisions of section 15.059, subdivision 5.~~

~~(b)~~ (c) If the commissioner ~~has a reasonable basis to believe~~ determines that ~~a person~~ an individual has engaged in ~~an act or practice constituting~~ the unauthorized performance of ~~official~~ the duties, of a certified building official ~~or the unauthorized use of the title certified building official title, or that a violation of certified building official has violated~~ a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or is empowered ~~authorized to enforce that is related to the duties of a certified building official, the commissioner may proceed with take administrative actions or penalties as described in subdivision 5a or suspension or revocation as described in subdivision 5b. against the individual according to section 326B.082, subdivisions 7 and 11.~~

Subd. 5a. ~~Administrative action and penalties.~~ The commissioner shall, by rule, establish a graduated schedule of administrative actions for violations of sections 16B.59 to 16B.75 and rules adopted under those sections. The schedule must be based on and reflect the culpability, frequency, and severity of the violator's actions. The commissioner may impose a penalty from the schedule on a certification holder for a violation of sections 16B.59 to 16B.75 and rules adopted under those sections. The penalty is in addition to any criminal penalty imposed for the same violation. Administrative monetary penalties imposed by the commissioner must be paid to the special revenue fund.

Subd. 5b. ~~Suspension; revocation. Grounds.~~ Except as otherwise provided for by law, the commissioner may, upon notice and hearing, revoke or suspend or refuse to issue or reissue a building official certification if the applicant, building official, or certification holder: In addition to the grounds specified in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a certificate, or may censure an applicant or individual holding a certificate, if the applicant or individual:

- (1) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections; or
- (2) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official;
- ~~(3) makes a false statement in an application submitted to the commissioner or in a document required to be submitted to the commissioner; or~~
- ~~(4) violates an order of the commissioner.~~

~~Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings.~~ Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 5c. **Action against unlicensed persons.** The commissioner may take any administrative action provided under section 326B.082, against an individual required to be certified under subdivision 3, based upon conduct that would provide grounds for action against a certificate holder under this section.

Subd. 6. **Vacancies.** In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to designate a certified building official within 15 days of the occurrence of the vacancy, the state building official may provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 7. **Continuing education.** Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for ~~municipal certified~~ building officials dealing with matters of building code administration, inspection, and enforcement.

Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner ~~every three calendar years~~ to retain certification.

~~Each person certified as a building official must submit in writing to the commissioner an application for renewal of certification within 60 days of the last day of the third calendar year following the last certificate issued. Each application for renewal must be accompanied by proof of satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner.~~

Subd. 8. **Renewal.** (a) Subject to sections 16B.59 to 16B.76, the commissioner of labor and industry may by rule adopt standards dealing with renewal requirements.

(b) If the commissioner has not issued a notice of denial of application for a certificate holder and if the certificate holder has properly and timely filed a fully completed renewal application, then the certificate holder may continue to engage in building official activities whether or not the renewed certificate has been received. Applications must be made on a form approved by the commissioner. Each application for renewal must be fully completed, and be accompanied by proof of the satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner. Applications are timely if received prior to the expiration of the most recently issued certificate. An application for renewal that does not contain all of the information requested is an incomplete application and will not be accepted.

Subd. 9. **Expiration.** All certificates expire at 11:59:59 p.m. central time on the date of expiration if not properly renewed in according to subdivision 8, paragraph (b).

Subd. 10. **Failure to renew.** An individual who has failed to make a timely application for renewal of a certificate is not certified and must not serve as the designated building official for any municipality until a renewed certificate has been issued by the commissioner.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 12. Minnesota Statutes 2006, section 16B.70, is amended to read:

**16B.70 SURCHARGE.**

Subdivision 1. **Computation.** To defray the costs of administering sections 16B.59 to 16B.76, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge receipts to award grants for code research ~~and~~ development, and education.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows:

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

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

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

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

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

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

Subd. 2. **Collection and reports.** All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. ~~All money collected by the commissioner through surcharges and other fees prescribed by sections 16B.59 to 16B.75 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for the purpose of administering and enforcing the State Building Code under sections 16B.59 to 16B.75.~~

Subd. 3. **Revenue to equal costs.** Revenue received from the surcharge imposed in subdivision 1 should approximately equal the cost, including the overhead cost, of administering sections 16B.59 to 16B.75. By November 30 each year, the commissioner must report to the commissioner of finance and to the legislature on changes in the surcharge imposed in subdivision 1 needed to comply with this policy. In making this report, the commissioner must assume that the services associated with administering sections 16B.59 to 16B.75 will continue to be provided at the same level provided during the fiscal year in which the report is made.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 13. Minnesota Statutes 2006, section 16B.72, is amended to read:

**16B.72 REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.**

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the State Building Code before January 1, 1977, that no part of the State Building Code except the building requirements for ~~disabled~~ persons with disabilities, the requirements for bleacher safety, and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

"Shall the State Building Code be adopted in ..... County?"

If the majority of the votes cast on the proposition is in the negative, the State Building Code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for ~~disabled~~ persons with disabilities, the requirements for bleacher safety, and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that has not adopted the State Building Code from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 14. Minnesota Statutes 2006, section 16B.73, is amended to read:

**16B.73 STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.**

The governing body of a municipality whose population is less than 2,500 may provide that the State Building Code, except the requirements for ~~disabled~~ persons with disabilities, the requirements for bleacher safety, and the requirements for elevator safety, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the State Building Code continues to apply unless all municipalities having jurisdiction over the area have provided that the State Building Code, except the requirements for ~~disabled~~ persons with disabilities, the requirements for bleacher safety, and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality or town from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 15. Minnesota Statutes 2006, section 16B.735, is amended to read:

**16B.735 ENFORCEMENT OF REQUIREMENTS FOR ~~DISABLED~~ PERSONS WITH DISABILITIES.**

A statutory or home rule charter city that is not covered by the State Building Code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the State Building Code's requirements for ~~disabled persons with disabilities~~. In all other areas where the State Building Code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

Sec. 16. Minnesota Statutes 2006, section 16B.74, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** ~~As used in~~ For the purposes of sections 16B.61, 16B.72, 16B.73, and 16B.74 to 16B.746 16B.748 the terms ~~"passenger or freight elevator," "automatic operation" and "continuous pressure operation"~~ defined in this section shall have the following meanings given them.

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

Sec. 17. Minnesota Statutes 2006, section 16B.74, subdivision 2, is amended to read:

Subd. 2. **Passenger or freight elevator.** "Passenger or freight elevator" means all elevators except those that comply with the safety rules of the department ~~of Administration~~ relating to construction and installation and that have automatic operation or continuous pressure operation.

Sec. 18. Minnesota Statutes 2006, section 16B.74, is amended by adding a subdivision to read:

Subd. 7. **Elevator inspection.** "Elevator inspection" means an examination of elevator installations, repairs, alterations, removal, and construction for compliance with the State Building Code that may include witnessing tests performed on elevators by elevator personnel, performing tests on elevators, or an audit of records related to routine and periodic maintenance and testing, or any combination thereof when performed by the department or a municipality authorized to perform such inspections.

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

Sec. 19. Minnesota Statutes 2006, section 16B.74, is amended by adding a subdivision to read:

Subd. 8. **Elevator inspector.** "Elevator inspector" means an individual who meets the requirements established pursuant to section 16B.748, clause (1), who is performing elevator inspections for the department or a municipality authorized to perform such inspections.

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

Sec. 20. Minnesota Statutes 2006, section 16B.741, is amended to read:

**16B.741 ELEVATOR AVAILABLE FOR INSPECTION AND REPORTING.**

Subdivision 1. **Elevator available for inspection.** A person, ~~firm, entity, or corporation~~ that owns or controls a building or other structure housing an elevator that is subject to inspection by the department, shall, upon request, provide access at a reasonable hour to the elevator for purposes of inspection.

Subd. 2. **Persons required to report.** The following persons shall report the information specified in subdivision 3 to the commissioner by January 1, 2008:

(a) any person that, between August 1, 2005, and July 31, 2007, has provided service, alteration, repair, or maintenance to any elevator located in Minnesota;

(b) any person that, between August 1, 2005, and July 31, 2007, has entered into an agreement to provide service, alteration, repair, or maintenance to any elevator located in Minnesota;

(c) any person that owns or controls an elevator located in Minnesota that, between August 1, 2005, and July 31, 2007, has not received service, alteration, repair, or maintenance on the elevator; or

(d) any person that owns or controls an elevator located in Minnesota that, between August 1, 2005, and July 31, 2007, has not entered into an agreement to receive service, alteration, repair, or maintenance on the elevator.

Subd. 3. **Elevator location, type, and installation date.** On a form prescribed by the commissioner, the persons required to report pursuant to subdivision 2 shall provide the following:

(a) the location of each elevator;

(b) the type of each elevator; and

(c) the date the elevator was installed.

Subd. 4. **Definition.** As used in this section, "elevator" is as defined in section 16B.74, subdivision 5.

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

Sec. 21. Minnesota Statutes 2006, section 16B.744, is amended to read:

**16B.744 ELEVATORS, ENTRANCES SEALED.**

It shall be the duty of the department ~~of Administration~~ and the licensing authority of any municipality which adopts any such ordinance whenever it finds any such elevator under its jurisdiction in use in violation of any provision of sections 16B.74 to 16B.745 to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions thereof are complied with.

Sec. 22. Minnesota Statutes 2006, section 16B.745, subdivision 1, is amended to read:

Subdivision 1. **Removal of seal.** No person, firm, or corporation may remove any seal or notice forbidding the use of an elevator, except by authority of the department ~~of Administration~~ or the licensing authority having jurisdiction over the elevator, or operate an elevator after a notice has been attached forbidding its use, unless the notice has been removed by authority of the department ~~of Administration~~ or the licensing authority having jurisdiction over the elevator.

Sec. 23. Minnesota Statutes 2006, section 16B.745, subdivision 4, is amended to read:

Subd. 4. **Penalties.** The commissioner ~~of administration~~ shall administer sections 16B.74 to 16B.749. In addition to the remedies provided for violations of this chapter, the commissioner may impose a penalty of up to ~~\$1,000~~ \$10,000 for a violation of any provision of sections 16B.74 to 16B.749.

Sec. 24. Minnesota Statutes 2006, section 16B.747, is amended to read:

**16B.747 FEES FOR LICENSURE AND INSPECTION PERMIT.**

Subdivision 1. **Permits.** No person, ~~firm, or corporation~~ may construct, install, alter, or remove an elevator without first filing an application for a permit with the department of Administration or a municipality authorized by subdivision 3 to inspect elevators. ~~Upon successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.~~

Subd. 1a. **Annual operating permit.** ~~No person may operate an elevator without first obtaining an annual operating permit from the department or a municipality authorized by subdivision 3 to issue annual operating permits. A \$100 annual operating permit fee must be paid to the department for each annual operating permit issued by the department, except that the original annual operating permit must be included in the permit fee for the initial installation of the elevator. Annual operating permits must be issued at 12-month intervals from the date of the initial annual operating permit. For each subsequent year, an owner must be granted an annual operating permit for the elevator upon the owner's or owner's agent's submission of a form prescribed by the commissioner and payment of the \$100 fee. Each form must include the location of the elevator, the results of any periodic test required by the code, and any other criteria established by rule. An annual operating permit may be revoked by the commissioner upon an audit of the periodic testing results submitted with the application or a failure to comply with elevator code requirements, inspections, or any other law related to elevators.~~

Subd. 2. **Contractor licenses.** The commissioner may establish criteria for the qualifications of elevator contractors and issue licenses based upon proof of the applicant's qualifications.

Subd. 3. **Permissive municipal regulation.** A municipality may conduct a system of elevator inspection in conformity with this chapter, State Building Code requirements, and adopted rules that includes the inspection of elevator installation, repair, alteration, and removal, construction, ~~and the routine and periodic inspection and testing of existing elevators, and the issuance of annual operating permits.~~ The municipality shall employ inspectors meeting the minimum requirements established by Minnesota Rules to perform the inspections and to witness the tests. A municipality may establish and retain its own fees for inspection of elevators and related devices in its jurisdiction. ~~A municipality may establish and retain its own fees for the issuance of annual operating permits for elevators in its jurisdiction.~~ A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Subd. 4. **~~Deposit of fees.~~** ~~Fees received under this section must be deposited in the state treasury and credited to the special revenue fund.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 25. Minnesota Statutes 2006, section 16B.748, is amended to read:

**16B.748 RULES.**

The commissioner may adopt rules for the following purposes:



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

(2) to establish minimum qualifications for elevator inspectors;

~~(2)~~ (3) to establish criteria for the qualifications of elevator contractors;

~~(3)~~ (4) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64;

~~(4)~~ (5) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and

~~(5)~~ (6) to establish requirements for the registration of all elevators.

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

Sec. 26. Minnesota Statutes 2006, section 16B.76, is amended to read:

#### **16B.76 CONSTRUCTION CODES ADVISORY COUNCIL.**

Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of the following members:

(1) the commissioner ~~of administration~~ or the commissioner's designee representing the department's ~~Building Codes and Standards~~ Construction Codes and Licensing Division;

~~(2) the commissioner of health or the commissioner's designee representing an Environmental Health Section of the department;~~

~~(3)~~ (2) the commissioner of public safety or the ~~commissioner's~~ commissioner of public safety's designee representing the ~~department's~~ Department of Public Safety's State Fire Marshal Division;

~~(4) the commissioner of commerce or the commissioner's designee representing the department's State Energy Office; and~~

~~(5)~~ (3) one member ~~representing, appointed by the commissioner, engaged in~~ each of the following occupations or ~~entities, appointed by the commissioner of administration~~ or industries:

(i) ~~a certified building official~~ officials;

(ii) ~~a fire service representative~~ chiefs or fire marshals;

(iii) ~~a licensed architect~~ architects;

(iv) ~~a licensed engineer~~ professional engineers;

(v) ~~a building owners and managers representative~~ commercial building owners and managers;

(vi) ~~a the licensed residential building contractor~~ industry;

- (vii) a the commercial building ~~contractor~~ industry;
- (viii) a the heating and ventilation ~~contractor~~ industry;
- (ix) a the plumbing ~~contractor~~ industry;
- (x) the ventilation industry;
- (xi) the power limited industry;
- ~~(x) (xii) a representative of a construction and building trades union; and~~ member of the Board of Electricity;
- ~~(xi) a local unit of government representative.~~ (xiii) the high pressure piping industry;
- (xiv) the boiler industry;
- (xv) the manufactured housing industry;
- (xvi) public utility suppliers;
- (xvii) the Minnesota Building and Construction Trades Council; and
- (xviii) local units of government.

(b) The commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division shall serve as chair of the advisory council. For members who are not state officials or employees, terms, compensation, and removal, and the filling of vacancies of members of the advisory council are governed by section 15.059. The council shall select one of its members to serve as chair. The terms of the members of the advisory council shall be four years. The terms of eight of the appointed members shall be coterminous with the governor and the terms of the remaining nine appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. Each council member shall appoint an alternate to serve in their absence. The committee is not subject to the expiration provision of section 15.059, subdivision 5.

~~(c) The council expires June 30, 2003.~~

Subd. 1a. **Rulemaking authority.** The council shall adopt rules relating to building construction and model the rules to building construction codes generally accepted and in use throughout the United States with consideration given to existing statewide specialty codes presently in use in Minnesota.

**Subd. 2. Duties of council.** The council shall review laws, codes, rules, standards, and licensing requirements relating to building construction and may:

- (1) recommend ways to eliminate inconsistencies, to streamline construction regulation and construction processes procedures, and to improve procedures within and among jurisdictions;
- (2) review and comment on current and proposed laws and rules to promote coordination and consistency;
- (3) advise agencies on possible changes in rules to make them easier to understand and apply; and

(4) promote the coordination, within each jurisdiction, of the administration and enforcement of construction codes.

~~The council shall meet a minimum of four times each year. The council shall report its findings and recommendations to the commissioner of administration and the head of any other affected agency by the end of each calendar year. The council may shall recommend changes in laws or rules governing building construction. The council may shall establish subcommittees to facilitate its work. If the council establishes subcommittees, it shall include in their memberships representation from entities and organizations expressing an interest in membership. The commissioner of administration shall maintain a list of interested entities and organizations.~~

Subd. 3. **Agency cooperation.** State agencies and local governmental units shall cooperate with the council and, so far as possible, provide information or assistance to it upon its request. ~~The commissioner of administration shall provide necessary staff and administrative support to the council.~~

Sec. 27. Minnesota Statutes 2006, section 326.992, is amended to read:

**326.992 BOND REQUIRED FOR CERTAIN CONTRACTORS.**

(a) A person contracting to do gas, heating, ventilation, cooling, air conditioning, fuel burning, or refrigeration work must give bond to the state in the amount of \$25,000 for all work entered into within the state. The bond must be for the benefit of persons suffering financial loss by reason of the contractor's failure to comply with the requirements of the State Mechanical Code. A bond given to the state must be filed with the commissioner ~~of administration~~ and is in lieu of all other bonds to any political subdivision required for work covered by this section. The bond must be written by a corporate surety licensed to do business in the state.

(b) ~~The commissioner of administration may charge each person giving bond under this section an annual bond filing fee of \$15. The money must be deposited in a special revenue fund and is appropriated to the commissioner to cover the cost of administering the bond program.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 28. Minnesota Statutes 2006, section 327.31, subdivision 2, is amended to read:

Subd. 2. **Authorized representative.** "Authorized representative" means any person, firm or corporation, or employee thereof, approved or hired by the commissioner of labor and industry to perform inspection services.

Sec. 29. Minnesota Statutes 2006, section 327.31, subdivision 3, is amended to read:

Subd. 3. **Manufactured Home Building Code.** "Manufactured Home Building Code" means, for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner of labor and industry.

"Manufactured Home Building Code" means, for manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Sec. 30. Minnesota Statutes 2006, section 327.31, subdivision 4, is amended to read:

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of ~~administration~~ labor and industry.

Sec. 31. Minnesota Statutes 2006, section 327.31, is amended by adding a subdivision to read:

Subd. 6a. **Individual.** "Individual" means a human being.

Sec. 32. Minnesota Statutes 2006, section 327.31, subdivision 7, is amended to read:

Subd. 7. **Person.** "Person" means ~~a person, partnership, corporation or other legal entity~~ any individual, limited liability company, corporation, partnership, incorporated or unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

Sec. 33. Minnesota Statutes 2006, section 327.31, subdivision 15, is amended to read:

Subd. 15. **Purchaser.** "Purchaser" means the first ~~person~~ individual purchasing a manufactured home in good faith for purposes other than resale.

Sec. 34. Minnesota Statutes 2006, section 327.32, subdivision 8, is amended to read:

Subd. 8. **Evidence of compliance.** Each manufacturer, distributor, and dealer shall establish and maintain records, make reports, and provide information as the commissioner or the secretary may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.35, and shall, upon request of a person duly designated by the commissioner or the secretary, permit that person to inspect appropriate books, papers, records, and documents relevant to determining whether that manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.35, and the National Manufactured Home Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401, et seq., as amended by the National Manufactured Housing Construction and Safety Standards Act, Title VI, Manufactured Housing Improvement Act of 2000, or other applicable federal or state law.

Sec. 35. Minnesota Statutes 2006, section 327.33, subdivision 2, is amended to read:

Subd. 2. **Fees.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.35. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. ~~All money collected by the commissioner through fees prescribed by sections 327.31 to 327.36 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for the purpose of administering and enforcing the Manufactured Home Building Code under sections 327.31 to 327.36.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 36. Minnesota Statutes 2006, section 327.33, subdivision 6, is amended to read:

Subd. 6. **Authorization as agency.** The commissioner shall apply to the secretary for approval of the commissioner as the administrative agency for the regulation of manufactured homes under the rules of the secretary. The commissioner may make rules for the administration and enforcement of department responsibilities as a state administrative agency including, but not limited to, rules for the handling of citizen's complaints. All money received for services provided by the commissioner or the department's authorized agents as a state

administrative agency shall be deposited in the ~~general~~ construction code fund. The commissioner is charged with the adoption, administration, and enforcement of the Manufactured Home Construction and Safety Standards, consistent with rules and regulations promulgated by the United States Department of Housing and Urban Development. The commissioner may adopt the rules, codes, and standards necessary to enforce the standards promulgated under this section. The commissioner is authorized to conduct hearings and presentations of views consistent with regulations adopted by the United States Department of Housing and Urban Development and to adopt rules in order to carry out this function.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 37. Minnesota Statutes 2006, section 327.33, subdivision 7, is amended to read:

Subd. 7. **Employees.** The commissioner may appoint such employees within the Department of ~~Administration~~ Labor and Industry as deemed necessary for the administration of sections 327.31 to 327.35.

Sec. 38. Minnesota Statutes 2006, section 327.34, subdivision 3, is amended to read:

Subd. 3. **Removal of seals.** Manufactured home seals remain the property of the Department of ~~Administration~~ Labor and Industry and may be removed by the commissioner from any manufactured home which is in violation of the Manufactured Home Building Code.

Sec. 39. Minnesota Statutes 2006, section 327.35, subdivision 1, is amended to read:

Subdivision 1. ~~Civil Monetary penalty.~~ Notwithstanding the penalty amount of section 326B.082, subdivisions 7 and 12, any person who violates any provision of this section is liable to the state of Minnesota for a ~~civil monetary~~ penalty of not to exceed \$1,000 for each ~~offense violation.~~ Each violation involving a separate manufactured home or involving a separate failure or refusal to allow or perform any act required by this section constitutes a separate ~~offense violation,~~ except that the maximum ~~civil monetary~~ penalties for any related series of violations occurring within one year from the date of the first violation may not exceed \$1,000,000.

Sec. 40. Minnesota Statutes 2006, section 327.35, subdivision 2, is amended to read:

Subd. 2. **Willful violations.** Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates any provision of this section in a manner which threatens the health or safety of any purchaser shall be ~~finned not more than \$3,000 or imprisoned not more than one year, or both guilty of a gross misdemeanor.~~

Sec. 41. Minnesota Statutes 2006, section 327B.01, subdivision 4, is amended to read:

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of ~~administration~~ labor and industry.

Sec. 42. Minnesota Statutes 2006, section 327B.01, subdivision 5, is amended to read:

Subd. 5. **Consumer customer.** "Consumer customer" means any ~~natural person~~ individual who, primarily for personal, household or family purposes, buys, sells, or seeks to buy or sell, a manufactured home from, to or through a dealer or manufacturer.

Sec. 43. Minnesota Statutes 2006, section 327B.01, subdivision 7, is amended to read:

Subd. 7. **Dealer or retailer.** "Dealer" or "retailer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker or advertise the sale of manufactured homes, new or used.

Sec. 44. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 10a. **Individual.** "Individual" means a human being.

Sec. 45. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 11a. **Licensee.** "Licensee" means a person who is licensed as a dealer, limited dealer, or manufacturer by the Department of Labor and Industry.

Sec. 46. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 11b. **Limited dealer or limited retailer.** "Limited dealer" or "limited retailer" means any person who is an owner of a manufactured home park authorized, as principal only, to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park, who is the title holder and engages in no more than ten sales annually.

Sec. 47. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 14a. **Manufacturing facility.** "Manufacturing facility" means the physical site where a manufacturer engages in the business of manufacture, assembly, or production of manufactured homes.

Sec. 48. Minnesota Statutes 2006, section 327B.01, is amended by adding a subdivision to read:

Subd. 16a. **Owner.** "Owner" means any person holding title to a manufactured home park or manufactured homes.

Sec. 49. Minnesota Statutes 2006, section 327B.01, subdivision 17, is amended to read:

Subd. 17. **Person.** "Person" means any individual, limited liability company, corporation, firm, partnership, incorporated and unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

Sec. 50. Minnesota Statutes 2006, section 327B.04, subdivision 1, is amended to read:

Subdivision 1. **License ~~and~~, bond, and liability insurance required.** No person shall act as a dealer in manufactured homes, new or used, without a license ~~and~~, a surety bond, and liability insurance as provided in this section. No person shall manufacture manufactured homes without a license ~~and~~ for each manufacturing facility shipping into or located within Minnesota's boundaries, a surety bond, and liability insurance as provided in this section. The licensing and bonding requirements of this section do not apply to any bank, savings bank, savings association, or credit union, chartered by either this state or the federal government, which acts as a dealer only by repossessing manufactured homes and then offering the homes for resale.

Sec. 51. Minnesota Statutes 2006, section 327B.04, subdivision 4, is amended to read:

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

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are

kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

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

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

(c) the applicant has secured: (1) a surety bond in the amount of \$20,000 for the agency and each subagency location that bears the applicant's name and the name under which the applicant will be licensed and do business in this state. Each bond is for the protection of consumer customers, and must be executed by the applicant as principal and issued by a surety company admitted to do business in this state. The Each bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers; and (2) a certificate of liability insurance in the amount of \$1,000,000 that provides coverage for the agency and each subagency location;

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

(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer.

Sec. 52. Minnesota Statutes 2006, section 327B.04, subdivision 6, is amended to read:

Subd. 6. **Certificate of license.** For each license granted the commissioner shall issue a certificate which includes the name of the licensee, the name of the surety company and the amount of the surety bond, and the insurance underwriter and policy number, the names and addresses of any related principal or subagencies, and a license number.

Sec. 53. Minnesota Statutes 2006, section 327B.04, subdivision 7, is amended to read:

Subd. 7. **Fees; licenses; when granted.** Each application for a license or license renewal must be accompanied by a fee in an amount established by the commissioner by rule pursuant to section 327B.10. The fees shall be set in an amount which over the fiscal biennium will produce revenues approximately equal to the expenses which the commissioner expects to incur during that fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. ~~All money collected by the commissioner through fees prescribed in sections 327B.01 to 327B.12 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for purposes of administering and enforcing the provisions of this chapter.~~ The commissioner shall grant or deny a license application or a renewal application within 60 days of its filing. If the license is granted, the commissioner shall license the applicant as a dealer or manufacturer for the remainder of the calendar year. Upon application by the licensee, the commissioner shall renew the license for a two year period, if:

(a) the renewal application satisfies the requirements of subdivisions 3 and 4;

(b) the renewal applicant has made all listings, registrations, notices and reports required by the commissioner during the preceding year; and

(c) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to 327B.12 and all taxes, arrearages, and penalties owed to the state.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 54. Minnesota Statutes 2006, section 327B.04, subdivision 8, is amended to read:

Subd. 8. **Limited dealer's license.** The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park. The licensee must be the title holder of the homes and may engage in no more than ten sales annually. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to ten homes per license provided that only one limited dealer license may be issued for each park. The license shall be issued after:

(1) receipt of an application on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license; ~~and~~

(iv) the name, home, and business address of the applicant;

(v) the name, address, and telephone number of one individual that is designated by the applicant to receive all communications and cooperate with all inspections and investigations of the commissioner pertaining to the sale of manufactured homes in the manufactured home park owned by the applicant;

(vi) whether the applicant or its designated individual has been convicted of a crime within the previous ten years that is either related directly to the business for which the license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a judgment in a civil action involving fraud, misrepresentation, or conversion within the previous five years or has had any government license or permit suspended or revoked as a result of an action brought by a federal or state governmental agency in this or any other state within the last five years; and

(vii) the applicant's qualifications and business history, including whether the applicant or its designated individual has ever been adjudged bankrupt or insolvent, or has any unsatisfied court judgments outstanding against it or them;

(2) payment of a \$100 annual fee; and

(3) provision of a surety bond in the amount of \$5,000. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of a \$100 renewal fee. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.



The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

Sec. 55. Minnesota Statutes 2006, section 327B.04, is amended by adding a subdivision to read:

Subd. 8a. **Service.** Service of a document on a limited dealer licensed under this section may be effected by mail to or by personal service on: (1) the licensee at the licensee's last known address; or (2) the individual designated by the licensee at that individual's last known address.

Sec. 56. **[327B.042] NOTICE TO COMMISSIONER.**

Subdivision 1. **Notification.** A person licensed as a dealer, limited dealer, or manufacturer shall notify the commissioner of the occurrence of any of the events in subdivisions 2 to 5.

Subd. 2. **Change in application information.** A licensee shall notify the commissioner in writing within ten days of the change of any change in information contained in the most recent license application on file with the commissioner, which shall include any change in the information pertaining to the individual designated under section 327B.04, subdivision 8, clause (1), item (vi).

Subd. 3. **Civil judgment.** A licensee shall notify the commissioner in writing within ten days of any decision of a court regarding a proceeding in which the licensee was named as a defendant, and in which fraud, misrepresentation, or the conversion of funds was found to have been committed by the licensee.

Subd. 4. **Disciplinary action in another state.** A licensee shall notify the commissioner in writing within ten days of the condition, reprimand, censure, limitation, suspension, or revocation of any other professional or occupational license, registration, permit, or certificate held by the licensee in this or any other state, or any other United States jurisdiction.

Subd. 5. **Criminal offense.** A licensee shall notify the commissioner in writing within ten days if the licensee is found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to manufactured home sales, improper business practices, fraud, misrepresentation, misuse of funds, or violation of the consumer laws in this or any other state, or any other United States jurisdiction.

Sec. 57. Minnesota Statutes 2006, section 327B.05, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** In addition to the grounds in section 326B.082, subdivision 11, the commissioner may by order deny, suspend, limit, place conditions on, or revoke ~~any the application or license on finding (1) that the order is in the public interest and (2) that the~~ of any applicant or licensee or any of its directors, officers, limited or general partners, controlling shareholders, or affiliates for any of the following grounds:

~~(a) has filed an application for a license or a license renewal which fails to disclose any material information or contains any statement which is false or misleading with respect to any material fact;~~

~~(b)~~ (a) has violated any of the provisions of sections 327B.01 to 327B.12 or any rule or order issued by the commissioner or any prior law providing for the licensing of manufactured home dealers or manufacturers;

~~(c)~~ (b) has had a previous manufacturer or dealer license revoked in this or any other state;

~~(d)~~ (c) has engaged in acts or omissions which have been adjudicated or amount to a violation of any of the provisions of section 325D.44, 325F.67 or 325F.69;

~~(e)~~ (d) has sold or brokered the sale of a home containing a material violation of sections 327.31 to 327.35 about which the dealer knew or which should have been obvious to a reasonably prudent dealer;

~~(f)~~ (e) has failed to make or provide all listings, notices and reports required by the commissioner;

~~(g)~~ (f) has failed to pay a civil penalty assessed under subdivision 5 within ten days after the assessment becomes final;

~~(h)~~ (g) has failed to pay to the commissioner or other responsible government agency all taxes, fees and arrearages due;

~~(i)~~ (h) has failed to duly apply for license renewal;

~~(j)~~ (i) has violated any applicable manufactured home building or safety code;

~~(k)~~ (j) has failed or refused to honor any express or implied warranty as provided in section 327B.03;

~~(l)~~ (k) has failed to continuously occupy a permanent, established place of business licensed under section 327B.04;

~~(m)~~ (l) has, without first notifying the commissioner, sold a new and unused manufactured home other than the make of manufactured home described in a franchise or contract filed with the application for license or license renewal;

~~(n)~~ (m) has wrongfully failed to deliver a certificate of title to a person entitled to it;

~~(o)~~ (n) is insolvent or bankrupt;

~~(p)~~ (o) holds an impaired or canceled bond;

~~(q)~~ (p) has failed to notify the commissioner of bankruptcy proceedings within ten days after a petition in bankruptcy has been filed by or against the dealer or manufacturer;

~~(r)~~ (q) has, within the previous ten years, been convicted of a crime that either related directly to the business of the dealer or manufacturer or involved fraud, misrepresentation or misuse of funds;

~~(s)~~ (r) has suffered a judgment within the previous five years in a civil action involving fraud, misrepresentation or misuse of funds; or

~~(t)~~ (s) has failed to reasonably supervise any employee or agent of the dealer or manufacturer, resulting in injury or harm to the public.

The commissioner may establish rules pursuant to section 327B.10 further specifying, defining or establishing standards of conduct for manufactured home dealers and manufacturers.

Sec. 58. Minnesota Statutes 2006, section 327B.10, is amended to read:

#### **327B.10 RULEMAKING AUTHORITY.**

The commissioner may promulgate rules and issue orders reasonably necessary to implement and administer the provisions of sections 327B.01 to 327B.12. The commissioner shall adopt rules establishing and approving education programs for manufactured home installers. Each manufactured home installer must satisfactorily complete the continuing education requirements established by the commissioner in rule.

Sec. 59. **INCORPORATING ADAPTABILITY DESIGN ELEMENTS; REPORT.**

The commissioner of labor and industry shall explore the possibility of incorporating the adaptability design elements in the State Building Code for the following International Residential Codes (IRC) and International Building Codes (IBC):

(1) IRC - 1;

(2) IRC - 2;

(3) IRC - 3;

(4) IBC R-2; and

(5) IBC R-3.

The commissioner shall report back to the legislative committees having jurisdiction over these issues by January 15, 2008.

Sec. 60. **REVISOR'S INSTRUCTION.**

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

Column A

Column B

16B.59

326B.101

16B.60, subd. 1

326B.103, subd. 1

16B.60, subd. 2

326B.103, subd. 4

16B.60, subd. 3

326B.103, subd. 9

16B.60, subd. 4

326B.103, subd. 5

16B.60, subd. 5

326B.103, subd. 3

16B.60, subd. 6

326B.103, subd. 11

16B.60, subd. 7

326B.103, subd. 10

16B.60, subd. 8

326B.103, subd. 12

16B.60, subd. 9

326B.103, subd. 8

16B.60, subd. 10

326B.103, subd. 7

16B.60, subd. 11

326B.103, subd. 13

16B.60, subd. 12

326B.103, subd. 6

16B.60, subd. 13

326B.103, subd. 2

16B.61

326B.106

16B.615

326B.109

16B.616

326B.112

16B.617

326B.115

16B.6175

326B.118

16B.62

326B.121

16B.625

326B.124

16B.63

326B.127

16B.64

326B.13

16B.65

326B.133

<u>16B.66</u>	<u>326B.136</u>
<u>16B.67</u>	<u>326B.139</u>
<u>16B.68</u>	<u>326B.142</u>
<u>16B.685</u>	<u>326B.145</u>
<u>16B.70</u>	<u>326B.148</u>
<u>16B.71</u>	<u>326B.151</u>
<u>16B.72</u>	<u>326B.154</u>
<u>16B.73</u>	<u>326B.157</u>
<u>16B.735</u>	<u>326B.16</u>
<u>16B.74</u>	<u>326B.163</u>
<u>16B.741</u>	<u>326B.166</u>
<u>16B.742</u>	<u>326B.169</u>
<u>16B.743</u>	<u>326B.172</u>
<u>16B.744</u>	<u>326B.175</u>
<u>16B.745</u>	<u>326B.178</u>
<u>16B.746</u>	<u>326B.181</u>
<u>16B.747</u>	<u>326B.184</u>
<u>16B.748</u>	<u>326B.187</u>
<u>16B.749</u>	<u>326B.191</u>
<u>16B.75</u>	<u>326B.194</u>
<u>16B.76</u>	<u>326B.07</u>
<u>326.992</u>	<u>326B.197</u>

## ARTICLE 5

### ELECTRICAL

Section 1. Minnesota Statutes 2006, section 326.01, subdivision 2, is amended to read:

Subd. 2. **Class A master electrician.** ~~The term "Class A master electrician" means a person an individual~~ having the necessary qualifications, training, experience, and technical knowledge to ~~install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes~~ perform and supervise any electrical work, and who is licensed as ~~such a Class A master electrician~~ by the ~~Board of Electricity commissioner~~.

Sec. 2. Minnesota Statutes 2006, section 326.01, subdivision 3, is amended to read:

Subd. 3. **Class A journeyman electrician.** ~~The term "Class A journeyman electrician" means a person an individual~~ having the necessary qualifications, training, experience, and technical knowledge to ~~install, alter, repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes~~ perform and supervise any electrical work except for planning or laying out of electrical wiring, and who is licensed as ~~such a Class A journeyman electrician~~ by the Board of Electricity.

Sec. 3. Minnesota Statutes 2006, section 326.01, is amended by adding a subdivision to read:

Subd. 4a. **Elevator constructor.** "Elevator constructor" means an individual having the necessary qualifications, training, experience, and technical knowledge to wire for, install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators and who is licensed as an elevator constructor by the board.

Sec. 4. Minnesota Statutes 2006, section 326.01, is amended by adding a subdivision to read:

Subd. 4b. **Elevator contractor.** "Elevator contractor" means a licensed contractor whose responsible licensed individual is a licensed master elevator constructor. An elevator contractor license does not itself qualify its holder to perform or supervise the electrical/elevator work authorized by holding any other personal license issued by the board.

Sec. 5. Minnesota Statutes 2006, section 326.01, is amended by adding a subdivision to read:

Subd. 4c. **Lineman.** "Lineman" means an individual having the necessary qualifications, training, experience, and technical knowledge to construct and maintain transmission and distribution systems that are or will be owned or leased by an electrical utility, and who is licensed as a lineman by the board.

Sec. 6. Minnesota Statutes 2006, section 326.01, is amended by adding a subdivision to read:

Subd. 4d. **Maintenance electrician.** "Maintenance electrician" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly maintain and repair electrical wiring, apparatus, and equipment, who is licensed as a maintenance electrician by the board or who is exempt from licensing by sections 326.241 to 326.248.

Sec. 7. Minnesota Statutes 2006, section 326.01, is amended by adding a subdivision to read:

Subd. 4e. **Master elevator constructor.** "Master elevator constructor" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation, maintenance, and repair of wiring, apparatus, and equipment for elevators and escalators and who is licensed as a master elevator constructor by the board.

Sec. 8. Minnesota Statutes 2006, section 326.01, subdivision 5, is amended to read:

Subd. 5. **Contractor.** ~~The term "Contractor" means a person, partnership, or corporation operating a business that undertakes who performs or offers to undertake to plan for, lay out, or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes perform any electrical work, with or without compensation, who is licensed as such a contractor by the Board of Electricity. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal electrical license. Contractor includes electrical contractors and technology system contractors.~~

Sec. 9. Minnesota Statutes 2006, section 326.01, subdivision 6, is amended to read:

Subd. 6. **Class B master electrician.** ~~The term "Class B master electrician" means a person an individual~~ having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for single phase systems of not over 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than ~~2500~~ 2,500 inhabitants, ~~and~~ who is licensed as ~~such a~~ Class B master electrician by the Board of Electricity.

Sec. 10. Minnesota Statutes 2006, section 326.01, subdivision 6a, is amended to read:

Subd. 6a. **Class B journeyman electrician.** ~~The term "Class B journeyman electrician" means a person an individual~~ having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for single phase

systems of not more than 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than ~~2500~~ 2,500 inhabitants, and who is licensed as such a Class B journeyman electrician by the Board of Electricity.

Sec. 11. Minnesota Statutes 2006, section 326.01, subdivision 6b, is amended to read:

Subd. 6b. **Class A installer.** ~~The term~~ "Class A installer" means ~~a person~~ an individual who has the necessary qualifications, training, experience, and technical knowledge to properly lay out and install electrical wiring, apparatus, and equipment for major electrical home appliances and such other electrical equipment as is determined by the state Board of Electricity pursuant to section 326.242, subdivision 3, on the load side of the main service on farmsteads or in any town or municipality with less than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of a master electrician, and who is licensed as ~~such a Class A installer~~ by the state Board of Electricity.

Sec. 12. Minnesota Statutes 2006, section 326.01, subdivision 6c, is amended to read:

Subd. 6c. **Class B installer.** ~~The term~~ "Class B installer" means ~~a person~~ an individual who has the necessary qualifications, training, experience, and technical knowledge to properly lay out and install electrical wiring, apparatus, and equipment on center pivot irrigation booms on the load side of the main service on farmsteads, and install other electrical equipment determined by the state Board of Electricity, and who is licensed as a Class B installer ~~must be licensed~~ by the Board of Electricity.

Sec. 13. Minnesota Statutes 2006, section 326.01, subdivision 6e, is amended to read:

Subd. 6e. **Owner.** An owner is ~~a natural person~~ an individual who physically performs electrical work on premises the ~~person~~ individual owns and actually occupies as a residence or owns and will occupy as a residence upon completion of its construction.

Sec. 14. Minnesota Statutes 2006, section 326.01, subdivision 6f, is amended to read:

Subd. 6f. **Electrical work.** ~~The term~~ "Electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, technology circuits or systems, or other purposes. The installing, ~~alteration~~ altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for electrical light, heat, power, technology circuits or systems, or other purposes includes, but is not limited to, the performance of any work ~~governed~~ regulated by the standards referred to in section 326.243.

Sec. 15. Minnesota Statutes 2006, section 326.01, subdivision 6g, is amended to read:

Subd. 6g. **Personal Direct supervision.** ~~The term "personal~~ "Direct supervision" means ~~that a person licensed to perform electrical work oversees and directs the electrical work performed by an unlicensed person such that:~~

(1) ~~the licensed person actually reviews the electrical work performed by the unlicensed person~~ an unlicensed individual is being supervised by an individual licensed to perform the electrical work being supervised;

(2) during the entire working day of the unlicensed individual, the licensed individual is physically present at the location where the unlicensed individual is performing electrical work and immediately available to the unlicensed individual;

(3) the licensed ~~person~~ individual is physically present and immediately available to the unlicensed ~~person~~ individual at all times for assistance and direction;

(4) electronic supervision does not meet the requirement of physically present and immediately available;

(5) the licensed individual shall review the electrical work performed by the unlicensed individual before the electrical work is operated; and

(3) (6) the licensed ~~person~~ individual is able to and does determine that all electrical work performed by the unlicensed ~~person~~ individual is performed in compliance with section 326.243.

The licensed ~~person~~ individual is responsible for the compliance with section 326.243 of all electrical work performed by the unlicensed ~~person~~ individual.

Sec. 16. Minnesota Statutes 2006, section 326.01, subdivision 6j, is amended to read:

Subd. 6j. **Residential dwelling.** A "residential dwelling" is ~~an individual dwelling of a single dwelling unit that is contained in~~ a one-family, two-family, or multifamily dwelling as defined in the National Electrical Code pursuant to section 326.243, ~~including its garage or accessory building.~~ A residential dwelling includes a garage and accessory building that can only be used by the residents of the single dwelling unit.

Sec. 17. Minnesota Statutes 2006, section 326.01, subdivision 6k, is amended to read:

Subd. 6k. **Power limited technician.** ~~The term~~ "Power limited technician" means ~~a person~~ an individual having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, plan, lay out, and supervise the installing, altering, and repairing of electrical wiring, apparatus, and equipment for technology circuits or systems, and who is licensed as ~~such a power limited technician~~ by the Board of Electricity.

Sec. 18. Minnesota Statutes 2006, section 326.01, subdivision 6l, is amended to read:

Subd. 6l. **Technology circuits or systems.** "Technology circuits or systems" means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by the National Electrical Code, articles 640, 645, ~~650~~, 725, 760, 770, and 780, and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by chapter 8 of the National Electrical Code; and circuitry and equipment for indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less as covered by the National Electrical Code, article 411. The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326.243.

Sec. 19. [326.2411] ELECTRICAL BOARD.

Subdivision 1. **Composition.** The Electrical Board shall consist of 11 members who are residents of the state and appointed by the commissioner. Two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians who are contractors, two journeyman electricians, one a registered consulting electrical engineer, two power-limited technicians who shall be technology system contractors primarily engaged in the business of installing technology circuits or systems, and two public members as defined by section 214.02. Individuals serving upon enactment shall continue to serve their terms and in the position to which they were appointed. The department shall make provisions for staff, administrative services, and office space as necessary for council operations determined by the board.

Subd. 2. **Organization.** (a) The board shall be organized and administered according to section 15.059, except that, notwithstanding any other law to the contrary, the board shall not expire. The board shall form a complaint committee, a technical committee, a program committee, and any other committee deemed appropriate by the advisory council. Each committee, except for the complaint committee, shall refer matters to the full board.

(b) The complaint committee shall consist of three members of the board plus one department employee designated by the commissioner. The department employee shall be a nonvoting member of the committee. The commissioner shall refer all complaints filed with or information received by the commissioner alleging or indicating violation of sections 326.241 to 326.248 to the Electrical Board. The complaint committee may render advice to the commissioner or, at its discretion, refer matters to the full advisory council for its determination as to advice to the commissioner. The full advisory council shall give advice to the commissioner on matters of its choosing or on matters requested by the commissioner. The commissioner shall give a quarterly review of all complaints, the complaint status, and the processing time to the complaint committee, in a format determined by the complaint committee.

(c) The technical committee shall consist of three members of the board plus one department employee designated by the commissioner. The department employee shall be a nonvoting member of the committee. The technical committee shall, at the request of the commissioner or on its own motion, advise the commissioner regarding technical, matters including electrical code issues, licensing issues, and licensing examinations.

(d) The program committee shall consist of three members of the board plus one department employee designated by the commissioner. The department employee shall be a nonvoting member of the committee. The program committee shall, at the request of the commissioner or on its own motion, advise the commissioner on matters it has reviewed, including experience credits.

Subd. 3. **Powers.** The board shall have power to:

- (1) elect its own officers;
- (2) select from its members individuals to serve on any other state advisory councils, boards, or committees;
- (3) incur costs and expenses deemed necessary in the performance of its duties, which shall be paid by the department;
- (4) meet at least quarterly but may meet more frequently in regular or special meetings deemed necessary or at the request of the commissioner;
- (5) establish the required committees and any others deemed necessary or requested by the commissioner; and
- (6) advise the commissioner on issues related to sections 326.241 to 326.248 or as requested by the commissioner.

Sec. 20. Minnesota Statutes 2006, section 326.242, is amended to read:

### **326.242 LICENSES.**

Subdivision 1. **Master electrician.** Except as otherwise provided by law, no ~~person individual~~ shall install, alter, repair, plan, lay out, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes perform or supervise electrical work unless the person individual is: (a) licensed by the board as a master electrician and (b)(i) the electrical work is for a licensed contractor and the ~~person individual~~ is an employee, partner, or officer of, or is the licensed contractor, or (ii) the electrical work is



performed for the ~~person's individual's~~ employer on ~~electric~~ electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer which is and that are located within the limits of property which is operated, maintained, and either owned or leased and operated and maintained by the employer.

(1) An applicant for a Class A master ~~electrician's~~ electrician license shall (a) be a graduate of a four-year electrical course ~~in offered by~~ an accredited college or university; or (b) shall have had at least one ~~year's~~ year of experience, acceptable to the board, as a licensed journeyman; or (c) shall have had at least five years' experience, acceptable to the board, in planning for, laying out, supervising and installing wiring, apparatus, or equipment for electrical light, heat and power.

(2) As of August 1, 1985, no new Class B master ~~electrician's~~ electrician licenses shall be issued. An individual who has a Class B master ~~electrician's~~ electrician license as of August 1, 1985 may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Subd. 2. **Journeyman electrician.** (a) Except as otherwise provided by law, no ~~person individual~~ shall install, alter, repair, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for electrical light, heat, power, technology circuits or systems, or other purposes unless:

(1) the ~~person individual~~ is licensed by the board as a journeyman electrician; and

(2) the electrical work is:

(i) for a contractor and the ~~person individual~~ is an employee, partner, or officer of the licensed contractor; or

(ii) performed under the supervision of a master electrician also employed by the ~~person's individual's~~ employer on electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer and that is are located within the limits of property operated, maintained, and either owned or leased, ~~operated, and maintained~~ by the employer.

(b) An applicant for a Class A journeyman ~~electrician's~~ electrician license shall have had at least four years of experience, acceptable to the board, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that the board may by rule ~~provide for the allowance of~~ allow one year of experience credit for the successful completion of a two-year post high school electrical course approved by the board.

(c) As of August 1, 1985, no new Class B journeyman ~~electrician's~~ electrician licenses shall be issued. An individual who holds a Class B journeyman electrician's license as of August 1, 1985, may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Subd. 3. **Class A installer.** Notwithstanding the provisions of subdivisions 1, 2, and 6, any ~~person individual~~ holding a Class A installer license may lay out and install and supervise the laying out and installing of electrical wiring, apparatus, or equipment for major electrical home appliances on the load side of the main service on farmsteads and in any town or municipality with fewer than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of a contractor. No new Class A installer licenses shall be issued after December 1, 2007. An individual who holds a Class A installer license on December 1, 2007, may retain and renew the license and exercise the privileges it grants.

Subd. 3a. **Class B installer.** Notwithstanding the provisions of subdivisions 1, 2 and 6, any ~~person~~ individual holding a Class B installer license may lay out and install electrical wiring, apparatus and equipment on center pivot irrigation booms on the load side of the main service on farmsteads, and install such other electrical equipment as is ~~determined~~ approved by the board.

Subd. 3b. **Coursework or experience.** An applicant for a Class A or B installer license shall have completed a post high school course in electricity ~~acceptable to~~ approved by the board or shall have had at least one ~~year's~~ year of experience, ~~acceptable to~~ approved by the board, in electrical wiring.

Subd. 3c. **Bond.** Every Class A and Class B installer, as a condition of licensure, shall give bond to the state in the sum of \$1,000 conditioned upon the faithful and lawful performance of all work contracted for or entered upon by the installer within the state of Minnesota, and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. Such bond shall be in lieu of all other license bonds to any political subdivision of the state. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no ~~person~~ individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, ~~or~~ repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

(1) the ~~person~~ individual is licensed by the board as a power limited technician; and

(2) the electrical work is:

(i) for a licensed contractor and the ~~person~~ individual is an employee, partner, or officer of, or is the licensed contractor; or

(ii) performed under the supervision of a master electrician or power limited technician also employed by the ~~person's~~ individual's employer on technology circuits, systems, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased, ~~operated, and maintained~~ by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course ~~in~~ offered by an accredited college or university; or (2) have had at least 36 months' experience, acceptable to the board, in planning for, laying out, supervising, ~~and~~ installing, altering, and repairing wiring, apparatus, or equipment for power limited systems, provided however, that the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board.

~~(c) The board may initially set experience requirements without rulemaking, but must adopt rules before July 1, 2004.~~

~~(d) Licensees must attain eight hours of continuing education acceptable to the board every renewal period.~~

~~(e) A person who has submitted an application by June 30, 2003, to take the alarm and communications examination administered by the board, and who has achieved a minimal score of 70 percent on the examination by September 30, 2003, may obtain a power limited technician license without further examination by submitting an application and a license fee of \$30.~~

(f) (c) A company holding an alarm and communication license as of June 30, 2003, may designate one person individual who may obtain a power limited technician license without passing an examination administered by the board commissioner by submitting an application and license fee of \$30.

(g) ~~A person who has submitted an application by September 30, 2005, to take the power limited technician examination administered by the board is not required to meet the qualifications set forth in paragraph (b).~~

Subd. 4. **Special electrician.** ~~Notwithstanding the provisions of subdivisions 1, 2, 6, and 7, the board may by rule provide for the issuance of special electrician licenses empowering the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license certificate. Each licensee shall have had at least two years of experience, acceptable to the board, in each such limited class of work for which the licensee is licensed.~~

Subd. 5. **Unlicensed persons individuals.** (a) An unlicensed ~~person~~ individual means an individual who has not been licensed by the Board of Electricity as a Class A master electrician or as a Class A journeyman electrician. An unlicensed individual shall not perform electrical work unless the individual has first registered with the Board of Electricity as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work unless the work is performed under the personal direct supervision of a person an individual actually licensed to perform such work and. The licensed electrician individual and unlicensed persons are individual must be employed by the same means that an individual having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for light, heat, power, technology circuits or systems, and who is licensed as a Class A journeyman electrician is employed by the employer. Licensed persons individuals shall not permit unlicensed persons individuals to perform electrical work except under the personal direct supervision of a person an individual actually licensed to perform such work. Unlicensed persons individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed persons individuals. Except for technology circuit or system work, licensed persons individuals shall supervise no more than two unlicensed persons individuals. For technology circuit or system work, licensed persons individuals shall supervise no more than three unlicensed persons individuals.

(b) Notwithstanding any other provision of this section, no ~~person~~ individual other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 12, paragraph (b).

(c) Contractors employing unlicensed ~~persons performing~~ individuals to perform electrical work shall maintain records establishing compliance with this subdivision, ~~which that shall designate identify~~ all unlicensed persons individuals performing electrical work, except for persons working on circuits or systems exempted from personal licensing by subdivision 12, paragraph (b), and shall permit the board to examine and copy all such records as provided for in section 326.244, subdivision 6.

(d) When a licensed individual supervises the electrical work of an unlicensed individual, the licensed individual is responsible for ensuring that the electrical work complies with sections 326.241 to 326.248 and rules adopted.

Subd. 6. **Contractor's license required.** Except as otherwise provided by law, no ~~person~~ individual other than an employee, partner, or officer of a licensed contractor, as defined by section 326.01, subdivision 5, shall ~~undertake perform or offer to undertake to plan for, lay out, supervise or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes perform~~ electrical work with or without compensation unless the person individual obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of personal electrical license.

Subd. 6a. **Bond required.** Each contractor shall give and maintain bond to the state in the ~~penal~~ sum of ~~\$5,000~~ \$25,000 conditioned upon the faithful and lawful performance of all work ~~entered upon~~ contracted for or performed by the contractor within the state of Minnesota and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. The bond shall be filed with the board and shall be in lieu of all other license bonds to any other political subdivision. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

Subd. 6b. **Insurance required.** Each contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least ~~\$25,000~~ \$50,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. Such insurance shall be written by an insurer licensed to do business in the state of Minnesota and each contractor shall maintain on file with the board a certificate evidencing such insurance which provides that such insurance shall not be canceled without the insurer first giving 15 days written notice to the board of such cancellation.

Subd. 6c. **Employment of master electrician or power limited technician.** ~~(a) No contractor shall engage in business of electrical contracting unless the contractor employs a licensed Class A master or Class B~~ Each contractor must designate a responsible master electrician, or power limited technician, who shall be responsible for the performance of all electrical work in accordance with the requirements of sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. The classes of work for which the that a licensed contractor is authorized shall be limited to those for which such Class A master electrician, Class B master electrician, or power limited technician employed by the contractor the classes of work that the responsible master electrician or power limited electrician is licensed to perform.

~~(b) When a contractor's license is held by an individual, sole proprietorship, partnership, limited liability company, or corporation and the individual, proprietor, one of the partners, one of the members, or an officer of the corporation, respectively, is not the responsible master electrician or power limited technician of record, all requests for inspection shall be signed by the responsible master electrician or power limited technician of record. The designated responsible master electrician or power limited technician of record shall be employed by the individual, partnership, limited liability company, or corporation which is applying for a contractor's license and shall not be employed in any capacity as a licensed electrician or licensed technician by any other contractor or employer designated in subdivision 12. If the contractor is an individual or a sole proprietorship, the responsible licensed individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the licensed contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed individual must be actively engaged in performing electrical work on behalf of the contractor, and cannot be employed in any capacity as an electrician or technician by any other contractor or employer designated in subdivision 12. An individual may be the responsible licensed individual for only one contractor or employer.~~

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

Subd. 7. **Examination.** In addition to the requirements imposed herein and except as herein otherwise provided, as a precondition to issuance of a personal license, each applicant must pass a written or oral examination given by the board to insure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes

the examination will not impair the applicant's own safety or that of others while acting as a licensed person. No ~~person~~ individual failing an examination may retake it for six months thereafter, but within such six months the ~~person~~ individual may take an examination for a lesser grade of license. Any licensee failing to renew a license for two years or more after its expiration shall be required to retake the examination before being issued a new license.

An applicant for a personal license shall submit to the board an application and examination fee at the time of application. Upon approval of the application, the board shall schedule the applicant for the next available examination, which shall be held within 60 days. The applicant shall be allowed one opportunity to reschedule an examination without being required to submit another application and examination fee. Additionally, an applicant who fails an examination, or whose application has been disapproved, must submit another application and examination fee.

Subd. 8. **License and renewal fees.** ~~All licenses issued hereunder shall expire in a manner as provided by the board.~~ (a) Unless revoked or suspended, all licenses issued or renewed under this section expire on the date specified in this subdivision. Master licenses expire March 1 of each odd-numbered year after issuance or renewal. Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Technology system contractor licenses expire August 1 of each even-numbered year after issuance or renewal. Journeyman, installer, power limited technician, and special electrician licenses expire two years from the date of original issuance and every two years thereafter.

(b) Fees, as set by the board, shall be payable for application and examination, and for the original issuance and each subsequent renewal of the following are:

(1) For each personal license application and examination: \$35.

~~Class A Master.~~

~~Class B Master.~~

~~Class A Journeyman, Class B Journeyman, Installer, Power Limited Technician, or Special Electrician.~~

(2) For original issuance of original license and each subsequent renewal of:

Class A Master-: or master elevator constructor: \$40 per year.

Class B Master-: \$25 per year.

Power Limited Technician-: \$15 per year.

Class A Journeyman, Class B Journeyman, Installer, or Special Electrician-: \$15 per year.

~~Electrical~~ Contractor: \$100 per year.

~~Technology Systems Contractor.~~

(c) If any new license is issued according to this subdivision for less than two years, the fee for the license shall be prorated on an annual basis.

(d) A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated according to this subdivision, the amount of the overpayment shall be refunded.

(e) Any contractor who seeks reissuance of a license after it has been revoked or suspended under this chapter shall submit a reissuance fee of \$100 before the license is reinstated.

(f) The fee for the issuance of each duplicate license is \$100.

~~(3)~~ (g) An individual or contractor who fails to renew a license before 30 days after the expiration of the license must submit a late fee equal to one year's license fee in addition to the full renewal fee. Fees for renewed licenses are not prorated. An individual or contractor that fails to renew a license by the expiration date is unlicensed until the license is renewed.

Subd. 8a. **Continuing education.** (a) As used in this subdivision, the term "renewal period" means the time period of two years beginning on the date that the license is originally issued or renewed and ending on the date that the license is scheduled to expire. If any license is issued for less than two years, the period between the issuance date and the expiration date is not a renewal period.

(b) During each renewal period, individuals licensed under this chapter must earn 16 hours of continuing education credit approved by the board.

(c) With a renewal application, a licensed electrician shall submit to the board a list of continuing education hours earned during the renewal period, including dates, subjects, hours attended, sponsoring organizations, and course approval numbers. Each licensed electrician shall maintain a file in which records of courses are kept, including dates, subjects, duration of programs, sponsoring organizations, continuing education hours earned, registration receipts where appropriate, certificates of completion received from sponsoring organizations, and other pertinent documentation, for a period of two years after submission to the board. The board may require a licensed electrician to produce this information in order for the board to verify information in a renewal application, to conduct a random audit, or to investigate a complaint alleging noncompliance on the part of the licensee.

(d) If the board rejects continuing education hours reported by a licensee in an amount sufficient to reduce the number of nonrejected continuing education hours below the required minimum number, the board must notify the licensee in writing of the board's rejection of the hours. The licensee has 60 days after notification to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. The board's rejection of any continuing education hours submitted during this 60-day cure period does not extend or expand the cure period. If the board does not reinstate a sufficient number of the rejected continuing education hours to meet the required minimum number of continuing education hours, or the licensee or certificate holder does not complete or substantiate that the individual has completed other qualifying continuing education hours to meet the required minimum number of continuing education hours within the specified period of time, the board shall suspend or deny the individual's license under section 326.082. Continuing education hours applied to current renewal may not be applied to the requirements for a subsequent renewal period.

(e) If a licensed electrician knowingly submits to the board a false report of continuing education hours, the board shall revoke the license under section 326.082.

~~Subd. 9. **Denial, suspension, and revocation of licenses.** The board may by order deny, suspend, revoke, or refuse to renew a license, or may censure a licensee if the board finds (1) in its discretion that the order is in the public interest and (2) that, based upon a preponderance of the evidence presented, the applicant or licensee:~~

~~(a) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;~~

~~(b) has engaged in any fraudulent, deceptive, or dishonest act or practice;~~

~~(c) has been convicted within the past five years of a misdemeanor involving a violation of sections 326.241 to 326.248;~~

~~(d) has violated or failed to comply with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections; or~~

~~(e) has, in the conduct of the applicant's or licensee's affairs, including, but not limited to, the performance of electrical work, been shown to be incompetent or untrustworthy.~~

~~If a licensee engages in conduct that is proven by a preponderance of the evidence to be a basis for discipline pursuant to paragraphs (a) to (e), the conduct shall constitute a violation of this subdivision. The board may take action under this subdivision or any other law authorizing action against a licensee regardless of whether the underlying conduct was willful.~~

~~The board may adopt rules further specifying and defining actions, conduct, and omissions that constitute fraudulent, deceptive, dishonest, or prohibited practices, and establishing standards of conduct for applicants and licensees.~~

~~Subd. 9a. **Civil penalties.** Whenever a preponderance of the evidence presented proves that a person has violated or failed to comply with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections, the board may impose a civil penalty upon the person in an amount not to exceed \$10,000 per violation.~~

~~Subd. 9b. **Orders for hearing.** The complaint committee may, on behalf of the board, issue an order requiring a licensee or an applicant for a license to appear at a hearing on the issue of whether the license should be revoked or suspended, the licensee censured, the application denied, or a civil penalty imposed. The order shall be calculated to give reasonable notice of the time and place for hearing, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with chapter 14. After the hearing, the board shall enter an order making a disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which that person has been duly notified, the person is in default and the proceeding may be determined against that person upon consideration of the order for hearing, the allegations of which may be deemed to be true.~~

~~Subd. 9c. **Temporary suspension.** (a) The complaint committee may, on behalf of the board and in the public interest, temporarily suspend a license pending final determination of an order for hearing. The complaint committee shall not issue a temporary suspension order until an investigation of the facts has been conducted pursuant to section 214.10 by the attorney general. The complaint committee shall issue a temporary suspension order only when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, or dishonest acts against the public. Service of the temporary suspension order is effective if the order is served on the licensee or counsel of record personally or by first class mail to the most recent address provided to the board for the licensee or the counsel of record.~~

~~(b) If a license is suspended pending final determination of an order for hearing, a hearing on the merits shall be held within 45 days of the issuance of the order of temporary suspension. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The board shall issue a final order within 30 days after receipt of that report and any exceptions.~~

~~(c) If the licensee requests a hearing in writing within ten days of service of the order, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or vacate the temporary suspension. The board shall hold the hearing within five working days of the licensee's request for hearing. Evidence presented by the complaint committee or licensee shall be in affidavit form only. The licensee or counsel of record for the licensee may appear for oral argument. Within five working days after the hearing, the board shall issue its order either continuing or vacating the temporary suspension.~~

~~Subd. 9d. **Cease and desist order.** (a) Whenever it appears to the complaint committee that any person has engaged or is about to engage in any act or practice constituting a violation of sections 326.241 to 326.248, any other law authorizing the issuance of a cease and desist order, or any rule or order adopted or issued under these sections, the complaint committee may, on behalf of the board, issue and cause to be served upon the person an order requiring the person to cease and desist from violating sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. The complaint committee shall not issue a cease and desist order until an investigation of the facts has been conducted pursuant to section 214.10 by the attorney general. The order shall be calculated to give reasonable notice of the right of the person to request a hearing and shall state the reasons for the entry of the order. If no hearing is requested of the board within 15 days of service of the order, the order shall become final and shall remain in effect until it is modified or vacated by the board and shall not be reviewable by a court.~~

~~(b) A hearing shall be held not later than 30 days from the date of the board's receipt of a written hearing request, unless otherwise agreed by the person requesting the hearing and the complaint committee. Within 30 days of receipt of the administrative law judge's report and any exceptions, the board shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the board.~~

~~Subd. 9e. **Costs of proceeding.** The board may impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action or the imposition of civil penalties or the issuance of a cease and desist order. Such fees include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff.~~

~~Subd. 9f. **District court action; injunctive relief and civil penalties.** (a) Whenever it appears to the board, or the complaint committee if authorized by the board, that any person has engaged or is about to engage in any act or practice constituting a violation of sections 326.241 to 326.248 or any rule or order adopted or issued under these sections, the board, or the complaint committee if authorized by the board, may bring an action in the name of the board in the Ramsey County District Court or the district court of any other county in which venue is proper.~~

~~(b) The action may be brought to enjoin the acts or practices and to enforce compliance with sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections and for a civil penalty not to exceed \$10,000 for each separate violation of sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections.~~

~~(c) A temporary restraining order and other temporary injunctive relief shall be granted in the proceeding whenever it appears that any person has engaged in or is about to engage in any act, conduct, or practice constituting violation of sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections. The board shall not be required to show irreparable harm.~~

~~Subd. 9g. **Other remedies.** The issuance of a cease and desist order or injunctive relief under this section does not relieve a person from criminal prosecution by any competent authority or from disciplinary action by the board and does not prevent the board from exercising any other authority granted to it.~~

~~Subd. 9h. **Powers additional.** The powers contained in subdivisions 9 to 9g are in addition to all other powers of the board.~~

~~Subd. 9i. **Cooperation required.** A person who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the board or its complaint committee shall cooperate fully with the investigation. Cooperation includes, but is not limited to:~~



~~(1) responding fully and promptly to questions raised by or on behalf of the board or its complaint committee relating to the subject of the investigation;~~

~~(2) providing copies of records in the person's possession related to the matter under investigation as requested by the board, its complaint committee, or the attorney general within the time limit set by the board, its complaint committee, or the attorney general;~~

~~(3) assisting the board, its complaint committee, or the attorney general in its investigation; and~~

~~(4) appearing at conferences or hearings scheduled by the board or its complaint committee.~~

Subd. 9j. **Disciplinary proceedings closed.** ~~Proceedings held before the board or its complaint committee under chapter 214 or subdivisions 9 to 9d are exempt from the requirements of section 13D.01.~~

Subd. 9k. **Conflicts of law.** ~~If there is a conflict between sections 326.241 to 326.248 and chapter 214, sections 326.241 to 326.248 shall control.~~

Subd. 10. **Continuation of business by estates.** ~~Upon the death of a master who is a contractor, the board may permit the decedent's representative to carry on the business of the decedent for a period not in excess of six months, for the purpose of completing work under contract or otherwise to comply with sections 326.241 to 326.248. The representative shall give such bond as the board may require conditioned upon the faithful and lawful performance of such work and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota. Such representative shall also comply with all public liability and property damage insurance requirements imposed by this chapter upon a licensed contractor.~~

Subd. 11. **Reciprocity.** ~~To the extent that any other state which provides for the licensing of electricians provides for similar action the board may grant licenses, without examination, of the same grade and class to an electrician who has been licensed by such other state for at least one year, upon payment by the applicant of the required fee and upon the board being furnished with proof that the required fee and upon the board being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in Minnesota. The commissioner may issue a temporary license without examination, upon payment of the required fee, to nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.~~

Subd. 12. **Exemptions from licensing.** ~~(a) An individual who is a maintenance electrician who is supervised by the responsible master electrician for a contractor who has contracted with the maintenance electrician's employer to provide services for which a contractor's license is required or by a master electrician or an electrical engineer registered with the board and who is an employee of an employer and is engaged in the maintenance, and repair of electrical equipment, apparatus, and facilities owned or leased by the employer, and performed within the limits of property which is owned or leased and operated and maintained by said employer, shall is not be required to hold or obtain a license under sections 326.241 to 326.248; if:~~

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

(2) the individual is supervised by:

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

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology circuit and system work, a licensed power limited technician; and

(3) the individual's employer has filed with the board a certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with sections 326.241 to 326.248 and rules adopted.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 3d, paragraph (a), clause (1), are not required to hold a license under sections 326.241 to 326.248 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

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

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

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

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326.241 to 326.248.

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326.241 to 326.248 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326.245.

(e) Employees of any ~~electric~~ electrical, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326.241 to 326.248:

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

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

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

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

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

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

(f) An owner shall not be required to hold or obtain a license under sections 326.241 to 326.248.

Sec. 21. Minnesota Statutes 2006, section 326.243, is amended to read:

**326.243 SAFETY STANDARDS.**

All electrical wiring, apparatus and equipment for ~~electric~~ electrical light, heat and power, technology circuits or systems shall comply with the rules of the ~~department of Commerce or the Department of Labor and Industry, as applicable, Board of Electricity~~ and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 22. Minnesota Statutes 2006, section 326.244, subdivision 1a, is amended to read:

Subd. 1a. **Technology systems.** (a) The installation of the technology circuits or systems described in paragraph (b), except:

(1) minor work performed by a contractor;

(2) work performed by a heating, ventilating, or air conditioning contractor as described in section 326.245; and

(3) work performed by cable company employees when installing cable communications systems or telephone company employees when installing telephone systems,

must be inspected as provided in this section for compliance with the applicable provisions of the National Electrical Code and the applicable provisions of the National Electrical Safety Code, as those codes were approved by the American National Standards Institute.

(b) The inspection requirements in paragraph (a) apply to:

(1) ~~remote control circuits controlling~~ class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3 ~~and indoor lighting~~, except circuits that interconnect these systems exempted by section 326.242, subdivision 12, paragraph (b), other than fire alarm; class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or technology circuits and systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code;

(2) fire alarm systems, other than in one- or two-family dwellings, as defined in articles 100 and 760 of the National Electrical Code;

(3) technology circuits and systems contained within critical care areas of health care facilities as defined by the safety standards identified in section 326.243, including, but not limited to, anesthesia and resuscitative alarm and alerting systems, medical monitoring, and nurse call systems; ~~and~~

(4) physical security systems within detention facilities; ~~and~~

(5) circuitry and equipment for indoor lighting systems as defined in article 411 of the National Electrical Code.

(c) For the purposes of this subdivision "minor work" means the adjustment or repair and replacement of worn or defective parts of a technology circuit or system. Minor work may be inspected under this section at the request of the owner of the property or the ~~person~~ individual doing the work.

(d) Notwithstanding this subdivision, if an electrical inspector observes that a contractor, employer, or owner has not complied with accepted standards when the work was performed, as provided in the most recent editions of the National Electrical Code and the National Electrical Safety Code as approved by the American National Standards Institute, the inspector may order the contractor, employer, or owner who has performed the work to file a request for electrical inspection, pay an inspection fee, and make any necessary repairs to comply with applicable standards and require that the work be inspected.

Sec. 23. Minnesota Statutes 2006, section 326.244, is amended by adding a subdivision to read:

Subd. 1b. **Licenses; bond.** All inspectors shall hold licenses as master or journeyman electricians under this chapter. All inspectors under contract with the department to provide electrical inspection services shall give bond in the amount of \$1,000, conditioned upon the faithful performance of their duties.

Sec. 24. Minnesota Statutes 2006, section 326.244, subdivision 5, is amended to read:

Subd. 5. **Exemptions from inspections.** Installations, materials, or equipment shall not be subject to inspection under sections 326.241 to 326.248:

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule;

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

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any ~~person~~ individual other than such utility, cable communications company, or telephone company; and

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

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

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

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

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

(6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 16B.747, and the inspection has been or will be performed by an elevator inspector certified by the department of ~~Administration~~ and licensed by the Board of Electricity. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National ~~Electric~~ Electrical Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

Sec. 25. Minnesota Statutes 2006, section 326.244, subdivision 6, is amended to read:

Subd. 6. **Site inspections.** The board may, without advance notice, inspect any site at which electrical work is being performed or has been performed or where records concerning the performance of electrical work are kept for purposes of ensuring compliance with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. With respect to electrical work performed at or records kept in an occupied private dwelling, all inspections permitted by this subdivision shall occur during normal business hours and shall be preceded by advance notice, which need not be in writing. The board shall have the authority to examine and copy all records concerning the performance of electrical work and to question in private all persons employed by a contractor or on the site. No ~~person~~ individual shall retaliate in any manner against any employee or ~~person~~ individual who is questioned by, cooperates with, or provides information to the board, its complaint committee, or the attorney general.

Sec. 26. Minnesota Statutes 2006, section 326.2441, is amended to read:

### **326.2441 INSPECTION FEE SCHEDULE.**

Subdivision 1. **Schedule.** State electrical inspection fees shall be ~~paid according to~~ calculated according to subdivisions 2 to ~~43~~ 15.

Subd. 2. **Fee for each separate inspection.** The minimum fee for each separate inspection of an installation, replacement, alteration, or repair is ~~\$20~~ \$30.

Subd. 3. **Fee for services, generators, other power supply sources, or feeders to separate structures.** The inspection fee for the installation, addition, alteration, or repair of each service, change of service, temporary service, generator, other power supply source, or feeder to a separate structure is:

- (1) 0 ampere to and including 400 ampere capacity, ~~\$25~~ \$35;
- (2) 401 ampere to and including 800 ampere capacity, ~~\$50~~ \$60; and
- (3) ampere capacity above 800, ~~\$75~~ \$100.

Where multiple disconnects are grouped at a single location and are supplied by a single set of supply conductors the cumulative rating of the overcurrent devices shall be used to determine the supply ampere capacity.

Subd. 4. **Fee for circuits, feeders, feeder taps, or sets of transformer secondary conductors.** The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors, including the equipment served, is:

- (1) 0 ampere to and including 200 ampere capacity, ~~\$5~~ \$6; and
- (2) ampere capacity above 200, ~~\$10~~ \$15.

Where existing feeders and circuits are reconnected to overcurrent devices installed as part of the replacement of an existing disconnect, switchboard, motor control center, or panelboard, the inspection fee for each circuit or feeder is \$2.

Subd. 5. ~~Limitations to fees of subdivisions 3 and 4~~ **Inspection fee for dwellings.** (a) The inspection fee for a one-family dwelling and each dwelling unit of a two-family dwelling with a supply of up to 500 amperes where a combination of ten or more sources of supply, feeders, or circuits are installed, added, altered, repaired, or extended is \$80-is the following:

- (1) the fee for each service or other source of power as provided in subdivision 3;
- (2) \$100 for up to 30 feeders and circuits; and
- (3) for each additional feeder or circuit, the fee as provided in subdivision 4.

This fee applies to each separate installation for new dwellings and additions, alterations, or repairs to existing dwellings and includes not more than two inspections where 15 or more feeders or circuits are installed or extended in connection with any addition, alteration, or repair to existing dwellings. Where existing feeders and circuits are reconnected to overcurrent devices installed as part of the replacement of an existing panelboard, the fee for each reconnected feeder or circuit is \$2. The maximum number of separate inspections shall be determined in accordance with subdivision 2. The fee for additional inspections or other installations is that specified in subdivisions 2 to 4, 6, and 8. The installer may submit fees for additional inspections when filing the request for electrical inspection. The fee for each detached accessory structure directly associated with a dwelling unit shall be calculated in accordance with subdivisions 3 and 4. When included on the same request for electrical inspection form, inspection fees for detached accessory structures directly associated with the dwelling unit may be combined with the dwelling unit fees to determine the maximum number of separate inspections in accordance with subdivision 2.

(b) The inspection fee for each dwelling unit of a multifamily dwelling with three to 12 or more dwelling units is \$50 and the fee for each additional dwelling unit is \$25. \$70 for a combination of up to 20 feeders and circuits and \$6 for each additional feeder or circuit. This fee applies to each separate installation for each new dwelling unit and

where ten or more feeders or circuits are installed or extended in connection with any addition, alteration, or repair to existing dwelling units. Where existing feeders or circuits are reconnected to overcurrent devices installed as part of the replacement of an existing panelboard, the fee for each feeder or circuit is \$2. The maximum number of separate inspections for each dwelling unit shall be determined according to subdivision 2. The fee for additional inspections or other installation is that specified in subdivisions 2, 4, 6, and 8. These fees include only inspection of the wiring within individual dwelling units and the final feeder to that unit. ~~This limitation is subject to the following conditions where:~~

(1) the multifamily dwelling is provided with common service equipment and each dwelling unit is supplied by a separate feeder extended from the common service distribution equipment. The fee for multifamily dwelling services or other power source supplies and all other circuits is that specified in subdivisions 2 to 4; ~~and,~~

(2) ~~this limitation applies only to new installations for multifamily dwellings where the majority of the individual dwelling units are available for inspection during each inspection trip.~~

(c) A separate request for electrical inspection form must be filed for each dwelling unit that is supplied with an individual set of service entrance conductors. These fees are the one-family dwelling rate specified in paragraph (a).

Subd. 6. **Additions to fees of subdivisions 3 to 5.** (a) The fee for the electrical supply for each manufactured home park lot is ~~\$25~~ \$35. This fee includes the service or feeder conductors up to and including the service equipment or disconnecting means. The fee for feeders and circuits that extend from the service or disconnecting means is that specified in subdivision 4.

(b) The fee for each recreational vehicle site electrical supply equipment is ~~\$5~~ \$6 for each circuit originating within the equipment. The fee for recreational vehicle park services, feeders, and circuits is that specified in subdivisions 3 and 4.

(c) The fee for each street, parking lot, or outdoor area lighting standard is ~~\$1~~, and ~~the fee for each traffic signal standard is \$5~~. Circuits originating within the standard or traffic signal controller shall not be used when ~~computing~~ calculating the fee for each standard.

(d) The fee for transformers for light, heat, and power is ~~\$40~~ \$15 for transformers rated up to ten kilovolt-amperes and ~~\$20~~ \$30 for transformers rated in excess of ten kilovolt-amperes. The previous sentence does not apply to Class 1 transformers or power supplies for Class 1 power-limited circuits or to Class 2 or Class 3 transformers or power supplies.

(e) The fee for transformers and electronic power supplies for electric signs and outline lighting is \$5 per unit.

(f) The fee for ~~alarm, communication, remote control, and signaling~~ technology circuits or systems, and circuits of less than 50 volts, is ~~50~~ 75 cents for each system device or apparatus.

(g) The fee for each separate inspection of the bonding for a swimming pool, spa, fountain, an equipotential plane for an agricultural confinement area, or similar installation ~~shall be \$20~~ is \$35. Bonding conductors and connections require an inspection before being concealed.

(h) The fee for all wiring installed on center pivot irrigation booms is ~~\$40~~ \$35 plus \$5 for each electrical drive unit.

(i) The fee for retrofit modifications to existing lighting fixtures is 25 cents per ~~lighting fixture~~ luminaire.

(j) When a separate inspection of a concrete-encased grounding electrode is performed, the fee is \$35.

(k) The fees required by subdivisions 3 and 4 are doubled for installations over 600 volts.

Subd. 7. **Investigation fees: work without a request for electrical inspection.** (a) Whenever any work for which a request for electrical inspection is required by the board has begun without the request for electrical inspection form being filed with the board, a special investigation shall be made before a request for electrical inspection form is accepted by the board.

(b) An investigation fee, in addition to the full fee required by subdivisions 1 to 6, shall be paid before an inspection is made. The investigation fee is two times the ~~hourly rate~~ minimum fee specified in subdivision ~~40.2~~ or the inspection fee required by subdivisions 1 to 6, whichever is greater, not to exceed \$1,000. The payment of the investigation fee does not exempt any person from compliance with all other provisions of the ~~board~~ department rules or statutes nor from any penalty prescribed by law.

Subd. 8. **Reinspection fee.** Notwithstanding the provisions of subdivisions 2 and 5, when reinspection is necessary to determine whether unsafe conditions identified during a final inspection have been corrected and the conditions are not the subject of an appeal pending before the ~~board~~ commissioner or any court, a reinspection fee of ~~\$20 may~~ \$35 shall be assessed in writing by the inspector.

Subd. 9. **Supplemental fee.** When inspections scheduled by the installer are preempted, obstructed, prevented, or otherwise not able to be completed as scheduled due to circumstances beyond the control of the inspector, a supplemental inspection fee of ~~\$20 may~~ \$35 shall be assessed in writing by the inspector.

Subd. 10. **Special inspection.** For inspections not covered in this section, or for requested special inspections or services, the fee ~~shall be \$30~~ is \$80 per hour, including travel time, plus ~~34 cents~~ the standard mileage rate per mile traveled, plus the reasonable cost of equipment or material consumed. This provision is applicable to inspection of empty conduits and other jobs as may be determined by the board. This fee may also be assessed when installations are not accessible by roadway and require alternate forms of transportation, or are located in the Northwest Angle, or when inspections are performed outside of Minnesota. For purposes of this subdivision, the standard mileage rate is the standard mileage rate effective at the time of travel, as established by the Internal Revenue Service for computing the deductible costs of operating an automobile for business expense purposes.

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

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

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

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



(e) Amusement rides, devices, concessions, attractions, or other units must be inspected at their first appearance of the year. The inspection fee is ~~\$20~~ \$35 per unit with a supply of up to 60 amperes and ~~\$30~~ \$40 per unit with a supply above 60 amperes.

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

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

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

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

Subd. 11a. **Negotiated fee.** When the fee calculated according to subdivisions 2 to 11 results in a total fee that unreasonably exceeds the cost of inspection, the board may negotiate a fee that more reasonably offsets the cost of inspection.

Subd. 12. **Handling fee.** The handling fee to pay the cost of printing and handling of the paper form requesting an electrical inspection is up to \$1.

Subd. 13. **National Electrical Code used for interpretation of provisions.** For purposes of ~~interpretation of~~ interpreting this section and Minnesota Rules, chapter 3800, the most recently adopted edition of the National Electrical Code shall be prima facie evidence of the definitions, interpretations, and scope of words and terms used.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 27. **REPEALER.**

Minnesota Statutes 2006, section 326.01, subdivision 4, is repealed.

## ARTICLE 6

### PLUMBING

Section 1. Minnesota Statutes 2006, section 326.01, subdivision 7, is amended to read:

Subd. 7. **Journeyman plumber.** A "journeyman plumber" is ~~any person~~ an individual, other than a master plumber, who, as a principal occupation, is engaged as an employee of, or is otherwise working under the direction of, a master plumber in the practical installation of plumbing.

Sec. 2. Minnesota Statutes 2006, section 326.01, subdivision 8, is amended to read:

Subd. 8. **Master plumber.** A "master plumber" is ~~any person~~ an individual who is skilled in the planning, superintending, and the practical installation of plumbing ~~and, who is~~ otherwise lawfully qualified to contract for plumbing and installations and to conduct the business of plumbing and who is familiar with the laws and rules governing the same.

Sec. 3. Minnesota Statutes 2006, section 326.01, subdivision 9, is amended to read:

Subd. 9. **Plumber's apprentice.** A "plumber's apprentice" is ~~any person~~ an individual, other than a journeyman or master plumber, who, as a principal occupation, is engaged in ~~working as an employee of a plumbing contractor~~ plumbing work under the ~~immediate and personal direct~~ supervision of either a master or journeyman plumber ~~or plumbing contractor in learning to learn and assisting assist~~ in the installation of plumbing.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 4. Minnesota Statutes 2006, section 326.37, is amended to read:

**326.37 RULES; AGREEMENTS WITH MUNICIPALITIES; CAPACITY STANDARDS; LICENSE EXEMPTION.**

Subdivision 1. **Rules.** The ~~state commissioner of health~~ may, by rule, prescribe minimum standards which shall be uniform; and which ~~standards shall thereafter~~ be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which the installation is to be located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

The commissioner shall administer the provisions of sections ~~326.37~~ 326.361 to ~~326.45~~ 326.44 and for such purposes may employ plumbing inspectors and other assistants.

Subd. 1a. **Agreements with municipalities.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, if:

(a) the municipality has adopted:

(1) the plumbing code;

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

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

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

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

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

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

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

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

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

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

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

(1) licensed master plumbers;

(2) licensed professional engineers; or

(3) individuals who are working under the supervision of a licensed professional engineer and who: are licensed plumbers; hold a postsecondary degree in engineering; or are certified by a national model code organization on plumbing systems;

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

(h) individuals who will conduct the plumbing inspections for the municipality are licensed master or journeyman plumbers, or inspectors meeting the competency requirements established in rules adopted under section 16B.655;

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

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

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

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

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

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

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

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

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

(1) hospitals, nursing homes, supervised living facilities, and similar health-care-related facilities regulated by the Minnesota Department of Health;

(2) buildings owned by the federal or state government; and

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

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

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

Subd. 1b. **Existing agreements with municipalities.** Any agreement between the commissioner and a municipality in which the municipality has agreed to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, that is in effect on the effective date of subdivision 1a, shall remain in effect and shall not be required to be in compliance with subdivision 1a. If any agreement to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, in effect on the effective date of subdivision 1a is later terminated by operation of the terms of the agreement or by either the commissioner or the municipality, or expires, then any new agreement between the commissioner and the municipality to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, shall comply with subdivision 1a.

Subd. 2. **Standards for capacity.** ~~By January 1, 1993,~~ All new floor-mounted water closets in areas under jurisdiction of the State plumbing code may not have a flush volume of more than 1.6 gallons. The water closets must meet the standards ~~of the commissioner and~~ in the plumbing code and the standards of the American National Standards Institute.

Subd. 3. **Exemption.** No license or registration authorized by ~~this section~~ sections 326.361 to 326.44 shall be required of any ~~contractor or employee individual~~ engaged in or employed by a person engaged in the work or business of pipe laying outside of buildings if such ~~person individual or employer~~ is engaged in a business or trade which has traditionally performed such work within the state prior to January 1, 1994.

Sec. 5. Minnesota Statutes 2006, section 326.38, is amended to read:

### **326.38 LOCAL REGULATIONS.**

~~Any city having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any statutory cities located therein, or the metropolitan airports commission, Any of the following entities may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans and specifications, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject~~

~~prescribed by the state commissioner of health.~~ code: any city having a system of waterworks or sewerage, regardless of population; any town having a population of 5,000 or more according to the last federal census, exclusive of any statutory cities located therein; and the Metropolitan Airports Commission. ~~No city or such town~~ such entity shall prohibit plumbers licensed by the ~~state commissioner of health~~ from engaging in or working at the business of plumbing, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. No such entity shall require any person who engages in the business of plumbing to post a bond as a prerequisite for engaging in the business of plumbing, except the bond to the state required under section 326.40 and except any performance bond required under a contract with the person for the performance of plumbing work for the entity. No such entity shall require any person who engages in the business of plumbing to maintain public liability insurance as a prerequisite for engaging in the business of plumbing, except the insurance required under section 326.40 and except any public liability insurance required under a contract with the person for the performance of plumbing work for the entity. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, ~~firm, or corporation~~ engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the ~~state commissioner of health~~, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the ~~state commissioner of health~~.

Sec. 6. Minnesota Statutes 2006, section 326.39, is amended to read:

**326.39 VIOLATIONS TO BE REPORTED TO ~~STATE COMMISSIONER OF HEALTH~~.**

Such local authority as may be designated by any such ordinance for the issuance of such plumbing permits and approval of such plans shall report to the ~~state commissioner of health~~ of labor and industry persistent or willful violation of the same and any incompetence of a licensed plumber observed by the local authority.

Sec. 7. Minnesota Statutes 2006, section 326.40, is amended to read:

**326.40 LICENSING, BOND AND INSURANCE.**

Subdivision 1. ~~License required~~ **Plumbers must be licensed in certain cities; master and journeyman plumbers; plumbing on one's own premises; rules for examination.** In any city ~~now or hereafter having 5,000 or more population~~ having a population of 5,000 or more, according to the last federal census, and having a system of waterworks or sewerage, no ~~person, firm, or corporation~~ individual shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the ~~state commissioner of health~~. A master plumber may also work as a journeyman plumber. ~~Anyone~~ Any individual not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the ~~state commissioner of health~~ on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

In any such city no person, ~~firm, or corporation~~ shall engage in the business of planning, superintending, or installing plumbing ~~nor or shall install plumbing~~ in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper planning, superintending, and installation, is in charge of the plumbing work of the person, ~~firm, or corporation~~.

The department of ~~Health~~ shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give bond to the state in the amount of \$25,000 for all work entered into within the state. 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. ~~A The bond given to the state shall be filed with the commissioner of health and shall be in lieu of all other bonds to any political subdivision required for plumbing work. The bond shall be written by a corporate surety licensed to do business in the state.~~

In addition, each applicant for a master plumber license or renewal thereof, ~~may shall~~ provide evidence of 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 shall maintain on file with the ~~state~~ commissioner ~~of health~~ a certificate evidencing the insurance providing that the insurance shall not be canceled without the insurer first giving 15 days written notice to the commissioner. The term of the insurance shall be concurrent with the term of the license. ~~The certificate shall be in lieu of all other certificates required by any political subdivision for licensing purposes.~~

Subd. 3. **Bond and insurance exemption.** ~~If a master plumber who is an employee of a master plumber or who is an employee engaged within the limits of property owned, leased and operated, or maintained by the employer, in the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the employer, who is in compliance with the bond and insurance requirements of subdivision 2 employs another master plumber, the employee master plumber shall not be required to meet the bond and insurance requirements of subdivision 2. A master plumber who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by their employer and which is within the limits of property owned or leased, and operated or maintained by their employer, shall not be required to meet the bond and insurance requirements of subdivision 2.~~

Subd. 4. **Alternative compliance.** ~~Compliance with the local bond requirements of a locale within which work is to be performed shall be deemed to satisfy the bond and insurance requirements of subdivision 2, provided the local ordinance requires at least a \$25,000 bond.~~

Subd. 5. **Fee.** ~~The state commissioner of health may charge~~ Each person giving bond to the state under subdivision 2 shall pay the department an annual bond filing registration fee commensurate with the cost of administering the bond and insurance requirements of subdivision 2 of \$40.

**EFFECTIVE DATE.** This section is effective December 1, 2007, except that the amendments to subdivision 5 are effective July 1, 2007.

Sec. 8. Minnesota Statutes 2006, section 326.401, is amended to read:

### **326.401 PLUMBER'S APPRENTICES.**

Subdivision 1. **Registration.** ~~A~~ All plumber's apprentice must be registered. To be a registered plumber's apprentice, an individual must either:

(1) be an apprentice employed in the trade of plumbing under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0300; or

(2) be registered with the commissioner of health on a registration application form supplied by the commissioner showing the date of beginning training, age, schooling, previous experience, employer, and other information required by the commissioner, under subdivision 3 as an unlicensed individual on a registration application form supplied by the apprenticeship council showing the date of beginning training, schooling, and

previous experience. A registered plumber's apprentice is authorized to assist in the installation of plumbing only while under the direct supervision of a master or journeyman plumber. The master or journeyman plumber is responsible for ensuring that all plumbing work performed by the registered plumber's apprentice complies with the plumbing code.

Subd. 2. **Journeyman exam.** A registered plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to ~~registration as an apprentice~~ becoming a registered plumber's apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the ~~person~~ individual did not have any practical plumbing experience in the 12-month period immediately prior to ~~registration~~ becoming a registered plumber's apprentice. The commissioner may adopt rules to evaluate whether the ~~person's~~ individual's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the ~~person~~ individual has not taken the examination, the four years of experience shall be forfeited.

The commissioner may allow an extension of the two-year period for taking the exam for cases of hardship or other appropriate circumstances.

Subd. 3. **Registration, rules, applications, renewals, and fees.** ~~The Department of Health may assess fees to pay for the administration of the apprentice registration program.~~ A plumber's apprentice may register by completing and submitting to the commissioner a registration form provided by the commissioner. A completed registration form must state the date the apprentice began training, the apprentice's age, schooling, previous experience, and employer, and other information required by the commissioner. The department may prescribe rules, not inconsistent with this section, for the registration of plumber's apprentice. Each applicant for initial registration as a plumber's apprentice shall pay the department an application fee of \$25. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for renewal registration must be received by the commissioner by June 30 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$25. An application for renewal registration received on or after July 1 in any year but no more than three months after expiration of the previously issued registration must pay the past due renewal fee plus a late fee of \$25. No applications for renewal registration will be accepted more than three months after expiration of the previously issued registration.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 9. Minnesota Statutes 2006, section 326.405, is amended to read:

### **326.405 RECIPROCITY WITH OTHER STATES.**

The commissioner ~~of health~~ may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing plumbers which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire a cumulative 24 months of experience before they have to apply and pass the plumbing licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have four years in which to comply with this section.

Sec. 10. Minnesota Statutes 2006, section 326.42, is amended to read:

**326.42 APPLICATIONS, FEES.**

Subdivision 1. **Application.** Applications for plumber's license shall be made to the ~~state~~ commissioner of ~~health~~, with fee. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the ~~state~~ commissioner of ~~health~~ only after passing a satisfactory examination by the examiners showing fitness. ~~Unless examination fees have been set by a contract under section 326B.05, examination fees for both journeyman and master plumbers shall be in an amount prescribed by the state commissioner of health pursuant to section 144.122 \$50 for each examination.~~ Upon being notified ~~that~~ of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. ~~License fees shall be in an amount prescribed by the state commissioner of health pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. The license fee for each initial and renewal master plumber's license shall be \$120. The license fee for each initial and renewal journeyman plumber's license shall be \$55. The commissioner may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A journeyman or master plumber who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25.~~

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

- (1) systems with both water distribution and drain, waste, and vent systems and having:
  - (i) 25 or fewer drainage fixture units, \$150;
  - (ii) 26 to 50 drainage fixture units, \$250;
  - (iii) 51 to 150 drainage fixture units, \$350;
  - (iv) 151 to 249 drainage fixture units, \$500;
  - (v) 250 or more drainage fixture units, \$3 per drainage fixture unit to a maximum of \$4,000; and
  - (vi) interceptors, separators, or catch basins, \$70 per interceptor, separator, or catch basin design;
- (2) building sewer service only, \$150;
- (3) building water service only, \$150;
- (4) building water distribution system only, no drainage system, \$5 per supply fixture unit or \$150, whichever is greater;
- (5) storm drainage system, a minimum fee of \$150 or:
  - (i) \$50 per drain opening, up to a maximum of \$500; and



- (ii) \$70 per interceptor, separator, or catch basin design;
- (6) manufactured home park or campground, one to 25 sites, \$300;
- (7) manufactured home park or campground, 26 to 50 sites, \$350;
- (8) manufactured home park or campground, 51 to 125 sites, \$400;
- (9) manufactured home park or campground, more than 125 sites, \$500;
- (10) accelerated review, double the regular fee, one-half to be refunded if no response from the commissioner within 15 business days; and
- (11) revision to previously reviewed or incomplete plans:
  - (i) review of plans for which the commissioner has issued two or more requests for additional information, per review, \$100 or ten percent of the original fee, whichever is greater;
  - (ii) proposer-requested revision with no increase in project scope, \$50 or ten percent of original fee, whichever is greater; and
  - (iii) proposer-requested revision with an increase in project scope, \$50 plus the difference between the original project fee and the revised project fee.

Subd. 3. **Inspection fees.** The commissioner shall charge the following fees for inspections under sections 326.361 to 326.44:

<u>Residential inspection fee (each visit)</u>	<u>\$50</u>
<u>Public, commercial, and industrial inspections</u>	<u>Inspection fee</u>
<u>25 or fewer drainage fixture units</u>	<u>\$300</u>
<u>26 to 50 drainage fixture units</u>	<u>\$900</u>
<u>51 to 150 drainage fixture units</u>	<u>\$1,200</u>
<u>151 to 249 drainage fixture units</u>	<u>\$1,500</u>
<u>250 or more drainage fixture units</u>	<u>\$1,800</u>
<u>Callback fee (each visit)</u>	<u>\$100</u>

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 11. **[326B.41] PURPOSE.**

The purpose of sections 326B.41 to 326B.49 is to promote the public health and safety through properly designed, acceptably installed, and adequately maintained plumbing systems.

Sec. 12. **[326B.42] DEFINITIONS.**

Subdivision 1. **Words, terms, and phrases.** For purposes of sections 326B.41 to 326B.49, the terms defined in this section have the meanings given to them.

Subd. 2. **Direct supervision.** The term "direct supervision," with respect to direct supervision of a plumber's apprentice by a master or journeyman plumber, means that:

(1) at all times while the plumber's apprentice is performing plumbing work, the master or journeyman plumber is present at the location where the plumber's apprentice is working;

(2) the master or journeyman plumber is physically present and immediately available to the plumber's apprentice at all times for assistance and direction;

(3) any form of electronic supervision does not meet the requirement of physically present;

(4) the master or journeyman plumber actually reviews the plumbing work performed by the plumber's apprentice before the plumbing is operated; and

(5) the master or journeyman plumber is able to and does determine that all plumbing work performed by the plumber's apprentice is performed in compliance with the plumbing code.

Subd. 5. **Municipality.** The term "municipality" shall have the meaning given to it in section 16B.60, subdivision 3.

Subd. 6. **Plumbing code.** "Plumbing code" means Minnesota Rules, chapter 4715.

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

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

Column A

Column B

326.01, subd. 7

326B.42, subd. 3

326.01, subd. 8

326B.42, subd. 4

326.01, subd. 9

326B.42, subd. 7

326.37

326B.43

326.38

326B.44

326.39

326B.45

326.40

326B.46

326.401

326B.47

326.405

326B.48

326.42

326B.49

ARTICLE 7

WATER CONDITIONING CONTRACTORS AND INSTALLERS

Section 1. Minnesota Statutes 2006, section 326.57, subdivision 1, is amended to read:

Subdivision 1. **Rulemaking by commissioner of health.** ~~The state commissioner of health~~ shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building or any other place of business, regardless of location or the population of the city, county or town in which located. ~~Such rules, upon approval of the attorney general and their legal publication, shall have the force of law, and the violation of any part thereof shall constitute a misdemeanor and may be enjoined by the attorney general.~~

Sec. 2. Minnesota Statutes 2006, section 326.58, is amended to read:

**326.58 LOCAL REGULATIONS.**

Any city or town with a population of 5,000 or more ~~persons~~ according to the last federal census may, by ordinance, adopt local regulations providing for water conditioning permits, bonds, approval of plans, and inspections of water conditioning installations and servicing, which regulations shall not be in conflict with the water conditioning standards on the same subject prescribed by the ~~state~~ commissioner of ~~health~~. No such city or town shall prohibit water conditioning contractors or installers licensed by the ~~state~~ commissioner of ~~health~~ from engaging in or working at the business.

Sec. 3. Minnesota Statutes 2006, section 326.59, is amended to read:

**326.59 VIOLATIONS TO BE REPORTED TO STATE COMMISSIONER OF HEALTH.**

Such local authority as may be designated by any such ordinance for the issuance of such water conditioning installation and servicing permits and approval of such plans shall report to the ~~state~~ commissioner of ~~health~~ persistent or willful violations of the same and any incompetence of a licensed water conditioning contractor or licensed water conditioning installer observed by the local authority.

Sec. 4. Minnesota Statutes 2006, section 326.60, is amended to read:

**326.60 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.**

Subdivision 1. **Licensing in certain cities.** In any city or town ~~now or hereafter~~ having a population of 5,000 or more according to the last federal census, no person, ~~firm, or corporation~~ shall engage in or work at the business of water conditioning installation or servicing after January 1, 1970, unless ~~(a)~~ (1) at all times ~~a person~~ an individual licensed as a water conditioning contractor by the ~~state~~ commissioner of ~~health~~ shall be responsible for the proper water conditioning installation and servicing work of such person, ~~firm, or corporation~~, and ~~(b)~~ (2) all installations, other than exchanges of portable equipment, are ~~actually made~~ performed by a licensed water conditioning contractor or licensed water conditioning installer. ~~Anyone~~ Any individual not so licensed may ~~do~~ perform water conditioning work ~~which that~~ which complies with ~~the provisions of~~ the minimum standard prescribed by the ~~state~~ commissioner of ~~health~~ on premises or that part of premises owned and ~~actually~~ occupied by the worker as a residence, unless otherwise ~~forbidden to do so~~ prohibited by a local ordinance.

Subd. 2. **Qualifications for licensing.** A water conditioning contractor license shall be issued only to ~~a person~~ an individual who has demonstrated skill in planning, superintending, and servicing water conditioning installations. A water conditioning installer license shall only be issued to ~~a person~~ an individual other than a water conditioning contractor who has demonstrated practical knowledge of water conditioning installation.

Subd. 3. **Rules.** The ~~state~~ commissioner of ~~health~~ shall:

~~(a)~~ (1) prescribe rules, not inconsistent herewith, for the licensing of water conditioning contractors and installers;

~~(b)~~ (2) license water conditioning contractors and installers;

~~(c)~~ (3) prescribe rules not inconsistent herewith for the examining of water conditioning contractors and installers prior to first granting a license as a water conditioning contractor or water conditioning installer; and

~~(d) (4) collect an examination fee from each examinee for a license as a water conditioning contractor and a~~ (4) collect an examination fee from each examinee for a license as a water conditioning installer in an amount prescribed by the state commissioner of health pursuant to set forth in section 144.122 326.62. A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.

Sec. 5. Minnesota Statutes 2006, section 326.601, is amended to read:

**326.601 ALTERNATIVE STATE BONDING AND INSURANCE REGULATION.**

Subdivision 1. **Bonds.** (a) An applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to give a bond to obtain or maintain the license, may comply with any political subdivision bonding requirement by giving a bond to the state as described in paragraph (b). No applicant for a water conditioning contractor or installer license who maintains the bond under paragraph (b) shall be otherwise required to meet the bond requirements of any political subdivision.

(b) Each bond given to the state under this subdivision shall be in the total penal sum of \$3,000 conditioned upon the faithful and lawful performance of all water conditioning contracting or installing work done within the state. The bond shall be for the benefit of persons suffering injuries or damages due to the work. The bond shall be filed with the commissioner of health and shall be written by a corporate surety licensed to do business in this state. No applicant for a water conditioning contractor or installer license who maintains the bond under this subdivision shall be otherwise required to meet the bond requirements of any political subdivision. The bond must remain in effect at all times while the application is pending and while the license is in effect.

Subd. 2. **Insurance.** (a) Each applicant for a water conditioning contractor or installer license or renewal thereof may, in lieu of all other insurance requirements of any political subdivision for said licensing purposes, maintain the insurance specified by this subdivision, who is required by any political subdivision to maintain insurance to obtain or maintain the license may comply with any political subdivision's insurance requirement by maintaining the insurance described in paragraph (b). No applicant for a water conditioning contractor or installer license who maintains the insurance described in paragraph (b) shall be otherwise required to meet the insurance requirements of any political subdivision.

(b) The insurance shall provide coverage, including products liability coverage, for all damages in connection with licensed work for which the licensee is liable, with personal damage 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 this state and each licensed water conditioning contractor or installer shall maintain on file with the commissioner of health a certificate evidencing the insurance shall be filed with the commissioner. The insurance must remain in effect at all times while the application is pending and while the license is in effect. The insurance shall not be canceled without the insurer first giving 15 days' written notice to the commissioner.

Subd. 3. **Bond and insurance exemption.** A water conditioning contractor or installer who is an employee of a water conditioning contractor or installer, including an employee engaged in the maintenance and repair of water conditioning equipment, apparatus, or facilities owned, leased and operated, or maintained by the employer, is not required to meet the bond and insurance requirements of subdivisions 1 and 2 or of any political subdivision.

Subd. 4. **Fee.** ~~The commissioner of health may establish by rule an additional fee commensurate with the cost of administering the bond and insurance requirements of subdivisions 1 and 2, which may be charged~~ shall collect a \$40 bond registration fee from each applicant for issuance or renewal of a water conditioning contractor or installer license who elects to proceed under subdivisions 1 and 2.

**EFFECTIVE DATE.** This section is effective December 1, 2007, except that the amendments to subdivision 4 are effective July 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 326.61, subdivision 1, is amended to read:

Subdivision 1. **Water conditioning installation.** "Water conditioning installation" ~~as used in sections 326.57 to 326.65~~ means the installation of appliances, appurtenances, and fixtures designed to treat water so as to alter, modify, add or remove mineral, chemical or bacterial content, said installation to be made in a water distribution system serving a single family residential unit, which has been initially established by a licensed plumber, and does not involve a direct connection without an air gap to a soil or waste pipe.

Sec. 7. Minnesota Statutes 2006, section 326.61, subdivision 2, is amended to read:

Subd. 2. **Water conditioning servicing.** "Water conditioning servicing" ~~as used in sections 326.57 to 326.65~~ means the servicing (including servicing prior to installation) of a water conditioning installation.

Sec. 8. Minnesota Statutes 2006, section 326.61, subdivision 3, is amended to read:

Subd. 3. **Rules.** In order to provide effective protection of the public health, the ~~state~~ commissioner of health may by rule prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed plumber which may be performed by a person licensed hereunder, and may by rule in appropriate instances require filing of plans, blueprints and specifications prior to commencement of installation. ~~Such rules, upon approval of the attorney general and their legal publication, shall have the force of law, and the violation of any part thereof shall constitute a misdemeanor.~~ The installation of water heaters shall not constitute water conditioning installation and consequently such work shall be accomplished in accordance with the provisions of sections ~~326.37 326.361 to 326.45 326.44.~~

Sec. 9. Minnesota Statutes 2006, section 326.61, subdivision 4, is amended to read:

Subd. 4. **Single family residential unit.** "Single family residential unit" ~~as used in sections 326.57 to 326.65~~ means a building or portion thereof which is arranged, designed, used or intended to be used for residential occupancy by one family, but not including a motel, hotel or rooming house.

Sec. 10. Minnesota Statutes 2006, section 326.62, is amended to read:

#### **326.62 APPLICATIONS; FEES.**

~~Applications for water conditioning contractor's or installer's licenses shall be made to the state commissioner of health with the fee prescribed by the commissioner pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. Unless examination fees have been set by a contract under section 326B.05, examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination. Each water conditioning contractor and installer license shall expire on December 31 of the year for which it was issued. The license fee for each initial water conditioning contractor's license shall be \$70, except that the license fee shall be \$35 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70. The license fee for each initial water conditioning installer license shall be \$35, except that the license fee shall be \$17.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35. The commissioner may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 11. Minnesota Statutes 2006, section 326.65, is amended to read:

**326.65 STATE LICENSE; EXAMINATION; APPLICATION; EXEMPTION.**

The provisions of sections 326.57 to 326.65 ~~which that~~ require the obtaining of licenses to engage in the work or business of water conditioning installation, and the provisions ~~which that~~ provide for the examination of applicants for such licenses, shall only apply to work accomplished in cities or towns having populations of 5,000 or more according to the last federal census, and shall not apply to master plumbers and journeymen plumbers licensed under the provisions of sections ~~326.37 326.361 to 326.45 326.44.~~

Sec. 12. **[326.651] RECIPROCITY WITH OTHER STATES.**

The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.

Sec. 13. **[326B.50] DEFINITIONS.**

Subdivision 1. Words, terms, and phrases. For the purposes of sections 326B.50 to 326B.59, the terms defined in this section have the meanings given them.

Sec. 14. **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>326.57</u>	<u>326B.52</u>
<u>326.58</u>	<u>326B.53</u>
<u>326.59</u>	<u>326B.54</u>
<u>326.60</u>	<u>326B.55</u>
<u>326.601</u>	<u>326B.56</u>
<u>326.61, subd. 1</u>	<u>326B.50, subd. 3</u>
<u>326.61, subd. 2</u>	<u>326B.50, subd. 4</u>
<u>326.61, subd. 3</u>	<u>326B.57</u>
<u>326.61, subd. 4</u>	<u>326B.50, subd. 2</u>
<u>326.62</u>	<u>326B.58</u>
<u>326.65</u>	<u>326B.59</u>

ARTICLE 8

RESIDENTIAL BUILDING CONTRACTOR AND REMODELER STATUTES

Section 1. Minnesota Statutes 2006, section 325E.58, is amended to read:

**325E.58 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 annually 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 ~~installers~~ 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.

Sec. 2. Minnesota Statutes 2006, section 326.83, subdivision 6, is amended to read:

Subd. 6. **Lessee.** "Lessee" means one who rents or leases residential real estate pursuant to a written lease agreement of at least one year's duration.

Sec. 3. Minnesota Statutes 2006, section 326.83, subdivision 7, is amended to read:

Subd. 7. **Licensee.** "Licensee" means a residential building contractor, residential remodeler, manufactured home installer, or residential roofer licensed under sections 326.83 to ~~326.991~~ 326.98.

Sec. 4. Minnesota Statutes 2006, section 326.83, subdivision 11, is amended to read:

Subd. 11. **Owner.** ~~Except in section 326.91, subdivision 1, "owner" means a person who has any legal or equitable interest in real property. For purposes of sections 326.83 to 326.991, "owner" does not include a residential building contractor or residential remodeler who constructs or improves its own property for purposes of speculation. A residential building contractor or residential remodeler will be presumed to be building or improving for purposes of speculation if it constructs or improves more than one property within any 24 month period. "Owner," when used in connection with real property, means a person who has any legal or equitable interest in the real property.~~

Sec. 5. Minnesota Statutes 2006, section 326.83, subdivision 18, is amended to read:

Subd. 18. **Residential roofer.** "Residential roofer" means a person in the business of contracting, or offering to contract with an owner, to complete work on residential real estate in roof coverings, roof sheathing, roof weatherproofing and insulation, and repair of roof systems, but not construction of new roof systems.

Sec. 6. Minnesota Statutes 2006, section 326.83, subdivision 19, is amended to read:

Subd. 19. **Special skill.** "Special skill" means one of the following eight categories:

(a) **Excavation.** Excavation includes work in any of the following areas:

(1) excavation;

(2) trenching;

(3) grading; and

(4) site grading.

(b) **Masonry and concrete.** Masonry and concrete includes work in any of the following areas:

(1) drain systems;

(2) poured walls;

(3) slabs and poured-in-place footings;

(4) masonry walls;

(5) masonry fireplaces;

(6) masonry veneer; and

(7) water resistance and waterproofing.

(c) **Carpentry.** Carpentry includes work in any of the following areas:

(1) rough framing;

(2) finish carpentry;

(3) doors, windows, and skylights;

(4) porches and decks, excluding footings;

(5) wood foundations; and

(6) drywall installation, excluding taping and finishing.

(d) **Interior finishing.** Interior finishing includes work in any of the following areas:

(1) floor covering;

(2) wood floors;

(3) cabinet and counter top installation;

(4) insulation and vapor barriers;

(5) interior or exterior painting;

(6) ceramic, marble, and quarry tile;

(7) ornamental guardrail and installation of prefabricated stairs; and

(8) wallpapering.



(e) **Exterior finishing.** Exterior finishing includes work in any of the following areas:

- (1) siding;
- (2) soffit, fascia, and trim;
- (3) exterior plaster and stucco;
- (4) painting; and
- (5) rain carrying systems, including gutters and down spouts.

(f) **Drywall and plaster.** Drywall and plaster includes work in any of the following areas:

- (1) installation;
- (2) taping;
- (3) finishing;
- (4) interior plaster;
- (5) painting; and
- (6) wallpapering.

(g) **Residential roofing.** Residential roofing includes work in any of the following areas:

- (1) roof coverings;
- (2) roof sheathing;
- (3) roof weatherproofing and insulation; and
- (4) repair of roof support system, but not construction of new roof support system.

(h) **General installation specialties.** Installation includes work in any of the following areas:

- (1) garage doors and openers;
- (2) pools, spas, and hot tubs;
- (3) fireplaces and wood stoves;
- (4) asphalt paving and seal coating; and
- (5) ~~exterior plaster and stucco; and~~
- (6) ~~ornamental guardrail and prefabricated stairs.~~

Sec. 7. Minnesota Statutes 2006, section 326.83, subdivision 20, is amended to read:

Subd. 20. **Specialty contractor.** "Specialty contractor" means a person in the business of contracting or offering to contract to build or improve residential real estate by providing only one special skill as defined in this section.

Sec. 8. Minnesota Statutes 2006, section 326.84, is amended to read:

### **326.84 LICENSING REQUIREMENTS.**

Subdivision 1. **Persons required to be licensed.** A person who meets the definition of a residential building contractor as defined in section 326.83, subdivision 15, must be licensed as a residential building contractor by the commissioner. A person who meets the definition of a residential remodeler as defined in section 326.83, subdivision 16, or a residential building contractor as defined in section 326.83, subdivision 15, must be licensed as a residential building contractor or residential remodeler. 16, must be licensed by the commissioner as a residential remodeler or residential building contractor. A person who meets the definition of a residential roofer as defined in section 18 must be licensed by the commissioner as a residential roofer, residential building contractor, or residential remodeler. A person who meets the definition of a manufactured home installer as defined in section 327.31, subdivision 6, must be licensed as a manufactured home installer by the commissioner.

Subd. 1a. **Persons who may be licensed.** A person who meets the definition of a specialty contractor as defined in section 326.83, subdivision ~~20~~ 19, may be licensed by the commissioner as a residential building contractor or residential remodeler ~~unless required to be licensed by the state as a specialty contractor.~~

Subd. 1b. **Prohibition.** Except as provided in subdivision 3, no persons required to be licensed by subdivision 1 may act or hold themselves out as a residential building contractors or contractor, residential remodelers remodeler, residential roofer, or manufactured home installer for compensation without a ~~valid~~ license issued by the commissioner.

Subd. 1c. **Licensing criteria.** The examination and education requirements for licensure under sections 326.84 to ~~326.991~~ 326.98 must be fulfilled by a qualifying person designated by the potential licensee. If the qualifying person is a managing employee, the qualifying person must be an employee who is regularly employed by the licensee and is actively engaged in the business of residential contracting or residential remodeling on behalf of the licensee. For a sole proprietorship, the qualifying person must be the proprietor or managing employee. For a partnership, the qualifying person must be a general partner or managing employee. For a limited liability company, the qualifying person must be a chief manager or managing employee. For a corporation, the qualifying person must be ~~a chief executive officer~~ an owner, officer, or managing employee. A qualifying person for a corporation or limited liability company may act as ~~a~~ the qualifying person for ~~one additional corporation if one of the following conditions exists:~~

(1) ~~there is a common ownership of at least 25 percent of each licensed corporation for which the person acts in a qualifying capacity; or~~

(2) ~~one corporation is a subsidiary of another corporation for which the same person acts in a qualifying capacity. "Subsidiary," as used in this section, means a corporation of which at least 25 percent is owned by the parent corporation. more than one corporation or limited liability company if there is common ownership of at least 25 percent among each of the licensed corporations or limited liability companies for which the person acts in the capacity of qualifying person.~~

Subd. 1d. **Required information.** (a) Each licensee or applicant for licensure shall provide to the commissioner a current street address and telephone number where the licensee resides, and a street address and telephone number where the licensee's business is physically located. A post office box address is not sufficient to satisfy this requirement. Each licensee or applicant for licensure must notify the commissioner in writing of any change in the required information within 15 days of the change.

(b) Each licensee or applicant for licensure must notify the commissioner in writing upon any change in control, ownership, officers or directors, personal name, business name, license name, or qualifying person, within 15 days of the change.

(c) Each licensee or applicant for licensure must notify the commissioner in writing if the licensee or applicant for licensure is found to be a judgment debtor based upon conduct requiring licensure pursuant to sections 326.83 to 326.98 within 15 days of the finding.

(d) Each licensee or applicant for licensure must notify the commissioner in writing within 15 days of filing a petition for bankruptcy.

(e) Each licensee or applicant for licensure must notify the commissioner in writing within ten days if the licensee or applicant for licensure has been found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to residential contracting, including convictions of fraud, misrepresentation, misuse of funds, theft, criminal sexual conduct, assault, burglary, conversion of funds, or theft of proceeds in this or any other state or any other United States jurisdiction.

Subd. 1e. **Reciprocity with other states.** The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.

Subd. 3. **Exemptions.** The license requirement does not apply to:

- (1) an employee of a licensee performing work for the licensee;
- (2) a material person, manufacturer, or retailer furnishing finished products, materials, or articles of merchandise who does not install or attach the items;
- (3) ~~an owner or owners of residential real estate who build or improve~~ builds or improves any structure on residential real estate and who do the work themselves or jointly with the owner's own, if the building or improving is performed by the owner's bona fide employees or by individual owners personally. This exemption does not apply to a person who engages in a pattern of building or improving real estate for purposes of resale. Such a pattern is presumed to exist if the person constructs or improves more than one property within any 24-month period; an owner who constructs or improves property for purposes of speculation if the building or improving is performed by the owner's bona fide employees or by individual owners personally. A residential building contractor or residential remodeler will be presumed to be building or improving for purposes of speculation if the contractor or remodeler constructs or improves more than one property within any 24-month period.

(4) an architect or professional engineer engaging in professional practice as defined ~~in this chapter~~ by section 326.02, subdivisions 2 and 3;

(5) a person whose total gross annual receipts ~~from projects regulated under this section~~ for performing specialty skills for which licensure would be required under this section do not exceed \$15,000;

(6) a mechanical contractor;

(7) a plumber, electrician, or other person whose profession is otherwise subject to statewide licensing, when engaged in the activity which is the subject of that licensure;

(8) specialty contractors who provide only one special skill as defined in section 326.83;

(9) a school district, or a technical college governed under chapter 136F; and

~~(10) manufactured housing installers; and~~

~~(11)~~ (10) Habitat for Humanity and Builders Outreach Foundation, and their individual volunteers when engaged in activities on their behalf.

To qualify for the exemption in clause (5), a person must obtain a certificate of exemption from ~~licensing~~ licensure from the commissioner.

A certificate of exemption will be issued upon the applicant's filing with the commissioner, an affidavit stating that the applicant does not expect to exceed \$15,000 in gross annual receipts derived from ~~contracting activities during the calendar year for which the exemption is requested~~ performing services which require licensure under this section.

To renew the exemption in clause (5), the applicant must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during the past calendar year; ~~and the applicant does not expect to exceed \$15,000 in gross annual receipts during the calendar year for which the exemption is requested.~~

If a person, operating under the exemption in clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person must immediately surrender the exemption certificate and apply for the appropriate license. The person must remain licensed until such time as the person's gross annual receipts during a calendar year fall below \$15,000. The person may then apply for ~~this~~ an exemption for the next calendar year.

Sec. 9. Minnesota Statutes 2006, section 326.841, is amended to read:

### **326.841 MANUFACTURED HOME INSTALLERS.**

(a) Manufactured home installers are subject to all of the requirements of sections 326.83 to 326.98, except for the following:

~~(1) manufactured home installers are not members of the advisory council under section 326.85;~~

~~(2)~~ (1) manufactured home installers are not subject to the continuing education requirements of section 326.87, but are subject to the continuing education requirements established in rules adopted under section 327B.10;

~~(3)~~ (2) the examination requirement of section 326.89, subdivision 3, for manufactured home installers shall be satisfied by successful completion of a written examination ~~designed administered and developed~~ specifically for the examination of manufactured home installers. The examination must be ~~designed administered and developed~~ by the commissioner in conjunction with the state building code division. The commissioner and ~~State Building Code Division~~ the state building official shall seek advice on the grading, monitoring, and updating of examinations from the Minnesota Manufactured Housing Association;

- ~~(4) the amount of the bond required by section 326.94 shall be \$2,500 for manufactured home installers;~~
- ~~(5) (3) a local government unit may not place a surcharge on a license fee, and may not charge a separate fee to installers;~~
- ~~(6) (4) a dealer or distributor who does not install or repair manufactured homes is exempt from licensure under sections 326.83 to 326.98; and~~
- ~~(7) (5) the exemption under section 326.84, subdivision 3, clause (5), does not apply; and~~
- (6) manufactured home installers are not subject to the contractor recovery fund in section 326.975.

(b) The commissioner may waive all or part of the requirements for licensure as a manufactured home installer for any individual who holds an unexpired license or certificate issued by any other state or other United States jurisdiction if the licensing requirements of that jurisdiction meet or exceed the corresponding licensing requirements of the department.

Sec. 10. Minnesota Statutes 2006, section 326.842, is amended to read:

**326.842 RESIDENTIAL ROOFERS.**

Residential roofers are subject to all of the requirements of sections 326.83 to 326.98 and 326.991, except the recovery fund in section 326.975.

Sec. 11. Minnesota Statutes 2006, section 326.86, is amended to read:

**326.86 FEES.**

Subdivision 1. **Licensing fee.** The licensing fee for persons licensed pursuant to sections 326.83 to ~~326.991~~ 326.98 is ~~\$100~~ \$70 per year.

Subd. 2. **Local surcharge.** A local government unit may place a surcharge in an amount no greater than \$5 on each land use, zoning, or building permit that requires a licensed residential building contractor, residential remodeler, or specialty contractor residential roofer, or manufactured home installer for the purpose of license verification. The local government may verify a license by telephone or, facsimile machine or electronic communication. A local government unit shall not issue a land use, zoning, or building permit unless the required license has been verified and is current.

**EFFECTIVE DATE.** The amendments to subdivision 1 are effective July 1, 2007. The amendments to subdivision 2 are effective December 1, 2007.

Sec. 12. Minnesota Statutes 2006, section 326.87, is amended to read:

**326.87 CONTINUING EDUCATION.**

Subdivision 1. **Standards.** ~~The commissioner, in consultation with the council, may~~ must by rule adopt standards for continuing education requirements and course and instructor approval. The standards must include requirements for continuing education in the implementation of energy codes applicable to buildings and other building codes designed to conserve energy. ~~Except for the course content, the standards must be consistent with the standards established for real estate agents and other professions licensed by the Department of Commerce. At a minimum, the content of one hour of any required continuing education must contain information on lead abatement rules and safe lead abatement procedures.~~

Subd. 2. **Hours.** A qualifying person of a licensee must provide proof of completion of ~~seven~~ 16 hours of continuing education per year in the regulated industry in which the licensee is licensed. ~~To the extent the commissioner considers it appropriate, courses or parts of courses may be considered to satisfy both continuing education requirements under this section and continuing real estate education requirements.~~

Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

Subd. 3. **Accessibility.** To the extent possible, the commissioner shall ensure that continuing education courses are offered throughout the state and are easily accessible to all licensees.

Subd. 4. **Renewal of ~~accreditation~~ approval.** The commissioner is authorized to establish a procedure for renewal of course ~~accreditation~~ approval.

Subd. 5. **Content.** (a) Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries according to sections 326.83 to 326.98. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

(b) 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, the coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and 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 hour approved by the commissioner. 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.

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 initial presentation, which may not exceed three hours total credit for each approved course. 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.

(e) 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 or business skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the regulated industry of the licensee;

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

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

(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.

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.

Individuals requesting credit for continuing education courses that have not been previously approved shall, on a form prescribed by the commissioner, submit an application for approval of continuing education credit accompanied by a nonrefundable fee of \$10 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.

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

(b) Application for course approval must be submitted 30 days before the course offering.

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

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

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

(b) The commissioner shall approve as a coordinator a person meeting one or more of the following criteria:

(1) at least three years of full-time experience in the administration of an education program during the five-year period immediately before the date of application;

(2) a degree in education plus two years' experience during the immediately preceding five-year period in one of the regulated industries for which courses are being approved; or

(3) a minimum of five years' experience within the previous six years in the regulated industry for which courses are held.

Subd. 9. **Responsibilities.** A coordinator is responsible for:

(1) ensuring compliance with all laws and rules relating to continuing educational 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;

(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 qualifications of instructors. Evaluations must be completed by students at the time the course is offered and by coordinators within five days after the course offering;

(6) 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) 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 that a sponsor ceases operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the commissioner. The coordinator must notify the commissioner of the name and address of that person. In order to be acceptable to the commissioner, custodians must agree to make copies of acknowledgments available to students at a reasonable fee. Under no circumstances will the commissioner act as custodian of the records;

(8) ensuring that the coordinator is available to instructors and students throughout course offerings and providing to the students and instructor the name of the coordinator and a telephone number at which the coordinator can be reached;

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

(10) providing course completion certificates within ten days of, but not before, completion of the entire course. Course completion certificates must be completed in their entirety. Course completion certificates must contain the following statement: "If you have any comments about this course offering, please mail them to the Minnesota Department of Labor and Industry." The current address of the department must be included. A coordinator may require payment of the course tuition as a condition for receiving the course completion certificate; and

(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.

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. Coordinators 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) a four-year degree in any area plus two years' practical experience in the subject area being taught;

(2) five years' practical experience in the subject area being taught; or

(3) a college or graduate degree in the subject area being taught.

(c) Approved 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.

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

- (1) recommend or promote the services or practices of a particular business;
- (2) encourage or recruit individuals to engage the services of, or become associated with, a particular business;
- (3) use materials, clothing, or other evidences of affiliation with a particular entity;
- (4) require students to participate in other programs or services offered by the instructor, coordinator, 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 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) Coordinators 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 coordinator or an instructor teaching an approved course. The notification shall be grounds for the commissioner to withdraw the approval of the coordinator and to disallow the use of the instructor.

Subd. 12. **Fees.** Fees 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 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 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.

Subd. 13. **Facilities.** Each course of study must be conducted in a classroom or other facility that is adequate to comfortably accommodate the instructors and the number of students enrolled. The sponsor may limit the number of students enrolled in a course. Approved courses may be held on the premises of a company doing business in the regulated area only when the company is sponsoring the course offering, or where product application is appropriate and related.

Subd. 14. **Supplementary materials.** An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

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

(b) Advertising must be truthful and not deceptive or misleading. Courses may not be advertised in any manner as approved unless approval has been granted in writing by the commissioner.

(c) No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering may be circulated or distributed in this state, unless the following statement is prominently displayed:

"This course has been approved by the Minnesota Department of Labor and Industry for ..... (approved number of hours) hours for continuing ..... (relevant industry) education."

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

(e) Continuing education courses may not be advertised before approval unless the course is described in the advertising as "approval pending" and an application for approval has been timely submitted to the commissioner and a denial has not been received.

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

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

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

"This educational offering is recognized by the Minnesota Department of Labor and Industry as satisfying ..... (insert number of hours approved) hours of credit toward continuing ..... (insert appropriate industry) education requirements."

Subd. 17. **Audits.** The commissioner reserves the right to audit subject offerings with or without notice to the sponsor.

Subd. 18. **Falsification of reports.** A licensee, its qualified person, or an applicant found to have falsified an education report to the commissioner shall be considered to have violated the laws relating to the 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 commissioner reserves the right to audit a licensee's continuing education records.

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 regulated 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 part. 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.

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

Subd. 21. **Residential building contractor, residential remodeler, and residential roofer education.** (a) Each licensee must, during the licensee's first complete continuing education reporting period, complete and report one hour of continuing education relating to lead abatement rules in safe lead abatement procedures.

(b) Each licensee must, during each continuing education reporting period, complete and report one hour of continuing education relating to energy codes for buildings and other building codes designed to conserve energy.

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

(b) For coordinators with an initial approval date before August 1, 2005, approval will expire on December 31, 2005. For courses with an initial approval date on or before December 31, 2000, approval will expire on April 30, 2006. For courses with an initial approval date after January 1, 2001, but before August 1, 2005, approval will expire on April 30, 2007.

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

(1) initial course approval, \$10 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 month after the course is approved;

(2) renewal of course approval, \$10 per course. Renewal of course approval expires on the last day of the 24th month after the course is renewed;

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

(4) renewal of coordinator approval, \$10. Renewal of coordinator approval expires on the last day of the 24th month after the coordinator is renewed.

Subd. 24. **Refunds.** All fees paid to the commissioner under this section are nonrefundable, except that an overpayment of a fee shall be returned upon proper application.

Sec. 13. Minnesota Statutes 2006, section 326.88, is amended to read:

**326.88 LOSS OF QUALIFYING PERSON.**

Upon the departure or disqualification of a licensee's qualifying person because of death, disability, retirement, position change, or other reason, the licensee must notify the commissioner within 15 business days. The licensee shall have 120 days from the departure of the qualifying person to obtain a new qualifying person. Failure to secure a new qualifying person within 120 days will, with or without notice, result in the automatic termination of the license.

Sec. 14. Minnesota Statutes 2006, section 326.89, is amended to read:

**326.89 APPLICATION AND EXAMINATION.**

Subdivision 1. **Form.** An applicant for a license under sections 326.83 to 326.98 must submit an application ~~to the commissioner~~, under oath and accompanied by the license fee required by section 326.86, on a form prescribed by the commissioner. Within 30 business days of receiving all required information, the commissioner must act on the license request. If one of the categories in the application does not apply, the applicant must identify the category and state the reason the category does not apply. The commissioner may refuse to issue a license if the application is not complete or contains unsatisfactory information.

Subd. 2. **Contents.** ~~The~~ Each application must include the following information regarding the applicant:

- (1) Minnesota workers' compensation insurance certificate;
- (2) employment insurance account number;
- (3) certificate of liability insurance;
- (4) type of license requested;
- (5) name and current address of the applicant, and telephone number where the applicant resides;
- ~~(i) (6)~~ (6) name and address of the applicant's qualifying person, if other than applicant; and

~~(ii) (7)~~ (7) if the applicant is a sole proprietorship, the name and address of the sole proprietor; if the applicant is a partnership, the name and address of each partner; if the applicant is a limited liability company, the name and address of each governor and manager; if the applicant is a corporation, the name and address of each of the corporate officers, directors, and all shareholders holding more than ten percent of the outstanding stock in the corporation;

(8) name and address of the applicant's agent in this state authorized to receive service of process, and a consent to service of process as required by section 326.93;

(9) current street address and telephone number where the business is physically located;

~~(6)~~ (10) whether the applicant, any employee, or qualifying person has ever been licensed in this or any other state and has had a professional or vocational license reprimanded, censured, limited, conditioned, refused, suspended, or revoked, or has been the subject of any administrative action;

~~(7)~~ (11) whether the applicant, qualifying person, or any of the applicant's corporate or partnership directors, limited liability company governors, officers, limited or general partners, managers, all shareholders holding more than ten percent of the share of the corporation that have been issued, or all members holding more than ten percent of the voting power of the membership interests that have been issued, has been convicted of a crime that either related directly to the business for which the license is sought or involved fraud, misrepresentation, or misuse of funds; has suffered a judgment in a civil action involving fraud, misrepresentation, construction defect, negligence, ~~or~~ breach of contract, or conversion of funds within the ten years prior to the submission of the application; or has had any government license or permit reprimanded, censured, limited, conditioned, suspended, or revoked as a result of an action brought by a federal, state, or local governmental unit or agency in this or any other state;

~~(8)~~ (12) the applicant's and qualifying person's business history for the past five years and whether the applicant, ~~any a managing~~ employee, or qualifying person has ever filed for bankruptcy or protection from creditors or has any unsatisfied judgments against the applicant, employee, or qualifying person;

~~(9)~~ (13) where the applicant is a firm, partnership, sole proprietorship, limited liability company, corporation, or association, whether there has been a sale or transfer of the business or other change in ownership, control, or name in the last five years and the details thereof, and the names and addresses of all prior, predecessor, subsidiary, affiliated, parent, or related entities, and whether each such entity, or its owners, officers, directors, members or shareholders holding more than ten percent of the stock, or an employee has ever taken or been subject to an action that is subject to clause ~~(6), (7), or (8)~~ (10), (11), or (12) in the last ten years; and

~~(40)~~ (14) whether the qualifying person is the qualifying person for more than one licensee.

For purposes of this subdivision, "applicant" includes employees who exercise management or policy control over the residential contracting ~~and remodeling, residential remodeling, residential roofing, or manufactured home installation~~ activities in the state of Minnesota, including affiliates, partners, directors, governors, officers, limited or general partners, managers, all shareholders holding more than ten percent of the shares that have been issued, a shareholder holding more than ten percent of the voting power of the shares that have been issued, or all members holding more than ten percent of the membership interests that have been issued or more than ten percent of the voting power of the membership interests that have been issued.

The commissioner may require further information as the commissioner deems appropriate to administer the provisions and further the purposes of this chapter.

Subd. 3. **Examination.** (a) Each qualifying person must satisfactorily complete a written examination for the type of license requested. The commissioner may establish the examination qualifications, including related education experience and education, the examination procedure, and the examination for each licensing group. The examination must include at a minimum the following areas:

(1) appropriate knowledge of technical terms commonly used and the knowledge of reference materials and code books to be used for technical information; and

(2) understanding of the general principles of business management and other pertinent state laws.

(b) Each examination must be designed for the specified type of license requested. ~~The council shall advise the commissioner on the grading, monitoring, and updating of examinations.~~

(c) ~~A person's~~ An individual's passing examination results expire two years from the examination date. ~~A person~~ An individual who passes the examination but does not choose to apply to act as a qualifying person for a licensee within two years from the examination date, must, upon application provide:

(1) passing examination results within two years from the date of application; or

(2) proof that the person has fulfilled the continuing education requirements in section 326.87 in the manner required for a qualifying person of a licensee for each license period after the expiration of the examination results.

~~Subd. 4. **Competency skills.** The commissioner shall, in consultation with the council, determine the competency skills and installation knowledge required for the licensing of specialty contractors.~~

Subd. 5. **Exemption.** A general retailer whose primary business is not being a residential building contractor, ~~residential remodeler, or specialty contractor residential roofer, or manufactured home installer,~~ and who has completed a ~~comparable~~ license examination meeting or exceeding Minnesota's examination requirements in another state is exempt from ~~subdivisions subdivision 3 and 4~~ and sections 326.87 and 326.88.

Subd. 6. **Additional licensing requirements.** As an alternative to denying an application for licensure pursuant to section 326.91, subdivision 1, the commissioner may, as a condition of licensure and based upon information received pursuant to section 326.89, subdivision 2, clauses (6) to (8), or a finding pursuant to section 326.91, subdivision 1, clauses (1) to (9), impose additional insurance, bonding, reporting, record keeping, and other requirements on the applicant as are reasonable to protect the public.

Subd. 7. **License.** A nonresident of Minnesota may be licensed as a residential building contractor, residential remodeler, residential roofer, or manufactured home installer upon compliance with all the provisions of sections 326.83 to 326.98.

Sec. 15. Minnesota Statutes 2006, section 326.90, subdivision 1, is amended to read:

Subdivision 1. **Local license prohibited.** Except as provided in sections 326.90, subdivision 2, ~~and 326.991,~~ a political subdivision may not require a person licensed under sections 326.83 to ~~326.991~~ 326.98 to also be licensed or pay a registration or other fee related to licensure under any ordinance, law, rule, or regulation of the political subdivision. This section does not prohibit charges for building permits or other charges not directly related to licensure.

Sec. 16. Minnesota Statutes 2006, section 326.91, subdivision 1, is amended to read:

Subdivision 1. **Cause Grounds.** ~~The commissioner may by order deny, suspend, or revoke any license or may censure a licensee, and may impose a civil penalty as provided for in section 45.027, subdivision 6, if the commissioner finds that the order is in the public interest, and that the applicant, licensee, or affiliate of an applicant or licensee, or other agent, owner, partner, director, governor, shareholder, member, officer, qualifying person, or managing employee of the applicant or licensee or any person occupying a similar status or performing similar functions:—~~ In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a license or certificate of exemption, or may censure the person holding the license or certificate of exemption, if the applicant, licensee, certificate of exemption holder, qualifying person, or affiliate of an applicant, licensee, or certificate of exemption holder, or other agent owner has:

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

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

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

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

(5) has violated or failed to comply with any provision of sections 326.83 to 326.98 ~~or~~, any rule or order under sections 326.83 to 326.98 or any other law, rule, or order related to the duties and responsibilities entrusted to the commissioner;

~~(6) has been shown to be incompetent, untrustworthy, or financially irresponsible;~~

~~(7) (6) has been convicted of a violation of the State Building Code or, in jurisdictions that do not enforce the State Building Code, has refused to comply with a notice of violation or stop order issued by a certified building official, or in local jurisdictions that have not adopted the State Building Code has refused to correct a violation of the State Building Code when the violation has been certified documented or a notice of violation or stop order issued by a Minnesota licensed structural engineer~~ certified building official has been received;

~~(8) (7) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326.83, subdivision 17, for the payment of labor, skill, material, and machinery contributed to the construction or improvement, knowing that the cost of any labor performed, or skill, material, or machinery furnished for the improvement remains unpaid;~~

~~(9) (8) has not furnished to the person making payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for an improvement, or a payment bond in the basic amount of the contract price for the improvement conditioned for the prompt payment to any person or persons entitled to payment;~~

~~(10) has engaged in conduct which was the basis for a contractor's recovery fund payment pursuant to section 326.975, which payment has not been reimbursed;~~ (9) has engaged in an act or practice that results in compensation to an aggrieved owner or lessee from the contractor recovery fund pursuant to section 36B.825, unless:

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

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

~~(11) (10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate of exemption holder under this chapter;~~

~~(12) (11) has had a judgment entered against them for failure to make payments to employees or subcontractors, or suppliers, that the licensee has failed to satisfy and all appeals of the judgment have been exhausted or the period for appeal has expired;~~

~~(13) (12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious license number or the license number of another, or, if licensed, has knowingly allowed an unlicensed person to use the licensee's license number for the purpose of fraudulently obtaining a building permit; or~~ has applied for or obtained a building permit for an unlicensed person.

~~(14)~~ (13) has made use of a forged ~~mechanics'~~ mechanic's lien ~~waivers~~ waiver under chapter 514;

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

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

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

Sec. 17. Minnesota Statutes 2006, section 326.92, is amended to read:

### **326.92 PENALTIES.**

~~Subdivision 1. **Misdemeanor.** A person required to be licensed under sections 326.83 to 326.991 who performs unlicensed work is guilty of a misdemeanor.~~

~~Subd. 1a. **Gross misdemeanor.** A person required to be licensed under sections 326.84 to 326.991 who violates an order under subdivision 3~~ An individual who violates an order of the commissioner or is the manager, officer, or director of a person who violates an order issued by the commissioner is guilty of a gross misdemeanor.

Subd. 2. **Lien rights.** An unlicensed person who knowingly violates sections 326.83 to 326.98 has no right to claim a lien under section 514.01 and the lien is void. Nothing in this section affects the lien rights of material suppliers and licensed contractors to the extent provided by law.

~~Subd. 3. **Commissioner action.** The commissioner may bring actions, including cease and desist actions, against any person licensed or required to be licensed under sections 326.83 to 326.991 to protect the public health, safety, and welfare.~~

Sec. 18. Minnesota Statutes 2006, section 326.921, is amended to read:

### **326.921 BUILDING PERMIT CONDITIONED ON LICENSURE; NOTICE OF PERMIT APPLICATION.**

Subdivision 1. **Building permit.** A political subdivision shall not issue a building permit to an unlicensed person who is required to be licensed under sections 326.83 to ~~326.991~~ 326.98. A political subdivision that issues zoning or land use permits in lieu of a building permit shall not issue those permits to an unlicensed person who is required to be licensed under sections 326.83 to ~~326.991~~ 326.98. The political subdivision shall report the person applying for the permit to the commissioner who may bring an action against the person.

Subd. 2. **Notice of building permit application.** A political subdivision shall notify the department when an application for building permit involving the construction of new residential real estate has been received from an unlicensed person by submitting a copy of the application to the department within two business days of receipt of the application. The political subdivision may submit a copy of the building permit application by facsimile, United States mail, or electronic communication.



Sec. 19. Minnesota Statutes 2006, section 326.93, is amended to read:

**326.93 SERVICE OF PROCESS; ~~NONRESIDENT LICENSING.~~**

~~Subdivision 1. **License.** A nonresident of Minnesota may be licensed as a residential building contractor or residential remodeler upon compliance with all the provisions of sections 326.83 to 326.991.~~

~~Subd. 2. **Service of process.** Service of process upon a person performing work in the state of a type that would require a license under sections 326.83 to 326.98 may be made as provided in section 45.028.~~

Subd. 3. **Procedure.** Every applicant for licensure or certificate of exemption under sections 326.83 to 326.98 shall irrevocably consent to the appointment of the commissioner and successors in office to be the applicant's agent to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or a successor, executor, or administrator which arises under section 326.83 to 326.98 or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service under this section shall be made in compliance with subdivision 5.

Subd. 4. **Service on commissioner.** (a) When a person, including any nonresident of this state, engages in conduct prohibited or made actionable by sections 326.83 to 326.98, or any rule or order under those sections, and the person has not consented to service of process under subdivision 3, that conduct is equivalent to an appointment of the commissioner and successors in office as the person's agent to receive service of process in any noncriminal suit, action, or proceeding against the person that is based on that conduct and is brought under sections 326.83 to 326.98, or any rule or order under those sections, with the same force and validity as if served personally on the person consenting to the appointment of the commissioner and successors in office. Service under this section shall be made in compliance with subdivision 5.

(b) Subdivision 5 applies in all other cases in which a person, including a nonresident of this state, has filed a consent to service of process. This paragraph supersedes any inconsistent provision of law.

(c) Subdivision 5 applies in all cases in which service of process is allowed to be made on the commissioner.

(d) Subdivision 5 applies to any document served by the commissioner or the department under section 326B.08.

Subd. 5. **How made.** Service of process under this section may be made by leaving a copy of the process in the office of the commissioner, or by sending a copy of the process to the commissioner by certified mail, and is not effective unless:

(1) the plaintiff, who may be the commissioner in an action or proceeding instituted by the commissioner, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at the last known address; and

(2) the plaintiff's affidavit of compliance is filed in the action or proceeding on or before the return day of the process, if any, or within further time as the court allows.

Sec. 20. Minnesota Statutes 2006, section 326.94, is amended to read:

**326.94 BOND; INSURANCE.**

Subdivision 1. **Bond.** (a) Licensed manufactured home installers and licensed residential roofers must post a license surety bond in the name of the licensee with the commissioner, conditioned that the applicant shall faithfully perform the duties and in all things comply with all laws, ordinances, and rules pertaining to the license or permit

applied for and all contracts entered into. The annual bond must be continuous and maintained for so long as the licensee remains licensed. 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 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 regular mail.

(b) A licensed residential roofer must post a bond of at least ~~\$5,000~~ \$15,000.

(c) A licensed manufactured home installer must post a bond of at least \$2,500.

Bonds issued under sections 326.83 to 326.98 are not state bonds or contracts for purposes of sections 8.05 and 16C.05, subdivision 2.

Subd. 2. **Insurance.** Licensees must have public liability insurance with limits of at least ~~\$100,000~~ \$300,000 per occurrence, which must include at least \$10,000 property damage coverage. The insurance must be written by an insurer licensed to do business in this state. The commissioner may increase the minimum amount of insurance required for any licensee or class of licensees if the commissioner considers it to be in the public interest and necessary to protect the interests of Minnesota consumers.

Sec. 21. Minnesota Statutes 2006, section 326.95, subdivision 2, is amended to read:

Subd. 2. **Advertising.** The license number of a licensee must appear in any advertising by that licensee including but not limited to signs, vehicles, business cards, published display ads, flyers, ~~and brochures,~~ Web sites, and Internet ads.

Sec. 22. Minnesota Statutes 2006, section 326.96, is amended to read:

### **326.96 PUBLIC EDUCATION.**

The commissioner may develop materials and programs to educate the public concerning ~~licensing~~ licensure requirements and methods. The commissioner must develop materials for reporting unlicensed contracting activity. The commissioner shall provide information in other languages.

Sec. 23. Minnesota Statutes 2006, section 326.97, is amended to read:

### **326.97 LICENSE RENEWAL.**

Subdivision 1. **Renewal.** ~~Licensees~~ A licensee whose applications have fully completed renewal application has been properly and timely filed and who ~~have~~ has not received a notice of denial of renewal ~~are~~ is considered to have been approved for renewal and may continue to transact business whether or not the renewed license has been received. Applications are timely if received or postmarked by March 1 of the renewal year. Applications must be made on a form approved by the commissioner. An application for renewal that does not contain all of the information requested is an incomplete application and will not be processed.

Subd. 1a. **Annual renewal.** Any license issued or renewed after August 1, 1993, must be renewed annually.

Subd. 2. **Failure to apply renew.** A person who has failed to make a timely application for renewal of a license ~~by March 31 of the renewal year~~ is unlicensed at 11:59:59 p.m. central time on March 31 of the renewal year and remains unlicensed until the a renewed license has been issued by the commissioner and is received by the applicant.

Subd. 3. **Expiration.** All licenses expire at 11:59:59 p.m. central time on March 31 of the renewal year if not properly renewed.

Sec. 24. **[326B.801] SCOPE.**

Except as otherwise provided by law, the provisions of sections 326B.801 to 326B.825 apply to residential contractors, residential remodelers, residential roofers, and manufactured home installers.

Sec. 25. **[326B.804] LICENSE RECIPROCITY.**

The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.

Sec. 26. **[326B.809] WRITTEN CONTRACT REQUIRED.**

(a) All agreements including proposals, estimates, bids, quotations, contracts, purchase orders, and change orders between a licensee and a customer for the performance of a licensee's services must be in writing and must contain the following:

(1) a detailed summary of the services to be performed;

(2) a description of the specific materials to be used or a list of standard features to be included; and

(3) the total contract price or a description of the basis on which the price will be calculated.

(b) All agreements shall be signed and dated by the licensee and customer.

(c) The licensee shall provide to the customer, at no charge, a signed and dated document at the time that the licensee and customer sign and date the document. Documents include agreements and mechanic's lien waivers.

Sec. 27. **[326B.814] REHABILITATION OF CRIMINAL OFFENDERS.**

Chapter 364 does not apply to an applicant for a license or to a licensee where the underlying conduct on which the conviction is based would be grounds for denial, censure, suspension, or revocation of the license.

Sec. 28. **[326B.82] DEFINITIONS.**

Subdivision 1. **Words, terms, and phrases.** For the purposes of section 326.87, the terms defined in this section have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. **Appropriate and related knowledge.** "Appropriate and related knowledge" means facts, information, or principles that are clearly relevant to the licensee in performing 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.

Subd. 3. **Classroom hour.** "Classroom hour" means a 50-minute hour.

Subd. 4. **Coordinator.** "Coordinator" means an individual who is responsible for monitoring approved educational offerings.

Subd. 5. **Instructor.** "Instructor" means an individual lecturing in an approved educational offering.

Subd. 6. **Licensee.** "Licensee" means a person licensed by the Minnesota Department of Labor and Industry for whom an examination is required before licensure.

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

Subd. 8. **Overpayment.** "Overpayment" means any payment of money in excess of a statutory fee.

Subd. 9. **Regulated industries.** "Regulated industries" means residential contracting, residential remodeling, or residential roofing. Each of these is a regulated industry.

Subd. 10. **Sponsor.** "Sponsor" means any person or entity offering or providing approved continuing education.

Sec. 29. **[326B.89] CONTRACTOR RECOVERY FUND.**

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

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

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

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

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

Subd. 2. **Generally.** The contractor recovery fund is created in the state treasury and shall be administered by the commissioner for the purposes described in this section. Any interest or profit accruing from investment of money in the fund shall be credited to the contractor recovery fund.

Subd. 3. **Fund fees.** In addition to any other fees, a person who applies for or renews a license under sections 326.83 to 326.98 shall pay a fee to the fund. The person shall pay, in addition to the appropriate application or renewal fee, the following additional fee that shall be deposited in the fund. The amount of the fee shall be based on the person's gross annual receipts for the person's most recent fiscal year preceding the application or renewal, on the following scale:

<u>Fee</u>	<u>Gross Annual Receipts</u>
<u>\$160</u>	<u>under \$1,000,000</u>
<u>\$210</u>	<u>\$1,000,000 to \$5,000,000</u>
<u>\$260</u>	<u>over \$5,000,000</u>

Subd. 4. **Purpose of fund.** The purpose of this fund is to:

(1) compensate owners or lessees of residential real estate who meet the requirements of this section;

(2) reimburse the department for all legal and administrative expenses, disbursements, and costs, including staffing costs, incurred in administering and defending the fund;

(3) pay for educational or research projects in the field of residential contracting to further the purposes of sections 326B.801 to 326B.825; and

(4) provide information to the public on residential contracting issues.

Subd. 5. **Payment limitations.** Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to an owner or a lessee in an amount greater than \$75,000. Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to owners and lessees in an amount that totals more than \$150,000 per licensee. The commissioner shall not pay compensation from the fund for a final judgment based on a cause of action that arose before the commissioner's receipt of the licensee's fee required by subdivision 3.

Subd. 6. **Verified application.** To be eligible for compensation from the fund, an owner or lessee shall serve on the commissioner a verified application for compensation on a form approved by the commissioner. The application shall verify the following information:

(1) the specific grounds upon which the owner or lessee seeks to recover from the fund;

(2) that the owner or the lessee has obtained a final judgment in a court of competent jurisdiction against a licensee licensed under section 326B.803;

(3) that the final judgment was obtained against the licensee on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a transaction that occurred when the licensee was licensed and performing any of the special skills enumerated under section 326B.802, subdivision 19;

(4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on the owner's residential real estate, on residential real estate leased by the lessee, or on new residential real estate that has never been occupied or that was occupied by the licensee for less than one year prior to purchase by the owner;

(5) that the residential real estate is located in Minnesota;

(6) that the owner or the lessee is not the spouse of the licensee or the personal representative of the licensee;

(7) the amount of the final judgment, any amount paid in satisfaction of the final judgment, and the amount owing on the final judgment as of the date of the verified application; and

(8) that the verified application is being served within two years after the judgment became final.

The owner's and the lessee's actual and direct out-of-pocket loss shall not include attorney fees, interest on the loss, and interest on the final judgment obtained as a result of the loss. An owner or lessee may serve a verified application regardless of whether the final judgment has been discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings on the judgment have either been pursued and concluded or been forgone, including all reviews and appeals. For purposes of this section, owners who are joint tenants or tenants in common are deemed to be a single owner. For purposes of this section, owners and lessees eligible for payment of compensation from the fund shall not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real estate.

Subd. 7. **Commissioner review.** The commissioner shall within 120 days after receipt of the verified application:

(1) enter into an agreement with an owner or a lessee that resolves the verified application for compensation from the fund; or

(2) issue an order to the owner or the lessee accepting, modifying, or denying the verified application for compensation from the fund.

Upon receipt of an order issued under clause (2), the owner or the lessee shall have 30 days to serve upon the commissioner a written request for a hearing. If the owner or the lessee does not serve upon the commissioner a timely written request for hearing, the order issued under clause (2) shall become a final order of the commissioner that may not be reviewed by any court or agency. The commissioner shall order compensation from the fund only if the owner or the lessee has filed a verified application that complies with subdivision 6 and if the commissioner determines based on review of the application that compensation should be paid from the fund. The commissioner shall not be bound by any prior settlement, compromise, or stipulation between the owner or the lessee and the licensee.

Subd. 8. **Administrative hearing.** If an owner or a lessee timely serves a request for hearing under subdivision 7, the commissioner shall request that an administrative law judge be assigned and that a hearing be conducted under the contested case provisions of chapter 14 within 30 days after the service of the request for hearing upon the commissioner. Upon petition of the commissioner, the administrative law judge shall continue the hearing up to 60 days and upon a showing of good cause may continue the hearing for such additional period as the administrative law judge deems appropriate. At the hearing the owner or the lessee shall have the burden of proving by substantial evidence under subdivision 6, clauses (1) to (8). The administrative law judge shall issue findings of fact, conclusions of law, and order. If the administrative law judge finds that compensation should be paid to the owner or the lessee, the administrative law judge shall order the commissioner to make payment from the fund of the amount it finds to be payable pursuant to the provisions of and in accordance with the limitations contained in this section. The order of the administrative law judge shall constitute the final decision of the agency in the contested case. Judicial review of the administrative law judge's findings of fact, conclusions of law, and order shall be in accordance with sections 14.63 to 14.69.

Subd. 9. **Satisfaction of applications for compensation.** The commissioner shall pay compensation from the fund to an owner or a lessee pursuant to the terms of an agreement that has been entered into under subdivision 7, clause (1), or pursuant to a final order that has been issued under subdivision 7, clause (2), or subdivision 8 by December 1 of the fiscal year following the fiscal year during which the agreement was entered into or during which the order became final, subject to the limitations of this section. At the end of each fiscal year the commissioner shall calculate the amount of compensation to be paid from the fund pursuant to agreements that have been entered into under subdivision 7, clause (1), and final orders that have been issued under subdivision 7, clause (2), or subdivision 8. If the calculated amount exceeds the amount available for payment, then the commissioner shall allocate the amount available among the owners and the lessees in the ratio that the amount agreed to or ordered to be paid to each owner or lessee bears to the amount calculated. The commissioner shall mail notice of the allocation to all owners and lessees not less than 45 days following the end of the fiscal year. Any compensation paid by the commissioner in accordance with this subdivision shall be deemed to satisfy and extinguish any right to compensation from the fund based upon the verified application of the owner or lessee.

Subd. 10. **Criminal penalty.** It shall be unlawful for any person or the agent of any person to knowingly file with the commissioner any application, notice, statement, or other document required under the provisions of this section that is false or untrue or contains any material misstatement of fact. Such conduct shall constitute a gross misdemeanor.

**Subd. 11. Right of subrogation.** If the commissioner pays compensation from the fund to an owner or a lessee pursuant to an agreement under subdivision 7, clause (1), or a final order issued under subdivision 7, clause (2), or subdivision 8, then the commissioner shall be subrogated to all of the rights, title, and interest in the owner's or lessee's final judgment in the amount of compensation paid from the fund and the owner or the lessee shall assign to the commissioner all rights, title, and interest in the final judgment in the amount of compensation paid. The commissioner shall deposit in the fund money recovered under this subdivision.

**Subd. 12. Effect of section on commissioner's authority.** Nothing contained in this section shall limit the authority of the commissioner to take disciplinary action against a licensee under the provisions of this chapter. A licensee's repayment in full of obligations to the fund shall not nullify or modify the effect of any other disciplinary proceeding brought under the provisions of this chapter.

**Subd. 13. Limitation.** Nothing may obligate the fund to compensate:

(1) insurers or sureties under subrogation or similar theories; or

(2) owner of residential property for final judgments against a prior owner of the residential property unless the claim is brought and judgment is rendered for breach of the statutory warranty set forth in chapter 327A.

**Subd. 14. Condominiums or townhouses.** For purposes of this section, the owner or the lessee of a condominium or townhouse is considered an owner or a lessee of residential property regardless of the number of residential units per building.

**Subd. 15. Accelerated compensation.** Payments made from the fund to compensate owners and lessees that do not exceed the jurisdiction limits for conciliation court matters as specified in section 491A.01 may be paid on an accelerated basis if all of the following requirements have been satisfied:

(a) The owner or the lessee has served upon the commissioner a verified application for compensation that complies with the requirements set out in subdivision 6 and the commissioner determines based on review of the application that compensation should be paid from the fund. The commissioner shall calculate the actual and direct out-of-pocket loss in the transaction, minus attorney fees, interest on the loss and on the judgment obtained as a result of the loss, and any satisfaction of the judgment, and make payment to the owner or the lessee up to the conciliation court jurisdiction limits within 15 days after the owner or lessee serves the verified application.

(b) The commissioner may pay compensation to owners or lessees that totals not more than \$50,000 per licensee per fiscal year under this accelerated process. The commissioner may prorate the amount of compensation paid to owners or lessees under this subdivision if applications submitted by owners and lessees seek compensation in excess of \$50,000 against a licensee. Any unpaid portion of a verified application that has been prorated under this subdivision shall be satisfied in the manner set forth in subdivision 9.

**Subd. 16. Appropriation.** Money in the fund is appropriated to the commissioner for the purposes of this section.

**Subd. 17. Additional assessment.** If the balance in the fund is at any time less than the commissioner determines is necessary to carry out the purposes of this section, every licensee, when renewing a license, shall pay, in addition to the annual renewal fee and the fee set forth in subdivision 3 an assessment not to exceed \$100. The commissioner shall set the amount of assessment based on a reasonable determination of the amount that is necessary to restore a balance in the fund adequate to carry out the purposes of this section.

**EFFECTIVE DATE.** This section is effective December 1, 2007, except that subdivisions 1 and 3 are effective July 1, 2007.

Sec. 30. **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>325E.58</u>	<u>326B.865</u>
<u>326.83</u>	<u>326B.802</u>
<u>326.84</u>	<u>326B.805</u>
<u>326.841</u>	<u>327B.041</u>
<u>326.842</u>	<u>326B.81</u>
<u>326.86</u>	<u>326B.815</u>
<u>326.87</u>	<u>326B.82</u>
<u>326.88</u>	<u>326B.825</u>
<u>326.89</u>	<u>326B.83</u>
<u>326.90</u>	<u>326B.835</u>
<u>326.91</u>	<u>326B.84</u>
<u>326.92</u>	<u>326B.845</u>
<u>326.921</u>	<u>326B.85</u>
<u>326.93</u>	<u>326B.855</u>
<u>326.94</u>	<u>326B.86</u>
<u>326.95</u>	<u>326B.87</u>
<u>326.951</u>	<u>326B.875</u>
<u>326.96</u>	<u>326B.88</u>
<u>326.97</u>	<u>326B.885</u>

## ARTICLE 9

## BOILERS; PRESSURE VESSELS; BOATS

Section 1. Minnesota Statutes 2006, section 183.38, is amended to read:

**183.38 BOILER INSPECTOR; INSPECTIONS; EXAMINATIONS; LICENSES.**

Subdivision 1. **All boilers inspected.** The ~~Division of Boiler Inspection~~ commissioner shall inspect all boilers and pressure vessels in use not expressly excepted from such inspection by law. ~~Immediately~~ Upon inspection the ~~Division of Boiler Inspection~~ commissioner shall issue a certificate of inspection therefor or a certificate condemning the boiler or pressure vessel and shall seal it. Forms for these licenses and certificates shall be prepared and furnished by the commissioner. The ~~Division of Boiler Inspection~~ commissioner shall examine all applicants for engineer's licenses. The ~~chief of the Division of Boiler Inspection~~ commissioner shall issue such license to an applicant as the examination shall show the applicant is entitled to receive.

Subd. 2. **Inspector's examination.** For the purpose of examining applicants for ~~license~~ a National Board of Boiler and Pressure Vessel Inspectors commission, the ~~chief of the Division of Boiler Inspection or the deputy chief commissioner~~ shall fix and determine a time and place for the examinations, and give notice to all applicants of the time and place. The ~~chief or the deputy chief commissioner~~ shall grant and sign such license certificates as applicants are entitled to receive upon examination. Applicants may be examined and issued certificates of competency as inspectors of boilers and pressure vessels.



Sec. 2. Minnesota Statutes 2006, section 183.39, subdivision 1, is amended to read:

Subdivision 1. **Inspector requirements.** Each boiler inspector shall be ~~a person of good moral character, shall be~~ licensed in this state as a chief grade A engineer, and must hold a national board commission as a boiler inspector within 12 months of being employed as a boiler inspector by the department. An inspector shall not be interested in the manufacture or sale of boilers or steam machinery or in any patented article required or generally used in the construction of engines or boilers or their appurtenances.

Sec. 3. Minnesota Statutes 2006, section 183.411, subdivision 2, is amended to read:

Subd. 2. **Inspection.** When used for display and demonstration purposes, steam farm traction engines, portable and stationary show engines and portable and stationary show boilers shall be inspected every two years according to law.

(a) Show boilers or engines not certified in Minnesota shall be inspected thoroughly by a boiler inspector certified to inspect boilers in Minnesota, using inspection standards in paragraph (b), before being certified for use in Minnesota.

(b) Standards for inspection of show boilers shall be those established by the National Board Inspection Code ANSI/NB23 and by the rules adopted by the department of ~~Labor and Industry, Division of Boiler Inspection,~~ and as follows:

(1) the boiler shall be subjected to the appropriate method of nondestructive examination, at the owner's expense, as deemed necessary by the boiler inspector to determine soundness and safety of the boiler;

(2) the boiler shall be tested by ultrasonic examination for metal thickness (for purposes of calculating the maximum allowable working pressure the thinnest reading shall be used and a safety factor of six shall be used in calculating maximum allowable working pressure on all non-ASME-code hobby and show boilers); and

(3) repairs and alterations made to show boilers must be made pursuant to section 183.466.

(c) Further each such object shall successfully complete an inspection of:

(1) the fusible plug;

(2) the safety valve, which must be of ~~American Society of Mechanical Engineers'~~ ASME approved design and set at the maximum allowable working pressure and sealed in an appropriate manner not allowing tampering with the valve setting without destroying the seal; and

(3) the boiler power piping.

Any longitudinal cracks found in riveted longitudinal seams requires that the vessel be sealed and not approved for use in Minnesota. If the boiler or show engine is jacketed, the jacket must be removed prior to inspection.

Sec. 4. Minnesota Statutes 2006, section 183.42, is amended to read:

#### **183.42 INSPECTION AND REGISTRATION.**

Subdivision 1. **Inspection.** Every owner, lessee, or other person having charge of boilers or pressure vessels subject to inspection under this chapter shall cause them to be inspected by the ~~Division of Boiler Inspection~~ department. Except as provided in sections 183.411 and 183.45, boilers subject to inspection under this chapter

must be inspected at least annually and pressure vessels inspected at least every two years ~~except as provided under section 183.45~~. The commissioner shall assess a \$250 penalty per applicable boiler or pressure vessel for failure to have the inspection required by this section and may seal the boiler or pressure vessel for refusal to allow an inspection as required by this section.

Subd. 2. **Registration.** Every owner, lessee, or other person having charge of boilers or pressure vessels subject to inspection under this chapter, except hobby boilers under section 183.411, shall register said objects with the ~~Division of Boiler Inspection department~~. The registration shall be renewed annually and is applicable to each object separately. The fee for registration of a boiler or pressure vessel shall be pursuant to section 183.545, subdivision 10. The ~~Division of Boiler Inspection department~~ may issue a billing statement for each boiler and pressure vessel on record with the division, and may determine a monthly schedule of billings to be followed for owners, lessees, or other persons having charge of a boiler or pressure vessel subject to inspection under this chapter.

Subd. 3. **Certificate of registration.** The ~~Division of Boiler Inspection department~~ shall issue a certificate of registration that lists the registered boilers and pressure vessels at the location, expiration date of the certificate of registration, last inspection date of each registered boiler and pressure vessel, and maximum allowable working pressure for each registered boiler and pressure vessel. The commissioner may make an electronic certificate of registration available to be printed by the owner, lessee, or other person having charge of the registered boiler or pressure vessel.

Sec. 5. Minnesota Statutes 2006, section 183.45, is amended to read:

#### **183.45 INSPECTION.**

Subdivision 1. **Inspection requirements.** All boilers and steam generators must be inspected by the ~~Division of Boiler Inspection department~~ before they are used and all boilers must be inspected at least once each year thereafter except as provided under subdivision 2 or section 183.411. Inspectors may subject all boilers to hydrostatic pressure or hammer test, and shall ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby; and that such boilers and their connections may be safely used without danger to life or property. Inspectors shall ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valves are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure; and that the fusible metals are properly inserted where required so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure.

Subd. 2. **Qualifying boiler.** (a) "Qualifying boiler" means a boiler of 200,000 pounds per hour or more capacity which has an internal continuous water treatment program approved by the department and which the ~~chief boiler inspector~~ commissioner has determined to be in compliance with paragraph (c).

(b) A qualifying boiler must be inspected at least once every 24 months internally and externally while not under pressure and at least once every 18 months externally while under pressure. If the inspector considers it necessary to conduct a hydrostatic test to determine the safety of a boiler, the test must be conducted under the direction of the owner, contractor, or user of the equipment under the supervision of an inspector.

(c) The owner of a qualifying boiler must keep accurate records showing the date and actual time the boiler is out of service, the reason or reasons therefor, and the chemical physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 48 hours of operation which adequately show the condition of the water, and any elements or characteristics of the water capable of producing corrosion or other deterioration of the boiler or its parts.

(d) If an inspector determines there are substantial deficiencies in equipment or in boiler water treatment operating procedures, inspections of a qualifying boiler may be required once every 12 months until the ~~chief boiler inspector~~ commissioner finds that the substantial deficiencies have been corrected.

Sec. 6. Minnesota Statutes 2006, section 183.46, is amended to read:

#### **183.46 TESTS.**

In subjecting both high and low pressure boilers and pressure vessels to the hydrostatic test, and to determine the safe allowable working pressure, the inspector shall use the latest approved formula of the ~~American Society of Mechanical Engineers~~ ASME Code or National Board Inspection Code, as applicable.

Sec. 7. Minnesota Statutes 2006, section 183.465, is amended to read:

#### **183.465 STANDARDS OF INSPECTION.**

The engineering standards of boilers and pressure vessels for use in this state shall be that established by the current edition of ~~the~~ and amendments to the ASME Code or the National Board Inspection Code, as applicable, for construction, operation and care of, in-service inspection and testing, and controls and safety devices—codes of the American Society of Mechanical Engineers and amendments thereto, and by the rules of the Division of Boiler Inspection adopted by the department of ~~Labor and Industry.~~

Sec. 8. Minnesota Statutes 2006, section 183.466, is amended to read:

#### **183.466 STANDARDS OF REPAIRS.**

The rules for repair of boilers and pressure vessels for use in this state shall be those established by the National Board of Boiler and Pressure Vessel Inspectors inspection code and the rules ~~of the Division of Boiler Inspection~~ adopted by the department of ~~Labor and Industry.~~

Sec. 9. Minnesota Statutes 2006, section 183.48, is amended to read:

#### **183.48 SPECIAL EXAMINATION.**

~~At any time the inspector deems it necessary an examination shall be made of any~~ If an inspector examines a boiler or pressure vessel which there is reason to believe has become unsafe and determines that the boiler or pressure vessel is unsafe, and the inspector shall notify the owners or operators thereof owner or operator of any defect therein, and what repairs are necessary in that boiler or pressure vessel. Such boiler or pressure vessel shall not thereafter be used until ~~so repaired~~ the defect is corrected. Boilers found to be operated by unlicensed or improperly licensed persons shall not be used until the operators are properly licensed. If circumstances warrant continued operation, approval may be given for continuing operation for a specific period of time, not to exceed 30 days, at the discretion of the boiler inspector.

Sec. 10. Minnesota Statutes 2006, section 183.501, is amended to read:

**183.501 LICENSE REQUIREMENT.**

(a) No ~~person~~ individual shall be entrusted with the operation of or operate any boiler, steam engine, or turbine who has not received a license of grade covering that boiler, steam engine or turbine. The license shall be renewed annually, except as provided in section 183.411. ~~When a violation of this section occurs the Division of Boiler Inspection may cause a complaint to be made for the prosecution of the offender and shall be entitled to sue for and obtain injunctive relief in the district courts for such violations.~~

(b) For purposes of this chapter, "operation" shall not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote electronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.

(c) No individual under the influence of illegal drugs or alcohol shall be entrusted with the operation of or shall operate any boiler, steam engine, or turbine, or shall be entrusted with the monitoring of or shall monitor an automatic boiler.

Sec. 11. Minnesota Statutes 2006, section 183.505, is amended to read:

**183.505 APPLICATIONS FOR LICENSES.**

The ~~chief boiler inspector~~ commissioner shall prepare blank applications on which applications for ~~engineers'~~ licenses shall be made ~~under oath of the applicant.~~ These blanks shall ~~be so formulated as to elicit such information as is desirable needed to enable the examiners to pass on~~ determine whether an applicant meets the qualifications of applicants required for the license.

Sec. 12. Minnesota Statutes 2006, section 183.51, is amended to read:

**183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.**

Subdivision 1. **Engineers, classes.** Engineers shall be divided into four classes:

(1) Chief engineers; Grade A, Grade B, and Grade C. (2) first class engineers; Grade A, Grade B, and Grade C. (3) second class engineers; Grade A, Grade B, and Grade C. (4) Special engineers.

Subd. 2. **Applications.** Any ~~person~~ individual who desires an engineer's license shall submit ~~a written an~~ application, ~~on blanks furnished by the commissioner or designee on a written or electronic form prescribed by the commissioner,~~ at least 15 days before the requested exam date. The application ~~is valid for permits the applicant to take the examination on one occasion within~~ one year from the date the commissioner or designee received receives the application.

Subd. 2a. **Examinations.** Each applicant for a license must pass an examination ~~approved~~ developed and administered by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to operate a boiler of the applicable license class and grade.

Subd. 3. **High and low pressure boilers.** For the purposes of this section and section 183.50, high pressure boilers shall mean boilers operating at a steam or other vapor pressure in excess of 15 p.s.i.g., or a water or other liquid boiler in which the pressure exceeds 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Low pressure boilers shall mean boilers operating at a steam or other vapor pressure of 15 p.s.i.g. or less, or a water or other liquid boiler in which the pressure does not exceed 160 p.s.i.g. or a temperature of 250 degrees Fahrenheit.

Subd. 4. **Chief engineer, Grade A.** ~~A person~~ An individual seeking licensure as a chief engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, steam engines, and turbines and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating such boilers, including at least two years experience in operating such engines or turbines.

Subd. 5. **Chief engineer, Grade B.** ~~A person~~ An individual seeking licensure as a chief engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances; and, before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years actual experience in operating those boilers.

Subd. 6. **Chief engineer, Grade C.** ~~A person~~ An individual seeking licensure as a chief engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances, and before receiving a license, the applicant shall take and subscribe an oath attesting to at least five years of actual experience in operating such boilers.

Subd. 7. **First-class engineer, Grade A.** ~~A person~~ An individual seeking licensure as a first-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than 300 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers, including at least two years experience in operating such engines or turbines.

Subd. 8. **First-class engineer, Grade B.** ~~A person~~ An individual seeking licensure as a first-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than 300 horsepower or to operate as a shift engineer in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers.

Subd. 9. **First-class engineer, Grade C.** ~~A person~~ An individual seeking licensure as a first-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than 300 horsepower or to operate as a shift engineer in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least three years actual experience in operating such boilers.

Subd. 10. **Second-class engineer, Grade A.** ~~A person~~ An individual seeking licensure as a second-class engineer, Grade A, shall be at least 18 years of age and have experience which verifies that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers, engines, and turbines and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than 300 horsepower, or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers, including at least one year of experience in operating such engines or turbines.

Subd. 11. **Second-class engineer, Grade B.** ~~A person~~ An individual seeking licensure as a second-class engineer, Grade B, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers of not more than 100 horsepower or to operate as a shift engineer in a plant of not more than 300 horsepower or to assist the shift engineer, under direct supervision, in a plant of unlimited horsepower. Before receiving a license the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers.

Subd. 12. **Second-class engineer, Grade C.** ~~A person~~ An individual seeking licensure as a second-class engineer, Grade C, shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of low pressure boilers and their appurtenances of not more than 100 horsepower or to operate as a shift engineer in a low pressure plant of not more than 300 horsepower, or to assist the shift engineer, under direct supervision, in a low pressure plant of unlimited horsepower. Before receiving a license, the applicant shall take and subscribe an oath attesting to at least one year of actual experience in operating such boilers.

Subd. 13. **Special engineer.** ~~A person~~ An individual seeking licensure as a special engineer shall be at least 18 years of age and have habits and experience which justify the belief that the ~~person~~ individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than 30 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer.

Subd. 14. **Current boiler operators.** Any ~~person~~ individual operating a boiler other than a steam boiler on or before April 15, 1982 shall be qualified for application for the applicable class license upon presentation of an affidavit furnished by an inspector and sworn to by the ~~person's~~ individual's employer or a chief engineer. The applicant must have at least the number of years of actual experience specified for the class of license requested and pass the appropriate examination.

Subd. 15. **Rating horsepower.** For the purpose of rating boiler horsepower for engineer license classifications only: ten square feet of heating surface shall be considered equivalent to one boiler horsepower for conventional boilers and five square feet of heating surface equivalent to one boiler horsepower for steam coil type generators.

Sec. 13. Minnesota Statutes 2006, section 183.54, subdivision 1, is amended to read:

Subdivision 1. **Safety Inspection certificate.** After examination and tests, ~~if a boiler inspector finds any boiler or pressure vessel safe and suitable for use, the inspector shall deliver to the chief boiler inspector a verified certificate in such form as prescribed by the chief boiler inspector containing a specification of the tests applied and the working pressure allowed. A copy of the certificate is delivered to the owner of the boiler or pressure vessel, who shall place and retain the same in a conspicuous place on or near the boiler or pressure vessel.~~ of the boiler or pressure vessel being inspected, the boiler inspector shall document the condition of the boiler or pressure vessel as required by the commissioner. The inspector shall issue an inspection certificate, as prescribed by the commissioner, to the owner or operator for the inspected boilers and pressure vessels found to be safe and suitable for use. The inspector shall immediately notify the owner or operator of any deficiencies found on the boilers and pressure vessels during the inspection on a form prescribed by the commissioner.

Sec. 14. Minnesota Statutes 2006, section 183.54, subdivision 3, is amended to read:

Subd. 3. **Failure to pay fee.** If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected, refuses to pay the required fee within 30 days from the date of the ~~inspection~~ invoice, the ~~chief boiler inspector, or deputy,~~ department may seal the boiler or pressure vessel until the fee is paid.

Sec. 15. Minnesota Statutes 2006, section 183.545, subdivision 2, is amended to read:

Subd. 2. **Fee amounts; master's.** The license and application fee for a master's license is ~~\$50~~ \$45, or ~~\$20~~ \$15 if the applicant possesses a valid, unlimited, current United States Coast Guard master's license. The annual renewal of a master's license is ~~\$20~~ \$15. The annual renewal if paid later than 30 days after expiration is ~~\$35~~ \$30. The fee for replacement of a current, valid license is ~~\$20~~ \$15.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 16. Minnesota Statutes 2006, section 183.545, subdivision 4, is amended to read:

Subd. 4. **Boiler engineer license fees.** For the following licenses, the nonrefundable license and application fee is:

- (1) chief engineer's license, ~~\$50~~ \$45;
- (2) first class engineer's license, ~~\$50~~ \$45;
- (3) second class engineer's license, ~~\$50~~ \$45;
- (4) special engineer's license, ~~\$20~~ \$15; and
- (5) traction or hobby boiler engineer's license, ~~\$50~~ \$45.

An engineer's license may be renewed upon application and payment of an annual renewal fee of ~~\$20~~ \$15. The annual renewal, if paid later than 30 days after expiration, is ~~\$35~~ \$30. The fee for replacement of a current, valid license is ~~\$20~~ \$15.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 17. Minnesota Statutes 2006, section 183.545, subdivision 8, is amended to read:

Subd. 8. **Certificate of competency.** The fee for issuance of the original state of Minnesota certificate of competency for inspectors is ~~\$50~~ \$45. This fee is waived for inspectors who paid the examination fee. The fee for an annual renewal of the state of Minnesota certificate of competency is ~~\$35~~ \$30, and is due January 1 of each year. The fee for replacement of a current, valid license is ~~\$35~~ \$30.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 18. Minnesota Statutes 2006, section 183.545, is amended by adding a subdivision to read:

Subd. 11. **Late fee.** The commissioner may assess a late fee of up to \$100 for each invoice issued under subdivision 1, 3, or 3a that is not paid in full by the due date stated on the invoice.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 19. Minnesota Statutes 2006, section 183.56, is amended to read:

#### **183.56 EXCEPTIONS.**

The provisions of sections 183.38 to 183.62, shall not apply to:

(1) boilers in buildings occupied solely for residence purposes with accommodations for not more than five families;

(2) railroad locomotives operated by railroad companies for transportation purposes;

(3) air tanks installed on the right-of-way of railroads and used directly in the operation of trains;

(4) boilers and pressure vessels under the direct jurisdiction of the United States;

(5) unfired pressure vessels having an internal or external working pressure not exceeding 15 p.s.i.g. with no limit on size;

(6) pressure vessels used for storage of compressed air not exceeding five cubic feet in volume and equipped with an ~~American Society of Mechanical Engineers~~ ASME code stamped safety valve set at a maximum of 100 p.s.i.g.;

(7) pressure vessels having an inside diameter not exceeding six inches;

(8) every vessel that contains water under pressure, including those containing air that serves only as a cushion, whose design pressure does not exceed 300 p.s.i.g. and whose design temperature does not exceed 210 degrees Fahrenheit;

(9) boiler or pressure vessels located on farms used solely for agricultural or horticultural purposes; for purposes of this section, boilers used for mint oil extraction are considered used for agricultural or horticultural purposes, provided that the owner or lessee complies with the inspection requirements contained in section 183.42;

(10) tanks or cylinders used for storage or transfer of liquefied petroleum gases;

(11) unfired pressure vessels in petroleum refineries;

(12) an air tank or pressure vessel which is an integral part of a passenger motor bus, truck, or trailer;

(13) hot water heating and other hot liquid boilers not exceeding a heat input of 750,000 BTU per hour;

(14) hot water supply boilers (water heaters) not exceeding a heat input of 500,000 BTU per hour, a water temperature of 210 degrees Fahrenheit, a nominal water capacity of 120 gallons, or a pressure of 160 p.s.i.g.;

(15) a laundry and dry cleaning press not exceeding five cubic feet of steam volume;

(16) pressure vessels operated full of water or other liquid not materially more hazardous than water, if the vessel's contents' temperature does not exceed 140 degrees Fahrenheit or a pressure of 200 p.s.i.g.;

(17) steam powered turbines at paper-making facilities which are powered by steam generated by municipal steam district facilities at a remote location; and

(18) manually fired boilers for model locomotive, boat, tractor, stationary engine, or antique motor vehicles constructed or maintained only as a hobby for exhibition, educational or historical purposes and not for commercial use, if the boilers have an inside diameter of 12 inches or less, or a grate area of two square feet or less, and are equipped with an ~~American Society of Mechanical Engineers~~ ASME stamped safety valve of adequate size, a water level indicator, and a pressure gauge.



An engineer's license is not required for hot water supply boilers.

An engineer's license is not required for boilers, steam cookers, steam kettles, steam sterilizers or other steam generators not exceeding 100,000 BTU per hour input, 25 kilowatt, 2-1/2 horsepower ~~or~~ and a pressure of 15 p.s.i.g.

Electric boilers not exceeding a maximum working pressure of 50 p.s.i.g., maximum of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and shall not require an engineer license to operate.

Sec. 20. Minnesota Statutes 2006, section 183.57, subdivision 1, is amended to read:

Subdivision 1. **Report required.** Any insurance company insuring boilers and pressure vessels in this state shall file a report showing the most recent date of inspection, the name of the ~~person~~ individual making the inspection, the condition of the boiler or pressure vessel as disclosed by the inspection, whether the boiler was operated by a properly licensed engineer, whether a policy of insurance has been issued by the company with reference to the boiler or pressure vessel, and other information as directed by the ~~chief boiler inspector or commissioner~~. Within 21 days after the inspection, the insurance company shall file the report with the ~~chief boiler inspector or designee~~ and the commissioner. The insurer shall provide a copy of the report to the person, ~~firm, or corporation~~ owning or operating the inspected boiler or pressure vessel. Such report shall be made annually for boilers and biennially for pressure vessels.

Sec. 21. Minnesota Statutes 2006, section 183.57, subdivision 2, is amended to read:

Subd. 2. **Exemption.** Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, is exempt from inspection by the department made under sections 183.375 to 183.62, while the same continues to be insured and provided it continues to be inspected in accordance with the inspection schedule set forth in sections 183.42 and 183.45, and the person, ~~firm, or corporation~~ owning or operating the same has an unexpired certificate of registration.

Sec. 22. Minnesota Statutes 2006, section 183.57, subdivision 5, is amended to read:

Subd. 5. **Notice of insurance coverage.** The insurer shall notify the commissioner ~~or designee~~ in writing of its policy to insure and inspect boilers and pressure vessels at a location within 30 days of receipt of notification from the insured that a boiler or pressure vessel is present at an insured location. The insurer must also provide a duplicate of the notification to the insured.

Sec. 23. Minnesota Statutes 2006, section 183.57, subdivision 6, is amended to read:

Subd. 6. **Notice of discontinued coverage.** The insurer shall notify the commissioner ~~or designee~~ in writing, within 30 days of the effective date, of the discontinuation of insurance coverage of the boilers and pressure vessels at a location and the cause or reason for the discontinuation if the insurer has received notice from the insured that a boiler or pressure vessel is present at an insured location, as provided under subdivision 5. This notice shall show the effective date when the discontinued policy takes effect.

Sec. 24. Minnesota Statutes 2006, section 183.59, is amended to read:

#### **183.59 VIOLATIONS BY INSPECTORS.**

Every inspector who willfully certifies falsely regarding any boiler or its attachments, or pressure vessel, or the hull and equipments of any steam vessel, or who grants a license to any ~~person~~ individual to act as engineer, ~~or master, or pilot~~ contrary to any provision of sections 183.375 to 183.62, is guilty of a misdemeanor. In addition to this punishment the inspector shall be removed from office forthwith.

Sec. 25. Minnesota Statutes 2006, section 183.60, is amended to read:

**183.60 VIOLATIONS IN CONSTRUCTION; REPAIR; SALE.**

Subdivision 1. **Construction violation.** ~~Every~~ No person ~~who constructs shall construct~~ a boiler, boiler piping, or pressure vessel so as not to meet the minimum construction requirements of the ~~American Society of Mechanical Engineers ASME~~ boiler and pressure vessel code, and the rules of the ~~Division of Boiler Inspection~~ adopted by the department of Labor and Industry ~~is guilty of a gross misdemeanor.~~

Subd. 2. **Repair violation.** ~~Every~~ No person ~~who repairs~~ a boiler or pressure vessel by welding or riveting so as not to meet the minimum requirements established by the current edition of the National Board of Boiler and Pressure Vessel Inspectors inspection code and the rules of the ~~Division of Boiler Inspection~~ adopted by the department of Labor and Industry ~~is guilty of a gross misdemeanor.~~

Subd. 3. **Sale violation.** ~~Every~~ No manufacturer, jobber, dealer, or ~~other person selling or offering~~ shall sell or offer for sale a boiler or pressure vessel that does not meet the minimum construction requirements of the ~~American Society of Mechanical Engineers ASME~~ boiler and pressure vessel code and the rules of the ~~Division of Boiler Inspection~~ adopted by the department of Labor and Industry ~~is guilty of a gross misdemeanor.~~

Sec. 26. Minnesota Statutes 2006, section 183.61, subdivision 2, is amended to read:

Subd. 2. **Inspection violation.** ~~Any~~ No person ~~who causes shall cause~~ to be operated; or ~~operates shall operate~~; any boiler or boat without having the same inspected at least once each year, or pressure vessel, steam farm traction engine, portable or stationary show engine, or portable or stationary show boiler without having it inspected biennially, ~~and or~~ without having the proper engineer or pilot master license ~~is guilty of a misdemeanor.~~

Sec. 27. Minnesota Statutes 2006, section 183.61, subdivision 4, is amended to read:

Subd. 4. **Failure to repair.** ~~Every person operating or causing to be operated~~ After any boiler or pressure vessel ~~after it~~ has been examined and found to be unsafe and after the owner or operator ~~thereof~~ of the boiler or pressure vessel has been notified of any defect ~~therein and what repairs are necessary to remedy the defect~~ who fails to comply with the inspector's requirements is guilty of a misdemeanor in it, no person shall operate the boiler or pressure vessel or cause it to be operated unless and until the defect has been corrected.

Sec. 28. **[326B.93] INSPECTION PERSONNEL.**

Subdivision 1. **Inspectors.** The department may employ such inspectors and other persons as are necessary to efficiently perform the duties and exercise the powers imposed upon the department.

Subd. 2. **Chief boiler inspector.** The commissioner shall appoint a chief boiler inspector who, under the direction and supervision of the commissioner, shall administer this chapter and the rules adopted under this chapter. The chief boiler inspector must:

(1) be licensed as a chief Grade A engineer; and

(2) possess a current commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

The chief boiler inspector shall be the state of Minnesota representative on the National Board of Boiler and Pressure Vessel Inspectors, shall be the final interpretative authority of the rules adopted under this chapter, and shall perform other duties in administering this chapter and the rules adopted under this chapter as assigned by the commissioner. Any adverse ruling by the commissioner must be presented to an administrative law judge.

Sec. 29. **[326B.94] BOATS; MASTERS.**

Subdivision 1. **Boat.** "Boat" means any vessel navigating inland waters of the state that is propelled by machinery or sails, is carrying passengers for hire, and is 21 feet or more in length.

Subd. 2. **Number of passengers.** The department shall designate the number of passengers that each boat may safely carry, and no such boat shall carry a greater number than is allowed by the inspector's certificate.

Subd. 3. **Annual permit.** The commissioner shall issue an annual permit to a boat for the purpose of carrying passengers for hire on the inland waters of the state provided the boat satisfies the inspection requirements of this section. A boat subject to inspection under this chapter shall be registered with the department and shall be inspected before a permit may be issued. No person shall operate a boat or cause a boat to be operated for the purpose of carrying passengers for hire on the inland waters of the state without a valid annual permit issued under this section.

Subd. 4. **Examinations, licensing.** The commissioner shall develop and administer an examination for all masters of boats carrying passengers for hire on the inland waters of the state as to their qualifications and fitness. If found qualified and competent to perform their duties as a master of a boat carrying passengers for hire, they shall be issued a license authorizing them to act as such on the inland waters of the state. The license shall be renewed annually. Fees for the original issue and renewal of the license authorized under this section shall be pursuant to section 183.545, subdivision 2.

Subd. 4a. **Reciprocity with other states.** The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.

Subd. 5. **Rules.** (a) The department shall prescribe rules for the inspection of the hulls, machinery, boilers, steam connections, firefighting apparatus, lifesaving appliances, and lifesaving equipment of all power boats navigating the inland waters of the state, which shall conform to the requirements and specifications of the United States Coast Guard in similar cases as provided in Code of Federal Regulations, title 46, as applicable inland waters; these rules shall have the force of law.

(b) The commissioner shall make such rules for inspection and operation of boats subject to inspection under this chapter, the licensing of masters, and the navigation of any such boat as will require its operation without danger to life or property.

Subd. 6. **Drugs, alcohol.** No master shall be under the influence of illegal drugs or alcohol when on duty.

Sec. 30. **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>183.38</u>	<u>326B.952</u>
<u>183.39</u>	<u>326B.954</u>
<u>183.411</u>	<u>326B.956</u>
<u>183.42</u>	<u>326B.958</u>

<u>183.45</u>	<u>326B.96</u>
<u>183.46</u>	<u>326B.962</u>
<u>183.465</u>	<u>326B.964</u>
<u>183.466</u>	<u>326B.966</u>
<u>183.48</u>	<u>326B.968</u>
<u>183.50</u>	<u>326B.97</u>
<u>183.501</u>	<u>326B.972</u>
<u>183.502</u>	<u>326B.974</u>
<u>183.505</u>	<u>326B.976</u>
<u>183.51</u>	<u>326B.978</u>
<u>183.53</u>	<u>326B.98</u>
<u>183.54</u>	<u>326B.982</u>
<u>183.545</u>	<u>326B.986</u>
<u>183.56</u>	<u>326B.988</u>
<u>183.57</u>	<u>326B.99</u>
<u>183.59</u>	<u>326B.992</u>
<u>183.60</u>	<u>326B.994</u>
<u>183.61</u>	<u>326B.996</u>
<u>183.62</u>	<u>326B.998</u>

## ARTICLE 10

### HIGH PRESSURE PIPING

Section 1. Minnesota Statutes 2006, section 326.46, is amended to read:

**326.46 SUPERVISION OF DEPARTMENT TO SUPERVISE HIGH PRESSURE PIPING.**

The department of Labor and Industry shall supervise all high pressure piping used on all projects in this state, and may prescribe minimum standards which shall be uniform.

The department shall employ inspectors and other assistants to carry out the provisions of sections 326.46 to 326.52.

Sec. 2. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 1a. **Contracting high pressure pipefitter.** "Contracting high pressure pipefitter" means an individual, such as a steamfitter, engaged in the planning, superintending, and practical installation of high pressure piping and appurtenances, and otherwise lawfully qualified to construct high pressure piping installations and make replacements to existing plants, who is also qualified to conduct the business of high pressure piping installations and who is familiar with the laws, rules, and minimum standards governing them.

Sec. 3. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 2a. **High pressure steam.** "High pressure steam" means a pressure in excess of 15 pounds per square inch.

Sec. 4. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 2b. **Journeyman high pressure pipefitter.** "Journeyman high pressure pipefitter" means an individual, such as a steamfitter, who is not a contracting high pressure pipefitter and who is engaged in the practical installation of high pressure piping and appurtenances in the employ of a contracting high pressure pipefitter.

Sec. 5. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 4. **Pipefitter apprentice.** A "pipefitter apprentice" is an individual, other than a contracting pipefitter, journeyman pipefitter, or pipefitter apprentice, who as a principal occupation is in the employ of a high pressure piping business license holder and is engaged in pipefitter work to learn and assist in the practical construction and installation of high pressure piping and appurtenances. For purposes of this subdivision, a "pipefitter apprentice" is an individual employed in the trade of the practical construction and installation of high pressure piping and appurtenances under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0300.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 326.47, is amended to read:

#### **326.47 APPLICATION, PERMIT, FILING, AND INSPECTION FEES.**

Subdivision 1. **Required permit.** No person, ~~firm, or corporation~~ shall construct or install high pressure piping systems without first filing an application for a permit with the department of Labor and Industry or a municipality that has complied with subdivision 2. ~~Projects under construction prior to August 1, 1984, are not required to obtain a permit.~~

Subd. 2. **Permissive municipal regulation.** ~~A municipality may, by ordinance, provide for the inspection of high pressure piping system materials and construction, and provide that it shall not be constructed or installed except in accordance with minimum state standards. The authority designated by the ordinance for issuing high pressure piping permits and assuring compliance with state standards must report to the Department of Labor and Industry all violations of state high pressure piping standards.~~

~~A municipality may not adopt an ordinance with high pressure piping standards that does not conform to the uniform standards prescribed by the Department of Labor and Industry. The Department of Labor and Industry shall specify by rule the minimum qualifications for municipal inspectors. The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform inspections and issue permits for the construction and installation of high pressure piping systems within the municipality's geographical area of jurisdiction, if:~~

(a) The municipality has adopted:

(1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to 5230.6200;

(2) an ordinance that authorizes the municipality to issue permits to persons holding a high pressure piping business license issued by the department and only for construction or installation that would, if performed properly, fully comply with all Minnesota Statutes and Minnesota Rules;

(3) an ordinance that authorizes the municipality to perform the inspections that are required under Minnesota Statutes or Minnesota Rules of the construction and installation of high pressure piping systems; and

(4) an ordinance that authorizes the municipality to enforce the code for power piping systems in its entirety.

(b) The municipality agrees to issue permits only to persons holding a high pressure piping business license as required by law at the time of the permit issuance, and only for construction or installation that would, if performed properly, comply with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems.

(c) The municipality agrees to issue permits only on forms approved by the department.

(d) The municipality agrees that, for each permit issued by the municipality, the municipality shall perform one or more inspections of the construction or installation to determine whether the construction or installation complies with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems, and shall prepare a written report of each inspection.

(e) The municipality agrees to notify the commissioner within 24 hours after the municipality discovers any violation of the licensing laws related to high pressure piping.

(f) The municipality agrees to notify the commissioner immediately if the municipality discovers that any entity has failed to meet a deadline set by the municipality for correction of a violation of the high pressure piping laws.

(g) The commissioner determines that the individuals who will conduct the inspections for the municipality do not have any conflict of interest in conducting the inspections.

(h) Individuals who will conduct the inspections for the municipality are permanent employees of the municipality and are licensed contracting high pressure pipefitters or licensed journeyman high pressure pipefitters.

(i) The municipality agrees to notify the commissioner within ten days of any changes in the names or qualifications of the individuals who conduct the inspections for the municipality.

(j) The municipality agrees to enforce in its entirety the code for power piping systems on all projects.

(k) The municipality shall not approve any piping installation unless the installation conforms to all applicable provisions of the high pressure piping laws in effect at the time of the installation.

(l) The municipality agrees to promptly require compliance or revoke a permit that it has issued if there is noncompliance with any of the applicable provisions of the high pressure piping laws in connection with the work covered by the permit. The municipality agrees to revoke the permit if any laws regulating the licensing of pipefitters have been violated.

(m) The municipality agrees to keep official records of all documents received, including permit applications, and of all permits issued, reports of inspections, and notices issued in connection with inspections.

(n) The municipality agrees to maintain the records described in paragraph (m) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review according to section 13.37.

(o) Not later than the tenth day of each month, the municipality shall submit to the commissioner a report of all high pressure piping permits issued by the municipality during the preceding month. This report shall be in a format approved by the commissioner and shall include:

(1) the name of the contractor;

(2) the license number of the contractor's license issued by the commissioner;

(3) the permit number;

(4) the address of the job;

(5) the date the permit was issued;

(6) a brief description of the work; and

(7) the amount of the inspection fee.

(p) Not later than the 31st day of January of each year, the municipality shall submit a summary report to the commissioner identifying the status of each high pressure piping project for which the municipality issued a permit during the preceding year, and the status of high pressure piping projects for which the municipality issued a permit during a prior year where no final inspection had occurred by the first day of the preceding year. This summary report shall include:

(1) the permit number;

(2) the date of any final inspection; and

(3) identification of any violation of high pressure piping laws related to work covered by the permit.

(q) The municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the code for high pressure piping systems or any of the ordinances described in paragraph (a), or if the commissioner determines that the municipality is not properly administering and enforcing the code for high pressure piping or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement and have the administration and enforcement of the high pressure piping code in the involved municipality undertaken by the department;

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

(3) while any challenge under clause (2) is pending, the commissioner may exercise oversight of the municipality to the extent needed to ensure that high pressure piping inspections are performed and permits are issued in accordance with the high pressure piping laws.

(r) The municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner.

(s) The municipality and the commissioner agree that no municipality shall revoke, suspend, or place restrictions on any high pressure piping license issued by the commissioner. If the municipality identifies during an inspection any violation that may warrant revocation, suspension, or placement of restrictions on a high pressure piping license issued by the commissioner, the municipality shall promptly notify the commissioner of the violation and the commissioner shall determine whether revocation, suspension, or placement of restrictions on any high pressure piping license issued by the commissioner is appropriate.

~~Subd. 5. **Reporting of permits issued.** Each municipality must submit to the Department of Labor and Industry a copy of each permit issued within ten days after issuance.~~

~~All permits must be issued on forms prescribed by or approved by the Department of Labor and Industry.~~

Subd. 6. **Filing and inspection fees.** ~~(a) The department of Labor and Industry must charge a filing fee set by the commissioner under section 16A.1285 and an inspection fee for all applications for permits to construct or install high pressure piping systems. The filing fee for inspection of high pressure piping system construction or installation shall be set by the commissioner under section 16A.1285 \$100. This subdivision does~~ The inspection fee shall be calculated as follows.

(1) When an application for a permit is filed prior to the start of construction or installation, the inspection fee shall be \$150 plus 0.022 of the first \$1,000,000, plus 0.011 of the next \$2,000,000, plus 0.00055 of the amount over \$3,000,000 of the cost of construction or installation.

(2) Except as provided in paragraph (b), when an application for permit is filed after the start of construction or installation, the inspection fee shall be the greater of: \$1,100; or \$150 plus 0.033 of the first \$1,000,000, plus 0.0165 of the next \$2,000,000, plus 0.011 of the amount over \$3,000,000 of the cost of construction or installation.

(b) The commissioner shall consider any extenuating circumstances that caused an application for permit to be filed after the start of construction or installation. If warranted by such extenuating circumstances, the commissioner may calculate the inspection fee as if the application for permit had been filed prior to the start of construction or installation.

(c) Paragraphs (a) and (b) do not apply where a permit is issued by a municipality ~~complying with~~ according to an agreement under subdivision 2.

**EFFECTIVE DATE.** This section is effective December 1, 2007, except that subdivision 6 is effective July 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 326.48, is amended to read:

### **326.48 LICENSING AND REGISTRATION.**

Subdivision 1. **License required; rules; time credit.** ~~No person individual shall engage in or work at the business of a contracting high pressure pipefitter unless issued an individual contracting high pressure pipefitter license to do so by the department of Labor and Industry. No license shall be required for repairs on existing installations. No person individual shall engage in or work at the business of journeyman pipefitter unless issued an individual journeyman high pressure pipefitter competency license to do so by the department of Labor and Industry. A person possessing an individual contracting high pressure pipefitter competency license may also work as a journeyman high pressure pipefitter.~~

~~No person, partnership, firm, or corporation shall construct or install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, a person an individual possessing a contracting high pressure pipefitter individual competency license or a journeyman high pressure pipefitter individual competency license is responsible for ensuring that the high pressure pipefitting work conducted by the person, partnership, firm, or corporation being is in conformity with Minnesota Statutes and Minnesota Rules.~~



The department of ~~Labor and Industry~~ shall prescribe rules, not inconsistent herewith, for the examination and individual competency licensing of contracting high pressure pipefitters and journeyman high pressure pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the department of ~~Labor and Industry~~ in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person, ~~partnership, firm, or corporation~~ must obtain or utilize a business with a high pressure piping business license.

A person, ~~partnership, firm, or corporation~~ must have at all times as a full-time employee at least one individual holding an individual contracting high pressure pipefitter competency license. Only full-time employees who hold individual contracting high pressure pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The individual contracting high pressure pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person, ~~partnership, firm, or corporation~~ holding a high pressure piping business license that ceases to employ ~~a person~~ an individual holding an individual contracting high pressure pipefitter competency license shall have 60 days from the last day of employment of its previous individual contracting pipefitter competency license holder to employ another license holder. The department of ~~Labor and Industry~~ must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have an individual contracting high pressure pipefitter competency license holder on staff. If a license holder is not employed within 60 days after the last day of employment of the previous license holder, the pipefitting business license shall lapse.

The department of ~~Labor and Industry~~ shall prescribe by rule procedures for application for and issuance of business licenses and fees.

Subd. 2a. **Registration requirement.** All pipefitter apprentices must be registered under subdivision 2b. No individual may be a registered pipefitter apprentice for more than four years unless the individual has a pending application to be licensed as a journeyman pipefitter. No high pressure piping business shall employ a pipefitter apprentice to help and assist in the construction and installation of high pressure piping unless the pipefitter apprentice is registered.

A registered pipefitter apprentice is authorized to assist in the practical construction and installation of high pressure piping and appurtenances only while under direct supervision of a licensed individual contacting pipefitter. The licensed individual contracting pipefitter is responsible for ensuring that all high pressure piping work performed by the registered pipefitter apprentice complies with Minnesota Statutes and Minnesota Rules.

Subd. 3. **Bond.** ~~The~~ As a condition of licensing, each applicant for a high pressure piping business license or renewal shall give bond to the state in the total ~~penal~~ sum of \$15,000 conditioned upon the faithful and lawful performance of all work ~~entered upon~~ contracted for or performed within the state. The bond shall run to and be for the benefit of persons injured or suffering financial loss by reason of failure of payment or performance. Claims and actions on the bond may be brought according to sections 574.26 to 574.38.

The term of the bond must be concurrent with the term of the high pressure pipefitting business license and run without interruption from the date of the issuance of the license to the end of the calendar year. All high pressure pipefitting business licenses must be annually renewed on a calendar year basis.

The bond must be filed with the department of ~~Labor and Industry~~ and shall be in lieu of any other business license bonds required by any political subdivision for high pressure pipefitting. The bond must be written by a corporate surety licensed to do business in the state.

Subd. 4. **Insurance.** In addition to the bond described in subdivision 3, each applicant for a high pressure pipefitting business license or renewal shall have in force public liability insurance, including products liability insurance, with limits of at least \$100,000 per person and \$300,000 per occurrence and property damage insurance with limits of at least \$50,000.

The insurance must be kept in force for the entire term of the high pressure pipefitting business license, and the license shall be suspended by the department if at any time the insurance is not in force.

The insurance must be written by an insurer licensed to do business in the state and shall be in lieu of any other insurance required by any subdivision of government for high pressure pipefitting. Each person, ~~partnership, firm, or corporation~~ holding a high pressure pipefitting business license shall maintain on file with the department a certificate evidencing the insurance. Any purported cancellation of insurance shall not be effective without the insurer first giving 30 days' written notice to the department.

Subd. 5. **License fee.** ~~The state department of Labor and Industry may shall charge each applicant for a high pressure pipefitting business license or for a renewal of a high pressure pipefitting business license and an additional fee commensurate with the cost of administering the bond and insurance requirements of subdivisions 3 and 4, the following license fees:~~

(a) application for journeyman high pressure piping pipefitter competency license, \$100;

(b) renewal of journeyman high pressure piping pipefitter competency license, \$60;

(c) application for contracting high pressure piping pipefitter competency license, \$250;

(d) renewal of contracting high pressure piping pipefitter competency license, \$220;

(e) application for high pressure piping business license, \$350;

(f) application to inactivate a contracting high pressure piping pipefitter competency license or inactivate a journeyman high pressure piping pipefitter competency license, \$30; and

(g) renewal of an inactive contracting high pressure piping pipefitter competency license or inactive journeyman high pressure piping pipefitter competency license, \$30.

If an application for renewal of an active or inactive journeyman high pressure piping pipefitter competency license or active or inactive contracting high pressure piping competency license is received by the department after the date of expiration of the license, a \$30 late renewal fee shall be added to the license renewal fee.

Payment must accompany the application for a license or renewal of a license. There shall be no refund of fees paid.

**EFFECTIVE DATE.** This section is effective December 1, 2007, except that subdivisions 2a, 2b, and 5 are effective July 1, 2007.

Sec. 8. Minnesota Statutes 2006, section 326.50, is amended to read:

**326.50 LICENSE APPLICATION; FEES AND RENEWAL.**

Application for an individual contracting high pressure pipefitter competency or an individual journeyman high pressure pipefitter competency license shall be made to the department ~~of Labor and Industry~~, with fees. The applicant shall be licensed only after passing an examination developed and administered by the department ~~of Labor and Industry~~. A competency license issued by the department shall expire on December 31 of each year. A renewal application must be received by the department within one year after expiration of the competency license. A license that has been expired for more than one year cannot be renewed, and can only be reissued if the applicant submits a new application for the competency license, pays a new application fee, and retakes and passes the applicable license examination.

Sec. 9. **[326.501] RECIPROCITY WITH OTHER STATES.**

The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.

Sec. 10. **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>326.46</u>	<u>326B.90</u>
<u>326.461</u>	<u>326B.91</u>
<u>326.47</u>	<u>326B.92</u>
<u>326.48</u>	<u>326B.93</u>
<u>326.50</u>	<u>326B.94</u>

ARTICLE 11

CONFORMING CHANGES

Section 1. Minnesota Statutes 2006, section 31.175, is amended to read:

**31.175 WATER, PLUMBING, AND SEWAGE.**

A person who is required by statutes administered by the Department of Agriculture, or by rules adopted pursuant to those statutes, to provide a suitable water supply, or plumbing or sewage disposal system, may not engage in the business of manufacturing, processing, selling, handling, or storing food at wholesale or retail unless the person's water supply is satisfactory under plumbing codes adopted by the Department of ~~Health~~ Labor and Industry and the person's sewage disposal system satisfies the rules of the Pollution Control Agency.

Sec. 2. Minnesota Statutes 2006, section 103I.621, subdivision 3, is amended to read:

Subd. 3. **Construction requirements.** (a) Withdrawal and reinjection for the groundwater thermal exchange device must be accomplished by a closed system in which the waters drawn for thermal exchange do not have contact or commingle with water from other sources or with polluting material or substances. The closed system must be constructed to allow an opening for inspection by the commissioner.

(b) Wells that are part of a groundwater thermal exchange system may not serve another function, except water may be supplied to the domestic water system if:

(1) the supply is taken from the thermal exchange system ahead of the heat exchange unit; and

(2) the domestic water system is protected by an airgap or backflow prevention device as described in rules relating to plumbing enforced by the commissioner of labor and industry.

(c) A groundwater thermal exchange system may be used for domestic water heating only if the water heating device is an integral part of the heat exchange unit that is used for space heating and cooling.

Sec. 3. Minnesota Statutes 2006, section 144.122, is amended to read:

**144.122 LICENSE, PERMIT, AND SURVEY FEES.**

(a) The state commissioner of health, by rule, may prescribe procedures and fees for filing with the commissioner as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations, and certifications issued under authority of the commissioner. The expiration dates of the various licenses, permits, registrations, and certifications as prescribed by the rules shall be plainly marked thereon. Fees may include application and examination fees and a penalty fee for renewal applications submitted after the expiration date of the previously issued permit, license, registration, and certification. The commissioner may also prescribe, by rule, reduced fees for permits, licenses, registrations, and certifications when the application therefor is submitted during the last three months of the permit, license, registration, or certification period. Fees proposed to be prescribed in the rules shall be first approved by the Department of Finance. All fees proposed to be prescribed in rules shall be reasonable. The fees shall be in an amount so that the total fees collected by the commissioner will, where practical, approximate the cost to the commissioner in administering the program. All fees collected shall be deposited in the state treasury and credited to the state government special revenue fund unless otherwise specifically appropriated by law for specific purposes.

(b) The commissioner may charge a fee for voluntary certification of medical laboratories and environmental laboratories, and for environmental and medical laboratory services provided by the department, without complying with paragraph (a) or chapter 14. Fees charged for environment and medical laboratory services provided by the department must be approximately equal to the costs of providing the services.

(c) The commissioner may develop a schedule of fees for diagnostic evaluations conducted at clinics held by the services for children with disabilities program. All receipts generated by the program are annually appropriated to the commissioner for use in the maternal and child health program.

(d) The commissioner shall set license fees for hospitals and nursing homes that are not boarding care homes at the following levels:

Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and American Osteopathic Association (AOA) hospitals	\$7,555 plus \$13 per bed
Non-JCAHO and non-AOA hospitals	\$5,180 plus \$247 per bed
Nursing home	\$183 plus \$91 per bed

The commissioner shall set license fees for outpatient surgical centers, boarding care homes, and supervised living facilities at the following levels:

Outpatient surgical centers	\$3,349
Boarding care homes	\$183 plus \$91 per bed
Supervised living facilities	\$183 plus \$91 per bed.

(e) Unless prohibited by federal law, the commissioner of health shall charge applicants the following fees to cover the cost of any initial certification surveys required to determine a provider's eligibility to participate in the Medicare or Medicaid program:

Prospective payment surveys for hospitals	\$900
Swing bed surveys for nursing homes	\$1,200
Psychiatric hospitals	\$1,400
Rural health facilities	\$1,100
Portable x-ray providers	\$500
Home health agencies	\$1,800
Outpatient therapy agencies	\$800
End stage renal dialysis providers	\$2,100
Independent therapists	\$800
Comprehensive rehabilitation outpatient facilities	\$1,200
Hospice providers	\$1,700
Ambulatory surgical providers	\$1,800
Hospitals	\$4,200
Other provider categories or additional resurveys required to complete initial certification	Actual surveyor costs: average surveyor cost x number of hours for the survey process.

These fees shall be submitted at the time of the application for federal certification and shall not be refunded. All fees collected after the date that the imposition of fees is not prohibited by federal law shall be deposited in the state treasury and credited to the state government special revenue fund.

(f) The commissioner shall charge the following fees for examinations, registrations, licenses, and inspections:

Plumbing examination	\$50
Water conditioning examination	\$50
Plumbing bond registration fee	\$40
Water conditioning bond registration fee	\$40
Master plumber's license	\$120
Journeyman plumber's license	\$55
Apprentice registration	\$25
Water conditioning contractor license	\$70
Water conditioning installer license	\$35
Residential inspection fee (each visit)	\$50

Public, commercial, and industrial inspections	Inspection fee
25 or fewer drainage fixture units	\$300
26 to 50 drainage fixture units	\$900
51 to 150 drainage fixture units	\$1,200
151 to 249 drainage fixture units	\$1,500
250 or more drainage fixture units	\$1,800
Callback fee (each visit)	\$100

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 4. Minnesota Statutes 2006, section 144.99, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9509; 144.992; ~~326.37 to 326.45; 326.57~~ 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 5. Minnesota Statutes 2006, section 175.16, subdivision 1, is amended to read:

Subdivision 1. **Established.** The Department of Labor and Industry shall consist of the following divisions: Division of Workers' Compensation, Division of ~~Boiler Inspection~~ Construction Codes and Licensing, Division of Occupational Safety and Health, Division of Statistics, ~~Division of Steamfitting Standards~~, Division of Labor Standards and Apprenticeship, and such other divisions as the commissioner of the Department of Labor and Industry may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision of the commissioner of the Department of Labor and Industry and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the commissioner. Notwithstanding any other law to the contrary, the commissioner is the administrator and supervisor of all of the department's dispute resolution functions and personnel and may delegate authority to compensation judges and others to make determinations under sections 176.106, 176.238, and 176.239 and to approve settlement of claims under section 176.521.

Sec. 6. Minnesota Statutes 2006, section 326.975, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) In addition to any other fees, each applicant for a license under sections 326.83 to 326.98 shall pay a fee to the contractor's recovery fund. The contractor's recovery fund is created in the state treasury and must be administered by the commissioner in the manner and subject to all the requirements and limitations provided by section 82.43 ~~with the following exceptions:~~

~~(1) each licensee who renews a license shall pay in addition to the appropriate renewal fee an additional fee which shall be credited to the contractor's recovery fund. The amount of the fee shall be based on the licensee's gross annual receipts for the licensee's most recent fiscal year preceding the renewal, on the following scale:~~

Fee	Gross Receipts
\$100	<del>under \$1,000,000</del>
\$150	<del>\$1,000,000 to \$5,000,000</del>
\$200	<del>over \$5,000,000</del>

~~Any person who receives a new license shall pay a fee based on the same scale;~~

~~(2)~~ (1) The purpose of this fund is:

(i) to compensate any aggrieved owner or lessee of residential property located within this state who obtains a final judgment in any court of competent jurisdiction against a licensee licensed under section 326.84, on grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance arising directly out of any transaction when the judgment debtor was licensed and performed any of the activities enumerated under section 326.83, subdivision 19, on the owner's residential property or on residential property rented by the lessee, or on new residential construction which was never occupied prior to purchase by the owner, or which was occupied by the licensee for less than one year prior to purchase by the owner, and which cause of action arose on or after April 1, 1994; and

(ii) to reimburse the Department of Commerce for all legal and administrative expenses, including staffing costs, incurred in administering the fund;

~~(3)~~ (2) nothing may obligate the fund for more than \$50,000 per claimant, nor more than \$75,000 per licensee; and

~~(4)~~ (3) nothing may obligate the fund for claims based on a cause of action that arose before the licensee paid the recovery fund fee set in clause (1), or as provided in section 326.945, subdivision 3.

(b) Should the commissioner pay from the contractor's recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, the license shall be automatically suspended upon the effective date of an order by the court authorizing payment from the fund. No licensee shall be granted reinstatement until the licensee has repaid in full, plus interest at the rate of 12 percent a year, twice the amount paid from the fund on the licensee's account, and has obtained a surety bond issued by an insurer authorized to transact business in this state in the amount of at least \$40,000.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 327.20, subdivision 1, is amended to read:

Subdivision 1. **Rules.** No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area. Each manufactured home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

(2) All manufactured home parks shall be well drained and be located so that the drainage of the park area will not endanger any water supply. No wastewater from manufactured homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each manufactured home park or recreational camping area. The source of the water supply shall first be approved by the state Department of Health.

(5) All plumbing shall be installed in accordance with the rules of the state commissioner of ~~health~~ labor and industry and the provisions of the Minnesota Plumbing Code.

(6) In the case of a manufactured home park with less than ten manufactured homes, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. The park owner shall provide each resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c. Nothing in this paragraph requires the Department of Health to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the Department of Health if the park has made a good faith effort to develop the plan and obtain municipal approval.

(7) A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the Department of Health. The park owner shall provide each resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c.

(8) A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required by section 327.205, except that for manufactured home parks established as temporary, emergency housing in a disaster area declared by the President of the United States or the governor, an approved evacuation plan may be provided in lieu of a shelter for a period not exceeding 18 months.

(9) For the purposes of this subdivision, "park owner" and "resident" have the meaning given them in section 327C.01.

Sec. 8. Minnesota Statutes 2006, section 327.205, is amended to read:

**327.205 SHELTER CONSTRUCTION STANDARDS.**

The commissioner of ~~administration~~ labor and industry shall adopt, by rule, minimum standards for the construction of low cost manufactured home park storm shelters by March 1, 1988. All shelters constructed after March 1, 1988, shall be constructed in accordance with these standards.

Sec. 9. Minnesota Statutes 2006, section 327A.01, subdivision 2, is amended to read:

Subd. 2. **Building standards.** "Building standards" means the materials and installation standards of the State Building Code, adopted by the commissioner of ~~administration~~ labor and industry pursuant to sections 16B.59 to 16B.75, in effect at the time of the construction or remodeling.

Sec. 10. Minnesota Statutes 2006, section 363A.40, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) "Accessible unit" means an accessible rental housing unit that meets the ~~disability facility~~ persons with disabilities requirements of the State Building Code, ~~Minnesota Rules, chapter 1340.~~

(b) "Landlord" has the meaning given it in section 504B.001, subdivision 7.



Sec. 11. Minnesota Statutes 2006, section 462.357, subdivision 6a, is amended to read:

Subd. 6a. **Normal residential surroundings for disabled persons with disabilities.** It is the policy of this state that ~~disabled persons and children~~ with disabilities should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section 245A.02, subdivision 11.

Sec. 12. Minnesota Statutes 2006, section 462A.07, subdivision 8, is amended to read:

Subd. 8. **State Building Code.** It may assist the commissioner of ~~administration~~ labor and industry in the development, implementation and revision of ~~a uniform~~ the State Building Code.

Sec. 13. Minnesota Statutes 2006, section 471.465, is amended to read:

**471.465 PERSONS WITH DISABILITIES; BUILDING REGULATIONS; DEFINITIONS.**

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

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

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

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

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

Sec. 14. Minnesota Statutes 2006, section 471.466, is amended to read:

**471.466 ADMINISTRATION AND ENFORCEMENT.**

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

Sec. 15. Minnesota Statutes 2006, section 471.467, is amended to read:

**471.467 BUILDING REQUIREMENTS; CONFORMITY.**

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

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

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

Sec. 16. Minnesota Statutes 2006, section 471.471, is amended to read:

**471.471 ACCESS REVIEW BOARD.**

Subdivision 1. **Membership.** The Access Review Board consists of:

(1) a representative of the ~~Building Code and Standards Division of the Department of Administration~~ Labor and Industry, appointed by the commissioner of ~~administration labor and industry~~;

(2) a representative of the state fire marshal's office, appointed by the commissioner of public safety;

(3) the commissioner of human rights or the commissioner's designee;

(4) a representative of the elevator safety section, designated by the commissioner of labor and industry ~~or the commissioner's designee~~; and

(5) the chair of the Council on Disability or the chair's designee.

The board shall elect a chair from among its members. Terms of members coincide with the terms of their appointing authorities or, in the case of ex officio members or their designees, with the terms of the offices by virtue of which they are members of the board. Compensation of members is governed by section 15.0575, subdivision 3.

Subd. 2. **Staff; administrative support.** The commissioner of ~~administration labor and industry~~ shall furnish staff, office space, and administrative support to the board. Staff assigned to the board must be knowledgeable with respect to access codes, site surveys, plan design, and product use and eligibility.

Subd. 3. **Duties.** The board shall consider applications for waivers from the State Building Code to permit the installation of stairway chair lifts to provide limited accessibility for ~~the physically disabled persons with disabilities~~ to buildings in which the provision of access by means permitted under the State Building Code is not architecturally or financially possible. In considering applications, the board shall review other possible access options. The board may approve an application for installation of a stairway chair when the board determines that the installation would be appropriate and no other means of access is possible. In determining whether to approve an application, the board shall consider:

(1) the need for limited accessibility when a higher degree of accessibility is not required by state or federal law or rule;

(2) the architectural feasibility of providing a greater degree of accessibility than would be provided by the proposed device or equipment;

(3) the total cost of the proposed device or equipment over its projected usable life, including installation, maintenance, and replacement costs;

(4) the reliability of the proposed device or equipment;

(5) the applicant's ability to comply with all recognized access and safety standards for installation and maintenance; and

(6) whether the proposed device or equipment can be operated and used without reducing or compromising minimum safety standards.

The board shall consider the applicant's demonstrated inability to afford a greater degree of accessibility, but may not give greater weight to this factor than to the factors listed in clauses (1) to (6). The board may not approve an application unless the applicant guarantees that the device or equipment will be installed and operated in accordance with nationally recognized standards for such devices or equipment and agrees to obtain any permits needed from the agency responsible for enforcing those standards.

Subd. 4. **Application process.** A person seeking a waiver shall apply to the ~~Building Code and Standards Division of the~~ Department of ~~Administration~~ Labor and Industry on a form prescribed by the board and pay a \$70 fee ~~to the construction code fund~~. The division shall review the application to determine whether it appears to be meritorious, using the standards set out in subdivision 3. The division shall forward applications it considers meritorious to the board, along with a list and summary of applications considered not to be meritorious. The board may require the division to forward to it an application the division has considered not to be meritorious. The board shall issue a decision on an application within 90 days of its receipt. A board decision to approve an application must be unanimous. An application that contains false or misleading information must be rejected.

Subd. 5. **Liability.** Board members are immune from liability for personal injury or death resulting from the use or misuse of a device or equipment installed and operated under a waiver granted by the board.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

## ARTICLE 12

### APPRENTICESHIP BOARD

Section 1. Minnesota Statutes 2006, section 178.01, is amended to read:

#### **178.01 PURPOSES.**

The purposes of this chapter are: to open to young people regardless of race, sex, creed, color or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade, with concurrent, supplementary instruction in related subjects; to promote employment opportunities under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an ~~Apprenticeship Advisory Council Board~~ and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Labor Standards and Apprenticeship within the Department of Labor and Industry; to provide for reports to the legislature regarding the status of apprentice training in the state; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

Sec. 2. Minnesota Statutes 2006, section 178.02, is amended to read:

**178.02 APPRENTICESHIP ~~ADVISORY COUNCIL~~ BOARD.**

Subdivision 1. **Members.** The commissioner of labor and industry, hereinafter called the commissioner, shall appoint an Apprenticeship ~~Advisory Council Board~~, hereinafter referred to as the ~~council board~~, composed of three representatives each from employer and employee organizations, and two representatives of the general public. The director of education responsible for career and technical education or designee shall be an ex officio member of the ~~council board~~ and shall serve in an advisory capacity only.

Subd. 2. **Terms.** The ~~council board~~ shall expire and the terms, compensation, and removal of appointed members shall be as provided in section 15.059, ~~except that the council shall not expire before June 30, 2003.~~

Subd. 4. **Duties.** The ~~council board~~ shall meet at the call of the commissioner. It shall propose occupational classifications for apprenticeship programs; propose minimum standards for apprenticeship programs and agreements; and advise on the establishment of such policies, procedures, and rules as the ~~commissioner board~~ deems necessary in implementing the intent of this chapter.

Sec. 3. Minnesota Statutes 2006, section 178.03, subdivision 3, is amended to read:

Subd. 3. **Duties and functions.** The director, under the supervision of the commissioner, and with the advice and oversight of the Apprenticeship ~~Advisory Council Board~~, is authorized: to administer the provisions of this chapter; to promote apprenticeship and other forms of on the job training; to establish, in cooperation and consultation with the Apprenticeship ~~Advisory Council Board~~ and with the apprenticeship committees, conditions and training standards for the approval of apprenticeship programs and agreements, which conditions and standards shall in no case be lower than those prescribed by this chapter; to promote equal employment opportunity in apprenticeship and other on the job training and to establish a Minnesota plan for equal employment opportunity in apprenticeship which shall be consistent with standards established under Code of Federal Regulations, title 29, part 30, as amended; to issue certificates of registration to sponsors of approved apprenticeship programs; to act as secretary of the Apprenticeship ~~Advisory Council Board~~; to approve, if of the opinion that approval is for the best interest of the apprentice, any apprenticeship agreement which meets the standards established hereunder; to terminate any apprenticeship agreement in accordance with the provisions of such agreement; to keep a record of apprenticeship agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as the commissioner deems necessary to carry out the intent of this chapter; provided, that the administration and supervision of supplementary instruction in related subjects for apprentices; coordination of instruction on a concurrent basis with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the function of state and local boards responsible for vocational education. The director shall have the authority to make wage determinations applicable to the graduated schedule of wages and journeyman wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeymen that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

Sec. 4. Minnesota Statutes 2006, section 178.041, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The commissioner may, upon receipt of the ~~council's board's~~ proposals, accept, adopt, and issue them by rule with any modifications or amendments the commissioner finds appropriate. The commissioner may refer them back to the ~~council board~~ with recommendations for further study, consideration and revision. If the commissioner refuses to accept, adopt, and issue by rule or other appropriate action a board proposal, the commissioner must provide a written explanation of the reason for the refusal to the board within 30 days after the board submitted the proposal to the commissioner. Additional rules may be issued as the commissioner may deem necessary.

ARTICLE 13  
ELECTRICAL BOARD

Section 1. Minnesota Statutes 2006, section 326.241, subdivision 2, is amended to read:

Subd. 2. **Powers.** The board, or the complaint committee on behalf of the board where authorized by law, shall have power to:

- (1) Elect its own officers.
- (2) ~~Engage and fix the compensation of inspectors, and~~ Hire employees. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees ~~other than contract inspectors~~ shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or 2(1), ~~and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.~~
- (3) Pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.
- (4) Enforce the provisions of sections 326.241 to 326.248, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.
- (5) Issue, renew, refuse to renew, suspend, temporarily suspend, and revoke licenses, censure licensees, assess civil penalties, issue cease and desist orders, and seek injunctive relief and civil penalties in court as authorized by section 326.242 and other provisions of Minnesota law.
- (6) Adopt reasonable rules to carry out its duties under sections 326.241 to 326.248, implement state modifications to the National Electrical Code, and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

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

Sec. 2. Minnesota Statutes 2006, section 326.243, is amended to read:

**326.243 SAFETY STANDARDS.**

All electrical wiring, apparatus and equipment for electric light, heat and power, technology circuits or systems shall comply with the rules of the Electrical Board, the Department of Commerce, or the Department of Labor and Industry, as applicable, and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the ~~then most recently published~~ current edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

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

## ARTICLE 14

## PLUMBING BOARD

Section 1. Minnesota Statutes 2006, section 326.37, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The state ~~commissioner of health~~ Board of Plumbing may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for those powers granted to the state Board of Plumbing under sections 326.37 to 326.45, the commissioner of health shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 2. **[326.372] PLUMBING BOARD.**

Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 11 voting members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of labor and industry or the commissioner's designee shall be a nonvoting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) two members shall be municipal plumbing inspectors;

(2) one member shall be a licensed mechanical engineer;

(3) two members serving an initial term of three years shall be plumbing contractors or the representative of the contractor, engaged in a commercial scope of plumbing contracting, one from the metro area and one from greater Minnesota;

(4) two members serving an initial term of three years shall be plumbing contractors or their representatives, engaged in the residential scope of plumbing contracting, one from the metro area and one from greater Minnesota;

(5) two members serving an initial term of two years shall be plumbing journeypersons engaged in a commercial scope of plumbing systems installation, one from the metro area and one from greater Minnesota; and

(6) two members serving an initial term of two years shall be plumbing journeypersons engaged in a residential scope of plumbing systems installation, one from the metro area and one from greater Minnesota.

(b) Except for the licensed mechanical engineer, all persons appointed to the board must possess a current Minnesota plumbing license and maintain the license for the duration of their term.

Subd. 2. **Powers.** (a) The board shall have the power to:

(1) elect its own officers;

(2) specify the plumbing code that must be followed in this state;

(3) maintain a review process to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, apprentices, and other persons engaged in the design, installation, alteration, and inspection of plumbing systems that would include the issuing, renewing, revoking, refusing to renew, and suspending a plumbing license;

(5) adopt rules necessary for continuing education for individuals regulated and licensed under this section; and

(6) pay expenses deemed necessary in the performance of board duties, including rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2.

(b) Requests under the review process in paragraph (a), clause (3), may originate with the municipal inspectors, the plumbing contractors or their employees, and other persons engaged in the design, installation, and alteration of plumbing systems. The board shall make their findings known to all parties and the commissioner of labor and industry within the time period specified by the board.

Subd. 3. **Fees and finances.** The board shall submit an annual budget to the commissioner of labor and industry. The commissioner shall collect fees necessary for the operation and continuance of the board. The commissioner is responsible for the enforcement of the codes and licensing requirements determined by the board. The board shall set the fees for licenses and certification under this section. Fees collected under sections 326.42 and 326.47 shall be transferred to the board quarterly to meet the ongoing operation needs of the board.

Sec. 3. Minnesota Statutes 2006, section 326.38, is amended to read:

### **326.38 LOCAL REGULATIONS.**

Any city having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any statutory cities located therein, or the metropolitan airports commission, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state commissioner of health. No city or such town shall prohibit plumbers licensed by the state commissioner of health from engaging in or working at the business, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. No city or town may require a license for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of health. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state commissioner of health, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state commissioner of health.

Sec. 4. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

Subdivision 1. **License required; ~~master and journeyman plumbers.~~** ~~In any city now or hereafter having 5,000 or more population, according to the last federal census, and having a system of waterworks or sewerage, (a)~~ No person, firm, or corporation shall engage in or work at the business of a master plumber ~~or, restricted master plumber, journeyman plumber, and restricted journeyman plumber~~ unless licensed to do so by the state commissioner of ~~health~~ labor and industry. ~~A license is not required for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of labor and industry. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state commissioner of health labor and industry on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.~~

~~In any such city (b)~~ No person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, ~~or in cities and towns with a population of fewer than 5,000 according to the federal census~~ a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, firm, or corporation.

The Department of ~~Health~~ Labor and Industry shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Sec. 5. **[326.402] RESTRICTED PLUMBER LICENSE.**

Subdivision 1. **Licensure.** The commissioner of labor and industry shall grant a restricted journeyman or master plumber license to an individual if:

- (1) the individual completes an application with information required by the commissioner of labor and industry;
- (2) the completed application is accompanied by a fee of \$90;
- (3) the commissioner of labor and industry receives the completed application and fee before January 1, 2008;
- (4) the completed application demonstrates that the applicant has had at least two years for a restricted journeyman plumber license or four years for a restricted master plumber license of practical plumbing experience in the plumbing trade prior to the application; and
- (5) during the entire time for which the applicant is claiming experience in contracting for plumbing work under clause (4), the applicant was in compliance with all applicable requirements of section 326.40.

Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman plumber may engage in the plumbing trade in all areas of the state except in cities and towns with a population of more than 5,000 according to the federal census.

Subd. 3. **Application period.** Applications for restricted master plumber and restricted journeyman plumber licenses must be submitted to the commissioner prior to January 1, 2008.



Subd. 4. **Renewal; use period for license.** A restricted master plumber and restricted journeyman plumber license must be renewed annually for as long as that licensee engages in the plumbing trade. Failure to renew a restricted master plumber and restricted journeyman plumber license within 12 months after the expiration date will result in permanent forfeiture of the restricted master plumber and restricted journeyman plumber license.

Subd. 5. **Prohibition of transference.** A restricted master plumber and restricted journeyman plumber license may not be transferred or sold to any other person.

Subd. 6. **Bond; insurance.** A restricted master plumber licensee is subject to the bond and insurance requirements of section 326.40, subdivision 2, unless the exemption provided by section 326.40, subdivision 3, applies.

Subd. 7. **Fee.** The annual fee for the restricted master plumber and restricted journeyman plumber licenses is the same fee as for a master or journeyman plumber license, respectively.

Sec. 6. Minnesota Statutes 2006, section 326.405, is amended to read:

#### **326.405 RECIPROCITY WITH OTHER STATES.**

~~The commissioner of health may license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing plumbers which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. The commissioner may issue a temporary license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to Minnesota residents duly licensed in this state. Applicants who receive a temporary license under this section may acquire an aggregate of 24 months of experience before they have to apply and pass the licensing examination. Applicants must register with the commissioner of labor and industry and the commissioner shall set a fee for a temporary license. Applicants have five years in which to comply with this section.~~

#### Sec. 7. **TRANSFER OF AUTHORITY.**

The authority of the commissioner of health to adopt rules and to set licensing criteria for contractors and master, journeyman, and apprentice plumbers is transferred to the Plumbing Board effective October 1, 2007. The governor must appoint members to the Plumbing Board no later than October 1, 2007. Licenses currently in effect remain in effect according to their terms. Rules adopted under authority granted to the commissioner of health remain in effect until amended or repealed by the Plumbing Board.

#### Sec. 8. **REPEALER.**

Minnesota Statutes 2006, section 326.45, is repealed.

### ARTICLE 15

#### BOARD OF CONSTRUCTION CODES

Section 1. Minnesota Statutes 2006, section 16B.76, is amended to read:

#### **16B.76 BOARD OF CONSTRUCTION CODES ADVISORY COUNCIL.**

Subdivision 1. **Membership.** (a) The Board of Construction Codes Advisory Council consists of the following members:

(1) the commissioner of ~~administration~~ labor and industry or the commissioner's designee representing the department's Building Codes and Standards Division; and

~~(2) the commissioner of health or the commissioner's designee representing an Environmental Health Section of the department;~~

~~(3) the commissioner of public safety or the commissioner's designee representing the department's State Fire Marshal Division;~~

~~(4) the commissioner of commerce or the commissioner's designee representing the department's State Energy Office; and~~

~~(5)~~ one member representing each of the following occupations or entities, appointed by the commissioner of ~~administration~~ the Department of Labor and Industry:

(i) a certified building official;

(ii) a fire service representative;

(iii) a licensed architect;

(iv) a licensed engineer;

~~(v) a building owners and managers representative;~~

~~(vi)~~ (v) a licensed residential building contractor;

~~(vii)~~ (vi) a commercial building contractor;

~~(viii)~~ (vii) a heating and ventilation contractor;

~~(ix)~~ (viii) a plumbing contractor; and

(ix) an electrical contractor.

~~(x) a representative of a construction and building trades union; and~~

~~(xi) a local unit of government representative.~~

(b) For members who are not state officials or employees, terms, compensation, removal, and the filling of vacancies are governed by section 15.059. The chairperson of the Board of Construction Codes will be the commissioner of the Department of Labor and Industry or the commissioner's designee as a nonvoting member. The council board shall select one of its members to serve as chair.

(c) The ~~council~~ board expires June 30, 2003.

Subd. 2. **Duties of council board.** (a) The council board shall review laws, codes, rules, standards, and licensing requirements relating to building construction and may:

~~(1) recommend ways to eliminate inconsistencies, to streamline construction regulation and construction processes, and to improve procedures within and among jurisdictions;~~

- ~~(2) review and comment on current and proposed laws and rules to promote coordination and consistency;~~
- ~~(3) advise agencies on possible changes in rules to make them easier to understand and apply; and~~
- ~~(4) promote the coordination, within each jurisdiction, of the administration and enforcement of construction codes.~~

~~The council shall report its findings and recommendations to the commissioner of administration and the head of any other affected agency by the end of each calendar year. The council may recommend changes in laws or rules governing building construction. The council may establish subcommittees to facilitate its work. If the council establishes subcommittees, it shall include in their memberships representation from entities and organizations expressing an interest in membership. The commissioner of administration shall maintain a list of interested entities and organizations.~~

(1) recommend ways to eliminate inconsistencies and improve construction regulation and procedures within and among jurisdictions;

(2) review current and proposed laws and rules from the established trade councils and boards to promote coordination and consistency;

(3) propose rules to require 16 hours of annual continuing education in the field;

(4) advise state agencies on possible changes in rules to make them easier to understand and apply; and

(5) promote the coordination of the administration and enforcement of construction codes within each jurisdiction.

(b) The board shall meet a minimum of four times each year. The board shall report its findings and recommendations to the commissioner of administration. The board shall forward all approved changes in laws or rules governing building construction to the commissioner of administration for final action. All rule additions, amendments, or deletions shall be approved by the specific trade council or board first, and then forwarded to the Board of Construction Codes for approval, before the commissioner issues final approval. The board shall use the following established trade councils or boards for technical expertise:

(1) the Plumbing Board;

(2) the Electrical Board;

(3) the Mechanical Board;

(4) the High Pressure Piping Board; and

(5) the Fire Protection Board.

Subd. 3. **Agency cooperation.** State agencies and local governmental units shall cooperate with the ~~council~~ board and, so far as possible, provide information or assistance to it upon its request. The commissioner of administration shall provide necessary staff and administrative support to the ~~council~~ board.

## ARTICLE 16

## FIRE PROTECTION COUNCIL; ADVISORY COUNCIL

Section 1. [326.995] FIRE PROTECTION COUNCIL.

Subdivision 1. **Composition.** (a) The Fire Protection Council shall consist of 11 voting members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of labor and industry or the commissioner's designee shall be a nonvoting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) two members shall be municipal fire protection inspectors;

(2) one member shall be a licensed mechanical engineer;

(3) two members, one from the metro area and one from greater Minnesota, serving an initial term of three years shall be fire protection contractors or their representatives engaged in a commercial scope of fire protection contracting;

(4) two members, one from the metro area and one from greater Minnesota, serving an initial term of three years shall be fire protection contractors engaged in the residential scope of fire protection contracting;

(5) two members, one from the metro area and one from greater Minnesota, serving an initial term of two years shall be fire protection journeypersons engaged in a commercial scope of fire protection systems installation; and

(6) two members, one active member of the Minnesota State Fire Chiefs Association and one active member from the Fire Marshals Association of Minnesota, serving an initial term of two years.

(b) Except for the licensed mechanical engineer, all persons appointed to the council must possess a current Minnesota fire protection license and maintain the license for the duration of their term.

Subd. 2. **Powers.** (a) The council shall have the power to:

(1) elect its own officers;

(2) specify the fire protection code that must be followed in this state;

(3) coordinate any changes to the fire protection code with the commissioner of labor and industry;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, apprentices, and other persons engaged in the design, installation, alteration, and inspection of fire protection systems that would include the issuing, renewing, revoking, refusing to renew, and suspending of the fire protection license;

(5) adopt rules necessary for continuing education for individuals regulated and licensed under this section;

(6) maintain a review process to make determinations regarding complaints, code amendments, code compliance, and code clarifications with the council; and

(7) pay expenses deemed necessary in the performance of council duties, including rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2.

(b) Complaints filed under this section may originate with municipal inspectors, fire protection contractors or their employees, or other persons engaged in the design, installation, and alteration of fire protection systems. The council shall make their findings known to all parties and the commissioner of public safety within the time period specified by the council.

Subd. 3. **Fees and finances.** The council shall submit an annual budget to the commissioner of labor and industry. The commissioner of labor and industry shall collect fees necessary for the operation and continuance of the council. The commissioner of labor and industry is responsible for the enforcement of the codes and licensing requirements determined by the council. The council shall set the fees for licenses and certification under this section and submit the fee structure to the commissioner of labor and industry. A portion of the funds collected by the commissioner of labor and industry under this section shall be transferred to the council quarterly to meet the ongoing budgetary needs of the council.

Subd. 4. **Rules, fees, orders, penalties.** The commissioner shall adopt permanent rules for operation of the board; regulation by municipalities; qualifications, examination, and licensing of fire protection contractors; licensing of multipurpose potable water piping system contractors; certification of multipurpose potable water piping system installers; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. Permit fees must be a percentage of the total cost of the fire protection work.

The commissioner may issue a cease and desist order to cease an activity considered an immediate risk to public health or public safety. The commissioner shall adopt permanent rules governing when an order may be issued; how long the order is effective; notice requirements; and other procedures and requirements necessary to implement, administer, and enforce the provisions of this chapter.

The commissioner, in place of or in addition to licensing sanctions allowed under this chapter, may impose a civil penalty not greater than \$1,000 for each violation of this chapter or rule adopted under this chapter, for each day of violation. The commissioner shall adopt permanent rules governing and establishing procedures for implementation, administration, and enforcement of this paragraph.

**Sec. 2. REPEALER.**

Minnesota Statutes 2006, section 299M.02, is repealed.

ARTICLE 17

HIGH PRESSURE PIPING BOARD

**Section 1. [326.471] HIGH PRESSURE PIPING SYSTEMS BOARD.**

Subdivision 1. **Composition.** (a) The Council of High Pressure Piping Systems shall consist of 12 members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of the Department of Labor and Industry or the commissioner's designee shall be a nonvoting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) one member shall be a high pressure piping inspector;

(2) one member shall be a licensed mechanical engineer;

(3) one member shall be a representative of the piping industry;

(4) four members shall be high pressure piping contractors or their representatives, engaged in the scope of high pressure piping, two from the metro area and two from greater Minnesota;

(5) two members shall be high pressure piping journeypersons engaged in the scope of high pressure piping systems installation, one from the metro area and one from greater Minnesota; and

(6) two members, one urban and one rural, shall be representatives from utility companies in Minnesota who shall serve an initial term of two years.

(b) Except for the licensed mechanical engineer and the members from utilities companies, all persons appointed to the council must possess a current license or competency credential required for contractors and persons engaged in the design, installation, alteration, and inspection of high pressure systems.

Subd. 2. **Powers.** (a) The council shall have the power to:

(1) elect its own officers;

(2) specify the high pressure piping code that must be followed in Minnesota;

(3) maintain an appeals committee to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the council;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, trainees, and other persons engaged in the design, installation, alteration, and inspection of high pressure piping systems;

(5) adopt rules necessary for 16 hours of yearly continuing education for individuals regulated and licensed under this section; and

(6) pay expenses deemed necessary in the performance of council duties, including rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2.

(b) Complaints filed under this section may originate with high pressure piping inspectors, contractors, or their employees, or other persons engaged in the design, installation, and alteration of a high pressure piping system. The council shall make their findings known to all parties and the commissioner of the Department of Labor and Industry within the time period specified by the council.

Subd. 3. **Fee and finances.** The council shall submit an annual budget to the commissioner of the Department of Labor and Industry. The commissioner shall collect fees necessary for the operation and continuance of the council. The commissioner is responsible for the enforcement of the codes and licensing requirements determined by the council. The council shall set the fees for licenses and certification under this section and for all high pressure piping system permits and submit the fee structure to the commissioner of labor and industry. Funds collected under section 326.50 shall be transferred to the council quarterly to meet ongoing budgetary needs of the council.

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, section 326.47, subdivision 6, is repealed.

## ARTICLE 18

## BUILDING AND STRUCTURAL CODE BOARD

Section 1. [326.522] BUILDING AND STRUCTURAL CODE BOARD.

Subdivision 1. **Composition.** (a) The Building and Structural Code Board shall consist of 11 voting members who must be residents of the state and appointed by the governor with confirmation by the senate. The board shall also include one nonvoting representative from the Department of Labor and Industry. The first board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) two members shall be municipal building inspectors who will serve an initial term of four years;

(2) one member shall be a licensed qualified engineer;

(3) four members serving an initial term of three years shall be construction or carpentry contractors or their representatives, and shall be composed as follows:

(i) two must be general construction or general contractors engaged in a commercial scope of construction or carpentry contracting, one from the metro area and one from greater Minnesota;

(ii) one shall be a general contractor;

(iii) one shall be a construction or carpentry subcontractor; and

(iv) of the four members specified in clauses (i) to (iii), one shall be a carpentry contractor; and

(4) four members serving an initial term of two years shall be construction journeypersons and shall be composed as follows:

(i) two shall be construction journeypersons engaged in a commercial scope of construction, one from the metro area and one from greater Minnesota;

(ii) one shall be an employee of a general contractor; and

(iii) one shall be an employee of a construction subcontractor.

(b) All persons appointed to the council must possess a current license or competency credential if required for contractors and persons engaged in the design, installation, alteration, and inspection of all aspects of residential, commercial, industrial, and public construction.

Subd. 2. **Powers.** (a) The board shall have the power to:

(1) elect its own officers;

(2) except for plumbing codes, electrical codes, mechanical codes, high-pressure piping codes, and fire protection codes, the board, with consultation with the commissioner of the Department of Labor and Industry, shall specify building codes that must be followed in this state;

(3) maintain an appeals committee to make determinations regarding any complaints, code amendments, code compliance and code clarifications filed with the board;

(4) adopt rules necessary for the regulation and licensing of inspectors, contractors, journeypersons, apprentices, and all persons engaged in the design, installation, alteration, and inspection of all aspects of residential, commercial, industrial, and public construction or carpentry including, but not limited to:

(i) any structural, load or nonload bearing component;

(ii) any insulation;

(iii) air or water barriers;

(iv) exterior or interior cladding; or

(v) any partial or total envelope;

(5) adopt rules necessary for 16 hours of yearly continuing education for individuals regulated and licensed under this section; and

(6) pay expenses deemed necessary in the performance of board duties, including rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2.

(b) Complaints under this section may originate with municipal inspectors, construction contractors or their employees, or other persons engaged in the design, installation, alteration, and inspection of building and structural construction. The board must make their findings known to all parties and the commissioner within the time period specified by the council.

Subd. 3. **Fees and finances.** The council shall submit an annual budget to the commissioner of labor and industry. The commissioner shall set and collect fees necessary for the operation and continuance of the council and transfer the funds to the board quarterly. The commissioner is responsible for the enforcement of the codes and licensing requirements determined by the council. The commissioner shall set the fees for licenses and certification under this section as directed by the council and for all construction and carpentry permits.

## ARTICLE 19

### MECHANICAL SYSTEMS BOARD

#### Section 1. **[326.531] MECHANICAL SYSTEMS BOARD.**

Subdivision 1. **Composition.** The Mechanical Systems Board shall consist of 11 members, residents of the state, appointed by the governor, and confirmed by the senate and the commissioner of the Department of Labor and Industry or his designee shall be a nonvoting member. The members shall be as follows:

(1) two members shall be municipal mechanical inspectors; one from the seven-county metro area and one from greater Minnesota; and one a licensed mechanical or professional engineer;



(2) two members serving an initial term of three years shall be mechanical contractors or the representative of the contractor, engaged in a commercial scope of mechanical systems, one from the metro area and one from greater Minnesota;

(3) two members serving an initial term of three years shall be mechanical contractors or their representatives, engaged in the residential scope of mechanical contracting, one from the metro area and one from greater Minnesota;

(4) two members serving an initial term of two years shall be mechanical journeypersons engaged in a commercial scope of mechanical systems installation, one from the metro area and one from greater Minnesota; and

(5) two members serving an initial term of two years shall be mechanical journeypersons engaged in a residential scope of mechanical systems installation, one from the metro area and one from greater Minnesota.

The municipal mechanical inspector representing the seven-county metro area, the limited license representatives of section 326.532, subdivisions 5 and 7, and the unlimited license representative of section 326.532, subdivision 6, shall serve an initial term of three years.

The municipal mechanical inspector representing the greater Minnesota area, the limited license representatives of section 326.532, subdivision 6, and the unlimited license representatives of section 326.532, subdivisions 4 and 5, shall serve an initial term of four years.

These members or replacement members, all or in part, shall be appointed by the governor and confirmed by the senate, to subsequent three-year terms.

Midterm vacancies shall be filled by the governor for the remaining portion of the term.

The meaning of the terms "masters and journeypersons" shall be as prescribed in section 326.532.

Subd. 2. **Powers.** (1) The board shall elect its officers.

(2) The board shall select the mechanical and fuel gas codes for Minnesota. The selection of mechanical and fuel gas codes shall include a comprehensive review of available model codes, the approval of all additions, amendments, and deletions to these codes. The board shall coordinate the adoption of the mechanical and fuel gas codes with the commissioner of the Department of Labor and Industry.

(3) The board shall maintain an appeals committee to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board. These complaints may originate with the municipal inspectors and/or the mechanical contractors or their employees and all other persons engaged in the design, installation, alteration, and inspection of a mechanical system or those that have purchased such services or systems. The board shall make their findings known to all parties and the commissioner of the Department of Labor and Industry within a period of time specified by the board.

(4) The board shall have the authority to adopt rules necessary for the regulation of inspectors, contractors, journeypersons, apprentices, and all other persons engaged in the design, installation, alteration, and inspection of mechanical systems utilized to provide control of environmental conditions and regulated processes within buildings or regulated by the mechanical and fuel gas codes adopted. Except for cities of the first class, municipalities shall not create additional licensing requirements for performing work on mechanical systems regulated by the State Mechanical and Fuel Gas Codes.

(5) The board shall have the authority to adopt rules to determine the level of continuing education for inspectors and licensed individuals.

(6) All persons appointed to the board shall have five years of experience in the field or possess a current license required for contractors or persons engaged in the design, installation, alteration, and inspection of mechanical systems in effect at the time of their appointment except for the mechanical engineer and the commissioner or his designee.

(7) Pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies in the manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2.

Subd. 3. **Fees and finances; disposition.** The board shall submit a budget to the commissioner of the Department of Labor and Industry annually. The commissioner of the Department of Labor and Industry shall collect fees as necessary for the operation and continuance of the board. The commissioner of the Department of Labor and Industry shall be responsible for the enforcement of the codes and licensing requirements prescribed by the board. The board shall set fees for licenses of mechanical systems contractors and persons engaged in the design, installation, alteration, and inspection of mechanical systems as directed by the board and for all mechanical systems permits.

## ARTICLE 20

### REPEALER; EFFECTIVE DATE

#### Section 1. **REPEALER.**

(a) Minnesota Statutes 2006, sections 16B.665; 16B.747, subdivision 4; 183.001; 183.02; 183.375, subdivisions 1, 2, 3, 4, and 6; 183.41, subdivisions 1, 2, 3, and 4; 183.44, subdivisions 1, 2, and 3; 183.52; 183.54, subdivision 2; 183.61, subdivisions 1, 3, 5, and 6; 326.01, subdivisions 6h, 10, 11, and 12; 326.242, subdivisions 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, and 10; 326.244, subdivision 6; 326.246; 326.2461; 326.40, subdivision 4; 326.41; 326.45; 326.47, subdivision 5; 326.51; 326.521; 326.83, subdivisions 3, 4, 12, and 13; 326.85; 326.875; 326.91, subdivisions 2, 3, and 4; 326.945; 326.975; 326.98; and 327B.05, subdivisions 2, 3, 4, 5, and 6, are repealed.

(b) Minnesota Statutes 2006, sections 183.375, subdivision 5; 183.545, subdivision 9; 326.01, subdivision 13; 326.44; 326.52; and 326.64, are repealed.

(c) Minnesota Rules, parts 2809.0230; 2891.0010; 2891.0030; 3800.2650; 3800.3580; 3800.3590; 3800.3630; 3800.3750; 3800.3835; 4715.5600; 4715.5900; 4717.7000, subpart 1, item I; 5225.0880; 5225.8600, subparts 1, 2, 3, 4, 5, 6, 7, 8, and 9; 5230.0010; 5230.0020; 5230.0040; 5230.0060, subpart 2; and 5230.0100, subparts 1, 3, and 4, are repealed.

**EFFECTIVE DATE.** Paragraphs (a) and (c) are effective December 1, 2007. Paragraph (b) is effective July 1, 2007.

#### Sec. 2. **EFFECTIVE DATE.**

This act is effective December 1, 2007, except when another date is specified. The revisor's instructions contained in this act shall be implemented for the 2008 edition of Minnesota Statutes."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1259, A bill for an act relating to elections; changing certain procedures and requirements for absent voters; providing for certain emergency situations; requiring a study; authorizing rulemaking; amending Minnesota Statutes 2006, sections 203B.16, subdivision 2; 203B.17, subdivision 2; 203B.21, subdivisions 2, 3; 203B.22; 203B.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 203B.

Reported the same back with the following amendments:

Page 2, line 14, strike the comma and insert a semicolon and reinstate the stricken "does not have"

Page 2, lines 23 and 24, delete the new language and insert "access to any of these documents, the voter may attest to the truthfulness of the contents of the application under penalty of perjury."

Page 3, line 13, strike the comma and insert a semicolon and reinstate the stricken "does not have"

Page 3, line 17, delete the new language and insert "access to any of these documents, the voter may attest to the truthfulness of the contents of the application under penalty of perjury"

Page 4, line 18, delete everything after "3"

Page 4, delete line 19

Page 4, line 20, delete everything before the period

Page 4, line 25, delete the third "the"

Page 4, delete line 26

Page 4, line 27, delete everything before "The" and delete "of"

Page 4, line 28, delete "voter eligibility"

Page 4, line 29, delete everything after the period

Page 4, delete line 30

Page 4, line 33, delete "submitted" and insert "transmitted"

Page 4, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "requiring a study;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1283, A bill for an act relating to employment; prohibiting misrepresentation of employees as independent contractors; authorizing and requiring the commissioner of revenue to review certifications of independent contractor status; amending Minnesota Statutes 2006, sections 181.722; 289A.12, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[181.723] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this subdivision apply to this section.

(a) "Person" means any individual, limited liability corporation, corporation, partnership, incorporated or unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

(b) "Department" means the Department of Labor and Industry.

(c) "Commissioner" means the commissioner of labor and industry or a duly designated representative of the commissioner who is either an employee of the Department of Labor and Industry or person working under contract with the Department of Labor and Industry.

(d) "Individual" means a human being.

(e) "Day" means calendar day unless otherwise provided.

(f) "Knowingly" means knew or could have known with the exercise of reasonable diligence.

(g) "Document" or "documents" includes papers; books; records; memoranda; data; contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings; records; accounts; files; statements; letters; e-mails; invoices; bills; notes; and calendars maintained in any form or manner.

Subd. 2. **Limited application.** This section only applies to individuals performing public or private sector commercial or residential building construction or improvement services.

Subd. 3. **Employee-employer relationship.** Except as provided in subdivision 4, for purposes of chapters 176, 177, 181A, 182, and 268, as of January 1, 2009, an individual who performs services for a person that are in the course of the person's trade, business, profession, or occupation is an employee of that person and that person is an employer of the individual.

Subd. 4. **Independent contractor.** An individual is an independent contractor and not an employee of the person for whom the individual is performing services in the course of the person's trade, business, profession, or occupation only if (a) the individual holds a current independent contractor exemption certificate issued by the commissioner; and (b) the individual is performing services for the person under the independent contractor exemption certificate as provided in subdivision 6. The requirements in clauses (a) and (b) must be met in order to qualify as an independent contractor and not as an employee of the person for whom the individual is performing services in the course of the person's trade, business, profession, or occupation.

Subd. 5. **Application.** To obtain an independent contractor exemption certificate, the individual must submit, in the manner prescribed by the commissioner, a complete application and the certificate fee required under subdivision 14.

(a) A complete application must include all the following information:

(1) the individual's full name;

(2) the individual's residence address and telephone number;

(3) the individual's business name, address, and telephone number;

(4) the services for which the individual is seeking an independent contractor exemption certificate;

(5) the individual's Social Security number;

(6) the individual's or the individual's business federal employer identification number, if a number has been issued to the individual or the individual's business;

(7) any information or documentation that the commissioner requires by rule that will assist the department in determining whether to grant or deny the individual's application; and

(8) The individual's sworn statement that the individual meets all of the following conditions:

(i) the individual maintains a separate business with the individual's own office, equipment, materials, and other facilities;

(ii) the individual holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service if the person has performed services in the previous year for which the individual is seeking the independent contractor exemption certificate;

(iii) the individual operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means of performing the services;

(iv) the individual incurs the main expenses related to the service that the individual performs under contract;

(v) the individual is responsible for the satisfactory completion of services that the individual contracts to perform and is liable for a failure to complete the service;

(vi) the individual receives compensation for service performed under a contract on a commission or per-job or competitive bid basis and not on any other basis;

(vii) the individual may realize a profit or suffer a loss under contracts to perform service;

(viii) the individual has continuing or recurring business liabilities or obligations; and

(ix) the success or failure of the individual's business depends on the relationship of business receipts to expenditures.

(b) Within 30 days of receiving a complete application and the certificate fee, the commissioner must either grant or deny the application. The commissioner may deny an application for an independent contractor exemption certificate if the individual has not submitted a complete application and certificate fee or if the individual does not meet all of the conditions for holding the independent contractor exemption certificate. The commissioner may revoke an independent contractor exemption certificate if the commissioner determines that the individual no longer meets all of the conditions for holding the independent contractor exemption certificate, commits any of the actions set out in subdivision 7, or fails to cooperate with a department investigation into the continued validity of the individual's certificate. Once issued, an independent contractor exemption certificate remains in effect for two years unless:

(1) revoked by the commissioner; or

(2) canceled by the individual.

(c) If the department denies an individual's original or renewal application for an independent contractor exemption certificate or revokes an independent contractor exemption certificate, the commissioner shall issue to the individual an order denying or revoking the certificate. The commissioner may issue an administrative penalty order to an individual or person who commits any of the actions set out in subdivision 7.

(d) An individual or person to whom the commissioner issues an order under paragraph (c) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after service of the order. If the individual does not request a hearing or if the individual's request for a hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the individual serves or faxes a timely request for hearing, the hearing shall be a contested case hearing and shall be held in accordance with chapter 14.

Subd. 6. **Qualifications for exemption certificate.** An individual is performing services for a person under an independent contractor exemption certificate if:

(a) the individual is performing services listed on the individual's independent contractor exemption certificate;

(b) at the time the individual is performing services listed on the individual's independent contractor exemption certificate, the individual meets all the following conditions:

(1) the individual maintains a separate business with the individual's own office, equipment, materials, and other facilities;

(2) the individual holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service if the individual performed services in the previous year for which the individual has the independent contractor exemption certificate;

(3) the individual is operating under contract to perform the specific services for the person for specific amounts of money and under which the individual controls the means of performing the services;

(4) the individual is incurring the main expenses related to the services that the individual is performing for the person under the contract;

(5) the individual is responsible for the satisfactory completion of the services that the individual has contracted to perform for the person and is liable for a failure to complete the services;

(6) the individual receives compensation from the person for the services performed under the contract on a commission or per-job or competitive bid basis and not on any other basis;

(7) the individual may realize a profit or suffers a loss under the contract to perform services for the person;

(8) the individual has continuing or recurring business liabilities or obligations; and

(9) the success or failure of the individual's business depends on the relationship of business receipts to expenditures.

**Subd. 7. Prohibited activities.** (a) An individual shall not:

(1) perform work as an independent contractor without first obtaining from the department an independent contractor exemption certificate;

(2) perform work as an independent contractor when the department has denied or revoked the individual's independent contractor exemption certificate;

(3) transfer to another individual or allow another individual to use the individual's independent contractor exemption certificate;

(4) alter or falsify an independent contractor exemption certificate;

(5) misrepresent the individual's status as an independent contractor; or

(6) make a false material statement, representation, or certification; omit material information; or alter, conceal, or fail to file a document required by this section or any rule promulgated by the commissioner under rulemaking authority set out in this section.

(b) A person for whom an individual is performing services shall not:

(1) require an individual through coercion, misrepresentation, or fraudulent means to adopt independent contractor status;

(2) knowingly misrepresent that an individual who has not been issued an independent contractor exemption certificate or is not performing services for the person under an independent contractor exemption certificate is an independent contractor; or

(3) make a false material statement, representation, or certification; omit material information; or alter, conceal, or fail to file a document required by this section or any rule promulgated by the commissioner under rulemaking authority set out in this section.

(c) A person for whom an individual is performing services must obtain a copy of the individual's independent contractor exemption certificate before services may commence. A copy of the independent contractor exemption certificate must be retained for five years from the date of receipt by the person for whom an individual is performing services.

Subd. 8. **Remedies.** (a) An individual or person who violates any provision of subdivision 7 is subject to a penalty to be assessed by the department of up to \$1,000 for each violation. The department shall deposit penalties in the assigned risk safety account.

(b) An individual who has been injured by a violation of subdivision 7, paragraph (b), may bring a civil action for damages against the violator. If the individual is determined to be an employee or an independent contractor considered an employee of the violator of subdivision 7, paragraph (b), the employee's representative as defined in section 179.01, subdivision 5, may bring a civil action for damages against the violator on behalf of the employee. In addition to damages the court may award attorney fees, costs, and disbursements to a recovery under this provision.

(c) Any court finding that a violation of subdivision 7 has occurred shall transmit a copy of its findings of fact and conclusion of law to the commissioner. The commissioner shall report the findings to the relevant state and federal agencies, including the commissioner of commerce, the commissioner of employment and economic development, the commissioner of revenue, the federal Internal Revenue Service, and the United States Department of Labor.

Subd. 9. **Commissioner's powers.** (a) In order to carry out the purposes of this section, the commissioner may:

(1) administer oaths and affirmations, certify official acts, interview, question, take oral or written statements, and take depositions;

(2) request, examine, take possession of, photograph, record, and copy any documents, equipment, or materials;

(3) at a time and place indicated by the commissioner, request persons to appear before the commissioner to give testimony and produce documents, equipment, or materials;

(4) issue subpoenas to compel persons to appear before the commissioner to give testimony and produce documents, equipment, or materials; and

(5) with or without notice, enter without delay upon any property, public or private, for the purpose of taking any action authorized under this subdivision or the applicable law, including obtaining information or conducting inspections or investigations.

(b) Persons requested by the commissioner to give testimony or produce documents, equipment, or materials shall respond within the time and in the manner specified by the commissioner. If no time to respond is specified in the request, then a response shall be submitted within 30 days of the commissioner's service of the request.

(c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's representative, or lessee's representative to permit the commissioner's entry onto property as provided in paragraph (a), the commissioner may apply for an administrative inspection order in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the property is located. The commissioner may anticipate that a property owner or lessee will refuse entry if the property owner, lessee, property owner's representative, or lessee's representative has refused to permit entry on a prior occasion or has informed the commissioner that entry will be refused. Upon showing of administrative probable cause by the commissioner, the district court shall issue an administrative inspection order that compels the property owner or lessee to permit the commissioner to enter the property for the purposes specified in paragraph (a).

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to obey a subpoena lawfully issued by the commissioner under this subdivision as a contempt of court.



Subd. 10. **Notice requirements.** Unless otherwise specified, service of a document on a person under this section or section 326B.083 may be by mail, by personal service, or in accordance with any consent to service filed with the commissioner. Service by mail shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 2. Personal service shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 3.

Subd. 11. **Facsimile; timely service.** When this section or section 326B.083 permits a request for reconsideration or request for hearing to be served by facsimile on the commissioner, the facsimile shall not exceed 15 pages in length. The request shall be considered timely served if the facsimile is received by the commissioner, at the facsimile number identified by the commissioner in the order or notice of violation, no later than 4:30 p.m. central time on the last day permitted for faxing the request. Where the quality or authenticity of the faxed request is at issue, the commissioner may require the original request to be filed. Where the commissioner has not identified quality or authenticity of the faxed request as an issue and the request has been faxed in accordance with this subdivision, the person faxing the request does not need to file the original request with the commissioner.

Subd. 12. **Time period computation.** In computing any period of time prescribed or allowed by this section, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or legal holiday.

Subd. 13. **Rulemaking.** The commissioner may, in consultation with the commissioner of revenue and the commissioner of employment and economic development, adopt, amend, suspend, and repeal rules under the rulemaking provisions of chapter 14 that relate to the commissioner's responsibilities under this section. This subdivision is effective the day following final enactment.

Subd. 14. **Fee.** The certificate fee for the original application and for the renewal of an independent contractor exemption certificate shall be \$150. The certificate fee is appropriated to the commissioner for payment of the costs related to administering and enforcing this section.

Subd. 15. **Notice to commissioner; review by commissioner of revenue.** When the commissioner has reason to believe that an individual who holds a certificate has failed to maintain all the conditions required by subdivision 3 or is not performing services for a person under the independent contractor exemption certificate, the commissioner must notify the commissioner of revenue and the commissioner of employment and economic development. Upon receipt of notification from the commissioner that an individual who holds a certificate has failed to maintain all the conditions required by subdivision 3 or is not performing services for a person under the independent contractor exemption certificate, the commissioner of revenue must review the information returns required under section 6041A of the Internal Revenue Code. The commissioner of revenue shall also review the submitted certification that is applicable to returns audited or investigated under section 289A.35.

Subd. 16. **Data classified.** Certifications issued by the commissioner are public data. Applications and required documentation submitted by individuals is private data on an individual. Upon request of the Department of Revenue or the Department of Employment and Economic Development, the commissioner may release to the Department of Revenue and the Department of Employment and Economic Development applications and required documentation submitted by individuals and investigative data that relates to the department's issuance or denial of applications and the department's revocations of certificates. Except as otherwise provided by this subdivision, the department's investigative data shall be classified as provided in chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2008.

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, sections 176.042; 181.722; and 268.035, subdivision 9, are repealed.

**EFFECTIVE DATE.** This section is effective January 1, 2009."

Delete the title and insert:

"A bill for an act relating to employment; requiring independent contractor exemption certificates; providing penalties; authorizing notice to the commissioners of revenue and employment and economic development; requiring the commissioner of revenue to review certifications of independent contractor status; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2006, sections 176.042; 181.722; 268.035, subdivision 9."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 1321, A bill for an act relating to education; making world languages a required academic standard; appropriating money; amending Minnesota Statutes 2006, sections 120B.021, subdivision 1; 120B.022, subdivision 1; 122A.18, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

Subd. 2c. **World languages.** By the 2010-2011 school year, all colleges and universities approved by the Board of Teaching to prepare persons for world languages teacher licensure must implement the foreign languages teacher preparation standards of the American Council on the Teaching of Foreign Languages and the National Council for Accreditation of Teacher Education.

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

Sec. 2. **WORLD LANGUAGES RESOURCES.**

(a) The commissioner of education shall employ a full-time state coordinator for world languages education within the department by July 1, 2007. The commissioner shall seek input from the Quality Teaching Network before designating or hiring the coordinator. The coordinator, at a minimum, shall:

(1) assist charter schools and school districts in planning to develop or enhance their capacity to offer world languages courses and programs;

(2) cooperate with Minnesota world languages professionals and charter schools and school districts in developing all aspects of world languages programs;

(3) survey Minnesota charter schools and school districts to (i) determine the types of existing world languages programs including, among others, those that use information technology to provide high-quality world languages instruction, (ii) identify exemplary model world languages programs, and (iii) identify and address staff development needs of current world languages teachers, preservice teachers, and teacher preparation programs;

(4) identify successful world languages programs in other states;

(5) develop and implement a grant program for model pilot world languages programs, consistent with section 3;

(6) consult with interested stakeholders to prepare a report for the education commissioner to submit by February 15, 2008, to the education policy and finance committees of the legislature assessing the feasibility and structure of a statewide world languages graduation requirement under Minnesota Statutes, section 120B.021, subdivision 1; and

(7) beginning February 1, 2008, and until February 1, 2012, report annually to the education policy and finance committees of the legislature on the status of world languages in Minnesota and the needs identified by charter school and school district surveys, and make recommendations on how to address those needs.

(b) After carefully examining existing world languages assessments, including, among other considerations, the ease or difficulty with which the assessments may be adapted to world languages not currently assessed, the commissioner, by July 1, 2009, shall recommend an assessment tool for charter schools and school districts to use in measuring student progress in acquiring proficiency in world languages.

(c) Beginning July 1, 2008, the department shall assist world languages teachers and other school staff in developing and implementing world languages programs that acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess, and encourage students' proficiency in multiple world languages. Programs under this paragraph must encompass indigenous American Indian languages and cultures, among other world languages and cultures. The department shall consult with postsecondary institutions in developing related teacher and staff workshops.

(d) The commissioner, upon request, must evaluate the plans of charter school and school districts to develop or enhance their capacity to offer world languages courses and programs and continue to offer workshops and consultation to assist districts in developing or enhancing world languages programs. The department shall assist districts in monitoring local assessment results.

(e) By July 1, 2008, the department shall establish an incentive plan to recruit students into world languages teaching.

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

**Sec. 3. WORLD LANGUAGES PILOT PROGRAM GRANTS.**

(a) A pilot program awarding 16 world languages grants to interested and qualified school sites and school districts is established for fiscal year 2009 to develop and implement sustainable, high-quality model world languages programs at various grade levels from kindergarten through grade 12 and to enhance existing world languages programs for students in kindergarten through grade 12. Program participants must simultaneously support both non-English language learners in maintaining their native language while mastering English and native English speakers in learning other languages.

(b) Interested school sites and school districts must apply to the education commissioner in the form and manner the commissioner determines. The application must indicate whether the applicant intends to develop a new world languages program or expand an existing world languages program and whether the applicant intends to offer more intensive programs or programs that are readily accessible to larger numbers of students. Applicants must agree to disseminate information about their programs to interested school sites and school districts.

(c) The commissioner must award grants to qualified applicants that satisfy the requirements in paragraphs (a) and (b). To the extent there are qualified applicants, the commissioner must award two grants in each congressional district: one grant to a qualified applicant that intends to develop a new world languages program; and one grant to a qualified applicant that intends to expand an existing world languages program. The commissioner must award at least one-half of all grants to kindergarten through grade 8 sites. Grantees must expend the grant consistent with the content of their application and this section.

(d) The commissioner shall provide for an evaluation of the grantees to identify exemplary model world languages programs and the staff development needs of world languages teachers and report the findings of the evaluation to the education policy and finance committees of the legislature by February 15, 2010.

**EFFECTIVE DATE.** This section is effective for the 2007-2008 school year.

#### Sec. 4. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **World languages teacher recruitment.** For incentive programs to recruit students into world languages teaching:

<u>\$50,000</u>	<u>.....</u>	<u>2008</u>
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<u>\$100,000</u>	<u>.....</u>	<u>2009</u>
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Subd. 3. **Pilot world languages programs.** For world languages pilot program grants:

<u>\$1,400,000</u>	<u>.....</u>	<u>2009</u>
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This appropriation is available until June 30, 2009.

Subd. 4. **Teacher training.** To contract to provide summer professional development programs in fiscal year 2008 and in fiscal year 2009 for 50 world language teachers to learn to deliver high quality language instruction and for summer and academic year professional development programs to help teachers learn to differentiate language instruction so that diverse students can succeed in learning world languages:

<u>\$100,000</u>	<u>.....</u>	<u>2008</u>
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<u>\$100,000</u>	<u>.....</u>	<u>2009</u>
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Subd. 5. **School administrators' training.** For developing and implementing intensive training sessions for public school district administrators interested in establishing high-quality, sustainable world language programs:

<u>\$50,000</u>	<u>.....</u>	<u>2008</u>
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**EFFECTIVE DATE.** This section is effective July 1, 2007.

#### Sec. 5. **MINNESOTA OFFICE OF HIGHER EDUCATION APPROPRIATIONS.**

Subdivision 1. **Minnesota Office of Higher Education.** The sums indicated in this section are appropriated from the general fund to the Minnesota Office of Higher Education for the fiscal years designated.

Subd. 2. **Scholarships.** To the Minnesota Office of Higher Education for 20 college scholarships of \$2,500 in fiscal year 2008 and of \$2,500 in fiscal year 2009 to Minnesota postsecondary students who are interested in pursuing a teaching degree in world languages and to postsecondary students who are interested in enrolling in a summer world language program or in study abroad:

<u>\$50,000</u>	<u>.....</u>	<u>2008</u>
<u>\$50,000</u>	<u>.....</u>	<u>2009"</u>

Delete the title and insert:

"A bill for an act relating to education; adopting teacher preparation standards for foreign languages; providing for world languages resources and pilot program grants; appropriating money; amending Minnesota Statutes 2006, section 122A.18, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1335, A bill for an act relating to real estate appraisers; requiring consistent use of the State Building Code's definition of a "story above grade"; amending Minnesota Statutes 2006, section 82B.20, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1336, A bill for an act relating to occupations; establishing the Council of High Pressure Piping Systems; requiring the council to establish fees; amending Minnesota Statutes 2006, section 326.47, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, lines 9 and 12, delete "council" and insert "board"

Page 1, line 14, delete "COUNCIL" and insert "BOARD"

Page 1, line 15, delete "Council" and insert "Board"

Page 2, lines 13, 16, 20, 26, 31, 33, 34, and 36, delete "council" and insert "board"

Page 3, lines 2 and 6, delete "council" in both places and insert "board" in both places

Amend the title as follows:

Page 1, line 2, delete "Council" and insert "Board"

Page 1, line 3, delete "council" and insert "board"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1343, A bill for an act relating to the environment; modifying agency service requirements; modifying wetland replacement requirements and exemptions; providing for civil enforcement; appropriating money; amending Minnesota Statutes 2006, sections 15.99, subdivision 2; 103G.222, subdivision 1; 103G.2241, subdivisions 1, 3, 7, 9, 11; 103G.2243, subdivision 2; 103G.2372, by adding a subdivision; repealing Minnesota Statutes 2006, section 103G.2241, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 15.99, subdivision 2, is amended to read:

Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), ~~if~~ when an agency, other than a multimember governing body, denies the request, it must state in writing the reasons ~~for the denial~~ at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons ~~for denial~~ on the record and. If the applicant requests a written statement of the reasons for the denial or was not present at the time the multimember governing body denies the request, the multimember governing body must provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Sec. 2. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) If an application requires a wetland delineation, wetland replacement plan approval, or certification of determination of exemption from wetland replacement under section 103G.2241, the deadline in subdivision 2 is extended to 60 days after the completion of the required delineation, replacement plan approval, or certification or determination of exemption, whichever is later.

~~(e)~~ (f) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

~~(f)~~ (g) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

~~(g)~~ (h) An applicant may by written notice to the agency request an extension of the time limit under this section.

Sec. 3. Minnesota Statutes 2006, section 103B.101, is amended by adding a subdivision to read:

Subd. 12. **Authority to issue penalty orders.** The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

Sec. 4. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and

management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill stormwater management and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter.

~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.



~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

~~(l)~~ (m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

~~(n)~~ (o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

~~(o)~~ (p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

Sec. 5. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this priority order:

(1) on site or in the same minor watershed as the affected wetland;

(2) in the same watershed as the affected wetland;

(3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed or county to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; and

~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.~~

(b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on-site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by the local government unit or by a comprehensive inventory approved by the board; and (3) statewide.

(c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(d) The exception in paragraph (a), clause ~~(5)~~ (6), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(f)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

Sec. 6. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to read:

Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is not required for:

~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:~~

~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and~~

~~(ii) has not been restored with assistance from a public or private wetland restoration program;~~

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

(1) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, fuel, fiber, and forest products, but does not include activities that result in the draining or filling of wetlands in whole or part;

(2) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

~~(5)~~ (3) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings; or

~~(6)~~ (4) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; or

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~

~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~

~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~

~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

Sec. 7. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under paragraph (b), clause (2), during the ten-year period following drainage, the wetlands must be replaced according to section 103G.222.

(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(i) there was an expenditure made from the drainage system account for the public drainage system;

(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or

(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(i) platted lots;

(ii) planned unit, commercial, or industrial developments; or

(iii) any development with more than one residential unit per 40 acres.

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

(d) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

~~(e) A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

(e) A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops before June 10 and subsequently harvested, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact; (2) was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent years prior to the impact; or (3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.

(f) The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

(g) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

Sec. 8. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to read:

Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for:

~~(1) activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991;~~

~~(2) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on January 1, 1991; or~~

~~(3) activities authorized under the federal Clean Water Act, section 404, or the Rivers and Harbors Act, section 10, regulations that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

Sec. 9. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to read:

Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not required for:

~~(1) placement, maintenance, repair, enhancement, or replacement of utility or utility type service if:~~

~~(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~

~~(ii) the proposed project significantly modifies or alters less than one half acre of wetlands;~~

~~(2) activities associated with routine maintenance of utility and pipeline rights of way, provided the activities do not result in additional intrusion into the wetland;~~

~~(3) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights of way;~~

~~(4) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~(5) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~(6) repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

(1) new placement or maintenance, repair, enhancement, or replacement of existing utility or utility-type service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations.

(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

Sec. 10. Minnesota Statutes 2006, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project:

(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area;

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;

(4) ~~400~~ 100 square feet of wetland types not listed in clauses (1) to (3) outside of shoreland wetland protection zones in all counties; ~~or~~

(5) 400 square feet of ~~type 1, 2, 3, 4, 5, 6, 7, or 8~~ wetland, ~~in beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone, except that.~~ In a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet in the shoreland protection zone in areas beyond the building setback if the wetland is isolated and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies; or

(6) up to 20 square feet of wetland, regardless of type or location.

(b) The amounts listed in paragraph (a), clauses (1) to ~~(5)~~ (6), may not be combined on a project.

(c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

(d) This exemption may not be combined with another exemption in this section on a project.

(e) Property may not be divided to increase the amounts listed in paragraph (a).

Sec. 11. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to read:

Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland under an exemption in subdivisions 1 to 10 shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

(b) An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

(c) Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on minimizing wetland impacts.

(d) The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9.

Sec. 12. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination,



no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

(b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature. The board may develop a professional wetland delineator certification program.~~

Sec. 13. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations ~~with the zoning administrator~~ to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.

(e) The local government unit decision is valid for three years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 14. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking, wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may be obtained by mailing a petition and payment of a filing fee ~~of \$200~~, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. ~~The local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500.~~ If the petition for hearing is accepted, the amount posted must be returned to the petitioner. Appeal may be made by:

- (1) the wetland owner;
- (2) any of those to whom notice is required to be mailed under subdivision 7; or
- (3) 100 residents of the county in which a majority of the wetland is located.

(b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that:

- (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;
- (2) the petitioner has not exhausted all local administrative remedies;
- (3) expanded technical review is needed;
- (4) the local government unit's record is not adequate; or

(5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

(c) In determining whether to grant the appeal, the board shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences of the delay resulting from the appeal.

(d) All appeals must be heard by the committee for dispute resolution of the board, and a decision made within 60 days of filing the local government unit's record and the written briefs submitted for the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

(e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed \$1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Sec. 15. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to read:

Subd. 12. **Replacement credits.** (a) No public or private wetland restoration, enhancement, or construction may be allowed for replacement unless specifically designated for replacement and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

(b) Paragraph (a) does not apply to a wetland whose owner has paid back with interest the individual or organization restoring, enhancing, or constructing the wetland.

(c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the following actions, and others established in rule, that are consistent with criteria in rules adopted by the board in conjunction with the commissioners of natural resources and agriculture, are eligible for replacement credit as determined by the local government unit, including enrollment in a statewide wetlands bank:

(1) reestablishment of permanent native, noninvasive vegetative cover on a wetland on agricultural land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was in a land retirement program during the past ten years;

(2) buffer areas of permanent native, noninvasive vegetative cover established or preserved on upland adjacent to replacement wetlands;

(3) wetlands restored for conservation purposes under terminated easements or contracts; and

(4) water quality treatment ponds constructed to pretreat storm water runoff prior to discharge to wetlands, public waters, or other water bodies, provided that the water quality treatment ponds must be associated with an ongoing or proposed project that will impact a wetland and replacement credit for the treatment ponds is based on the replacement of wetland functions and on an approved stormwater management plan for the local government.

(d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), the board may establish by rule different replacement ratios for restoration projects with exceptional natural resource value.

Sec. 16. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to read:

Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources ~~and credited to the general fund~~ to be used for the purpose of administration of the wetland bank and to process appeals under section 103G.2242, subdivision 9.

Sec. 17. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to read:

Subd. 2. **Plan contents.** A comprehensive wetland protection and management plan may:

(1) provide for classification of wetlands in the plan area based on:

(i) an inventory of wetlands in the plan area;

(ii) an assessment of the wetland functions listed in section 103B.3355, using a methodology chosen by the Technical Evaluation Panel from one of the methodologies established or approved by the board under that section; and

(iii) the resulting public values;

(2) vary application of the sequencing standards in section 103G.222, subdivision 1, paragraph (b), for projects based on the classification and criteria set forth in the plan;

(3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific wetland impacts provided there is no net loss of public values within the area subject to the plan, and so long as:

(i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan; and

(ii) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan, except that replacement for the amount above a 1:1 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

(4) in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres; and

~~(5) in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in section 103G.2241, subdivision 1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no net loss of wetland values.~~

Sec. 18. **RULEMAKING.**

Within 90 days of the effective date of this section, the Board of Water and Soil Resources shall adopt rules that amend Minnesota Rules, chapter 8420. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the senate and house committees having jurisdiction over environment and natural resources at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication in the State Register unless they are superceded by permanent rules.

Sec. 19. **APPROPRIATIONS.**

(a) \$1,060,000 in fiscal year 2008 and \$1,060,000 in fiscal year 2009 are appropriated from the general fund to the Board of Water and Soil Resources for the following purposes to support implementation of the Wetland Conservation Act: \$500,000 each year is to make grants to local units of governments to improve response to major wetland violations; \$500,000 each year is for staffing to provide adequate state oversight and technical support to local governments administering the Wetland Conservation Act; and \$60,000 each year is for staff to monitor and enforce wetland replacement and wetland bank sites.

(b) \$60,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to develop a comprehensive state wetland restoration vision and plan. This is a onetime appropriation. All of the money appropriated in this paragraph as grants to local governments shall be administered through the Board of Water and Soil Resources' local water resources protection and management program under Minnesota Statutes, section 103B.3369.

Sec. 20. **REPEALER.**

Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed.

Sec. 21. **EFFECTIVE DATE.**

Sections 1 to 20 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; modifying agency service requirements; modifying provisions for wetland conservation; providing for civil enforcement; requiring rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 15.99, subdivisions 2, 3; 103B.101, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3, 6, 9, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; repealing Minnesota Statutes 2006, section 103G.2241, subdivision 8."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 1401, A bill for an act relating to human services; establishing a reverse mortgage incentive program; establishing eligibility standards, benefits, and other requirements; appropriating money; amending Minnesota Statutes 2006, sections 47.58, subdivision 8; 256.01, by adding a subdivision; 256.975, subdivision 7; 256B.0911, subdivisions 1a, 3a; 256B.0913, by adding a subdivision; 256B.15, by adding a subdivision; 462A.05, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Commerce and Labor.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 1409, A bill for an act relating to health; changing provisions for well contractor's license; amending Minnesota Statutes 2006, sections 103I.525, subdivision 5; 103I.531, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 1424, A bill for an act relating to education; developing world language proficiency, resources, and capacity; appropriating money; amending Minnesota Statutes 2006, sections 120B.021, subdivision 1; 120B.022, subdivision 1; 120B.023, subdivision 2; 120B.024; 122A.18, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship;
- (5) health and physical education, for which locally developed academic standards apply; ~~and~~

(6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district—~~so that (i) public elementary and middle schools must offer at least three and require at least two of the following four arts areas in:~~ dance; music; theater; and visual arts;—~~and (ii) public high schools must offer at least three and require at least one of the following five arts areas in:~~ media arts; dance; music; theater; and visual arts; and

(7) a world language, for which locally developed academic standards apply.

(b) The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards.

(c) A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

(d) At a minimum, school districts must implement a world language graduation requirement for students who graduate in the 2024-2025 school year and later unless exempted by the commissioner. The graduation requirement must expect students to demonstrate an intermediate-low level of proficiency in a language other than English using the American Council on the Teaching of Foreign Languages proficiency guidelines. Students' requisite proficiency in indigenous American Indian languages, among other world languages, satisfies the state's world language graduation requirement. School districts must determine student proficiency levels based on a language classification scale such as the Defense Language Institute or an equivalent and must consider national foreign language standards descriptions of language proficiency expectations. Pupils of limited English proficiency under section 124D.59, subdivision 2, satisfy this requirement in their first learned language or in a third language other than English.

**EFFECTIVE DATE.** This section is effective immediately and applies to students who graduate in the 2024-2025 school year and later.

Sec. 2. Minnesota Statutes 2006, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** A district must establish its own ~~standards in the following subject areas:~~

~~(1) vocational and technical education; and~~

~~(2) world languages standards.~~

A school district must offer courses in all elective subject areas.

**EFFECTIVE DATE.** This section is effective immediately and applies to students who graduate in the 2024-2025 school year and later.

Sec. 3. Minnesota Statutes 2006, section 120B.023, subdivision 2, is amended to read:

Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a review cycle for state academic standards and related benchmarks, consistent with this subdivision. During each review cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for college readiness and advanced work in the particular subject area.

(b) The commissioner in the 2006-2007 school year must revise and align the state's academic standards and high school graduation requirements in mathematics to require that students satisfactorily complete the revised mathematics standards, beginning in the 2010-2011 school year. Under the revised standards:

(1) students must satisfactorily complete an algebra I credit by the end of eighth grade; and

(2) students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete an algebra II credit or its equivalent.

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 beginning in the 2010-2011 school year are aligned with the state academic standards in mathematics. The statewide 11th grade mathematics test administered to students under clause (2) beginning in the 2013-2014 school year must include algebra II test items that are aligned with corresponding state academic standards in mathematics. The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

(c) The commissioner in the 2007-2008 school year must revise and align the state's academic standards and high school graduation requirements in the arts to require that students satisfactorily complete the revised arts standards beginning in the 2010-2011 school year. The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2016-2017 school year.

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

(f) The commissioner in the 2010-2011 school year must revise and align the state's academic standards and high school graduation requirements in social studies to require that students satisfactorily complete the revised social studies standards beginning in the 2013-2014 school year. The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2019-2020 school year.

(g) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, physical education, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. Students who graduate in the 2024-2025 school year and later must satisfactorily complete credits in

a world language between seventh and twelfth grades to meet the proficiency expectations under section 120B.021, subdivision 1, paragraph (d). School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, physical education, world languages, and career and technical education.

**EFFECTIVE DATE.** This section is effective immediately and applies to students who graduate in the 2024-2025 school year and later.

Sec. 4. Minnesota Statutes 2006, section 120B.024, is amended to read:

**120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

(a) Students beginning 9th grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

- (1) four credits of language arts;
- (2) three credits of mathematics, encompassing at least algebra, geometry, statistics, and probability sufficient to satisfy the academic standard;
- (3) three credits of science, including at least one credit in biology;
- (4) three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics or three credits of social studies encompassing at least United States history, geography, government and citizenship, and world history, and one-half credit of economics taught in a school's social studies, agriculture education, or business department;
- (5) one credit in the arts; and
- (6) a minimum of seven elective course credits.

A course credit is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter, as determined by the local school district.

(b) An agriculture science course may fulfill a science credit requirement in addition to the specified science credits in biology and chemistry or physics under paragraph (a), clause (3).

(c) Students beginning ninth grade in the 2020-2021 school year and later must demonstrate the level of proficiency under section 120B.021, subdivision 1, paragraph (d).

**EFFECTIVE DATE.** This section is effective immediately and applies to students who graduate in the 2024-2025 school year and later.

Sec. 5. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

**Subd. 10. World language licenses.** The board must review and approve qualified alternative preparation programs under section 122A.24 leading to licensure as a world language teacher in grades kindergarten through 8 and grades kindergarten through 12 for those individuals who are fully proficient in English and another world language under board requirements, have a bachelor's degree from an accredited four-year postsecondary institution, and are interested in becoming licensed world language teachers. Alternative preparation programs for qualified individuals must be one school year in length.

**EFFECTIVE DATE.** This section is effective for persons enrolling in an alternative preparation program after August 15, 2008.



**Sec. 6. ADVISORY TASK FORCE ON DEVELOPING STUDENTS' WORLD LANGUAGE PROFICIENCY.**

(a) The commissioner of education must establish an advisory task force on developing students' world language no later than September 1, 2007, to consider and recommend to the legislature a process for designing and implementing a comprehensive statewide program to ensure a proficiency level consistent with Minnesota Statutes, section 120B.021, subdivision 1, paragraph (d), for Minnesota students by the 2024-2025 school year. The process must anticipate a gradual implementation of world language programs over time, acknowledge and reinforce the language proficiency and cultural awareness that minority language speakers already possess, and encourage students' proficiency in multiple world languages. To realize these goals, and consistent with this act, the task force at least annually must make recommendations to the legislature and the commissioner of education for developing and implementing:

(1) high quality sustainable program models that reach many learners but result in lower proficiency levels and other program models that provide depth that reach fewer students but lead to higher proficiency levels;

(2) week-long intensive training sessions for public school district administrators interested in establishing high quality sustainable world language programs;

(3) postsecondary two-year and four-year programs that offer high quality world language instruction, world language degrees, and opportunities to learn and apply a world language to a specific purpose;

(4) increased language proficiency and quality of instruction for increased numbers of licensed world language teachers whose teacher preparation programs reflect the program standards of the American Council on the Teaching of Foreign Languages and the National Council for the Accreditation of Teacher Education;

(5) compact, intensive teacher education programs that maintain Minnesota's rigorous world language standards;

(6) programs that simultaneously support both minority language learners in maintaining their native language while mastering English and majority language learners in learning other languages, lead to certificates of bilingualism and multilingualism, and provide scholarships for further world language study;

(7) information technology, including high-speed Internet access, for online learning and increasing statewide access to world language information, books, and education materials, and high quality world language instruction;

(8) a full-time position for a state coordinator for world languages in the Department of Education; and

(9) model world language programs and plans for implementing a required world language standard at various grade levels between kindergarten and grade 12.

(b) The commissioner of education must appoint an advisory task force that is composed of a representative from each of the following entities who is selected by that entity: the Department of Education; CARLA at the University of Minnesota; the College of Education and Human Development at the University of Minnesota; Concordia Language Village; St. Paul public schools; Minneapolis public schools; the Minnesota State Colleges and Universities system; the Association of Metropolitan School Districts; the Minnesota Rural Education Association; the Minnesota School Boards Association; Education Minnesota; the Parent Teacher Association; the Minnesota Association of School Administrators; the Minnesota Private Colleges Council; the Minnesota Council on the Teaching of Languages and Cultures; the Minnesota Articulation Project; and others recommended by task force

members. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. Annually, by February 15, the task force must submit to the Education Policy and Finance Committees of the legislature a written report on the ongoing process of designing and implementing a comprehensive statewide program to ensure a high level of world language proficiency for all Minnesota students by the 2024-2025 school year.

(c) The task force expires on February 16, 2025.

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

**Sec. 7. PILOT PROGRAM TO DEVELOP AND IMPLEMENT MANDARIN CHINESE PROGRAMS AND TO ENHANCE EXISTING SUCCESSFUL MANDARIN CHINESE PROGRAMS.**

Subdivision 1. **Establishment; application.** (a) A pilot program for fiscal years 2008 and 2009 is established to develop and implement alternative sustainable model programs in Mandarin Chinese instruction and to enhance existing successful Mandarin Chinese programs. The pilot programs either must provide: program breadth offering intensive Mandarin Chinese programs to fewer students in elementary school and offering middle and high school Mandarin Chinese programs to many students that may result in a lower level of student proficiency; or program depth with intensive immersion or content-based Mandarin Chinese programs that are available to fewer students but result in a higher level of student proficiency.

(b) School districts interested in participating in developing and implementing alternative sustainable model programs in Mandarin Chinese instruction or enhancing existing successful Mandarin Chinese programs must apply to the commissioner of education in the form and manner the commissioner determines. The application must:

(1) describe the applicant's capacity for offering a Mandarin Chinese program and the proposed program model;

(2) include a plan for program articulation between grades, the development of Mandarin Chinese benchmarks, and the assessment of students' language proficiency;

(3) demonstrate an alignment between the target student population and the proposed program model;

(4) provide evidence of community and staff support;

(5) include a plan for sustaining a Mandarin Chinese program beyond the period of the pilot program; and

(6) demonstrate an ability to provide matching nonstate funds.

The commissioner may require an applicant to submit additional information.

Subd. 2. **Application review; grant awards; evaluation.** (a) Only those applicants the commissioner determines have successfully complied with subdivision 1 are eligible to receive a pilot program grant under this section.

(b) The commissioner may award up to ten pilot program grants. Each grant recipient is eligible to receive \$50,000 in fiscal year 2008 and \$50,000 in fiscal year 2009 to implement a Mandarin Chinese program. To the extent feasible, the commissioner must award the grants to successful applicants of various sizes that are located throughout the state. Recipients must use the grant awards to implement a new Mandarin Chinese program or enhance an existing program, consistent with the recipient's application.

(c) The commissioner must provide for an evaluation of the pilot programs funded under this section and recommend to the education policy and finance committees of the legislature by February 15, 2010, how to make available Mandarin Chinese programs to students in kindergarten through grade 12 throughout the state.

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

Sec. 8. **SCHOOL ADMINISTRATOR TRAINING.**

The commissioner of education, in consultation with postsecondary institutions and the state Board of School Administrators, must develop and implement week-long, intensive training sessions for public school district administrators interested in establishing high quality, sustainable world language program models. The training sessions must be similar in structure to the advanced placement training programs offered by the College Board under Minnesota Statutes, section 120B.13.

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

Sec. 9. **MINNESOTA OFFICE OF HIGHER EDUCATION; RECOMMENDATIONS FOR DEVELOPING WORLD LANGUAGE RESOURCES AND EXPERTISE.**

The Minnesota Office of Higher Education under Minnesota Statutes, chapter 136A, must make recommendations to the education policy and finance committees of the legislature by February 15, 2008, on developing and implementing world language initiatives in postsecondary settings, including:

- (1) a Mandarin Chinese undergraduate major in four-year colleges and universities;
- (2) high quality Mandarin Chinese instruction in two-year colleges;
- (3) better alignment of world language requirements in secondary schools and postsecondary institutions;
- (4) development of cross-curricular world language initiatives that enable students to learn a world language related to a particular course of study such as international business or politics; and
- (5) development of scholarship programs that allow more students to study abroad.

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

Sec. 10. **DEPARTMENT OF EDUCATION; FULL-TIME LANGUAGE AND INTERNATIONAL EDUCATION POSITIONS.**

The Department of Education must establish within the department:

- (1) a full-time world language specialist position to assist school districts in developing and implementing world language programs;
- (2) a part-time licensing executive position to evaluate and process the licenses of world language teachers; and
- (3) a full-time international education specialist position to assist school districts in developing and implementing cross-curricular international or global subject matter content and to facilitate the work of a task force that must develop Minnesota's kindergarten through grade 12 world language standards.

Sec. 11. **BILINGUAL AND MULTILINGUAL CERTIFICATES; DEPARTMENT OF EDUCATION.**

The Department of Education, in consultation with interested stakeholders, must develop and recommend to the legislature by February 15, 2008, the standards and process for awarding bilingual and multilingual certificates to those kindergarten through grade 12 students who demonstrate and maintain a requisite level of proficiency in multiple languages.

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

Sec. 12. **DEPARTMENT OF EDUCATION APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal year designated.

Subd. 2. **Pilot program for developing and expanding Mandarin Chinese programs.** For developing and implementing Mandarin Chinese programs and enhancing existing successful Mandarin Chinese programs:

<u>\$500,000</u>	<u>.....</u>	<u>2008</u>
<u>\$500,000</u>	<u>.....</u>	<u>2009</u>

Subd. 3. **School administrators' training.** For developing and implementing week-long, intensive training sessions for public school district administrators interested in establishing high quality, sustainable world language programs:

<u>\$50,000</u>	<u>.....</u>	<u>2008</u>
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Subd. 4. **Department of Education world language positions.** For the Department of Education to hire one part-time and two full-time positions related to developing and implementing world language programs and standards and licensing world language teachers:

<u>\$300,000</u>	<u>.....</u>	<u>2008</u>
<u>\$300,000</u>	<u>.....</u>	<u>2009</u>

Subd. 5. **Alternative teacher preparation scholarships.** For providing \$2,500 scholarships to 20 qualified Minnesota residents to enroll in alternative teacher preparation programs leading to licensure as a world language teacher:

<u>\$100,000</u>	<u>.....</u>	<u>2008</u>
<u>\$100,000</u>	<u>.....</u>	<u>2009</u>

Subd. 6. **Programs for world language teachers.** For establishing and delivering intensive teacher preparation and development summer programs for Minnesota residents who (1) are fully proficient in English and another world language, (2) have a bachelor's degree from an accredited four-year postsecondary institution, and (3) are interested in becoming licensed world language teachers; for providing \$10,000 stipends to 25 visiting teachers from China to receive on-site and Web-based orientation and professional development in China, and mentoring and

professional development and training in Minnesota on effective pedagogy and working with Minnesota students for at least one quarter before beginning to teach in Minnesota; and \$100,000 for hiring a highly qualified Chinese language teacher to serve as a statewide mentor on special assignment to assist native Chinese language teachers teaching in Minnesota:

<u>\$700,000</u>	<u>.....</u>	<u>2008</u>
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<u>\$700,000</u>	<u>.....</u>	<u>2009</u>
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Subd. 7. **Teacher training.** To provide summer professional development programs in fiscal year 2008 and in fiscal year 2009 for 50 world language teachers to learn to use technology to deliver high quality language instruction and for summer and academic year professional development programs to help teachers learn to differentiate language instruction so that all students can succeed in learning world languages:

<u>\$100,000</u>	<u>.....</u>	<u>2008</u>
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<u>\$100,000</u>	<u>.....</u>	<u>2009</u>
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Subd. 8. **Grants to develop innovative materials.** For ten two-year grants of \$20,000 to encourage Mandarin Chinese community language schools to develop innovative materials and information for the Mandarin Chinese Information and Resource Center Web site and for Mandarin Chinese programs throughout Minnesota:

<u>\$200,000</u>	<u>.....</u>	<u>2008</u>
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#### Sec. 13. **MINNESOTA STATE COLLEGES AND UNIVERSITIES APPROPRIATIONS.**

Subdivision 1. **Minnesota State Colleges and Universities.** The sums indicated in this section are appropriated from the general fund to the Minnesota State Colleges and Universities for the fiscal years designated.

Subd. 2. **World language teacher preparation.** To the Minnesota State Colleges and Universities for ten grants of \$100,000 in fiscal year 2008 and ten grants of \$100,000 in fiscal year 2009 to develop, in consultation with the state Board of Teaching, world language teacher preparation programs leading to licensure as a world language teacher so that Minnesota has sufficient teacher preparation program capacity to realize a long-term goal of having all kindergarten through grade 12 students reach a specified level of world language proficiency by the 2024-2025 school year, and to provide opportunities for qualified world language teachers to study abroad:

<u>\$1,500,000</u>	<u>.....</u>	<u>2008</u>
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<u>\$1,500,000</u>	<u>.....</u>	<u>2009</u>
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#### Sec. 14. **MINNESOTA OFFICE OF HIGHER EDUCATION APPROPRIATIONS.**

Subdivision 1. **Minnesota Office of Higher Education.** The sums indicated in this section are appropriated from the general fund to the Minnesota Office of Higher Education for the fiscal years designated.

Subd. 2. **Scholarships.** To the Minnesota Office of Higher Education for 20 college scholarships of \$2,500 in fiscal year 2008 and of \$2,500 in fiscal year 2009 to Minnesota postsecondary students who are interested in pursuing a teaching degree in world languages and to postsecondary students who are interested in enrolling in a summer world language program or in study abroad:

<u>\$50,000</u>	<u>.....</u>	<u>2008</u>
<u>\$50,000</u>	<u>.....</u>	<u>2009"</u>

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 1441, A bill for an act relating to trust companies; limited purpose companies; making nonsubstantive term changes; amending Minnesota Statutes 2006, section 48A.03, subdivision 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 1525, A bill for an act relating to agriculture; limiting water use permitting fees for aquaculture to no more than \$750 per year; amending Minnesota Statutes 2006, section 103G.271, subdivision 6.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1546, A bill for an act relating to elections; providing for automatic voter registration of applicants for a driver's license, instruction permit, or identification card; appropriating money; amending Minnesota Statutes 2006, sections 201.12; 201.13, subdivision 3; 201.161.

Reported the same back with the following amendments:

Page 2, line 20, delete "from the United"

Page 2, line 21, delete "States Postal Service"

Page 3, delete subdivision 3 and insert:

"Subd. 3. **Registration.** (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose registration is not changed, the secretary of state shall update the voter's registration date in the statewide voter registration system. For each currently registered voter whose registration is changed, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information received from the commissioner of public safety with the information on wards, incompetents, and felons received from the state court administrator under sections 201.15 and 201.155, to determine whether the applicant is eligible to vote. If an applicant is less than 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is eligible to vote. For each applicant the secretary of state determines is an eligible voter, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides."

Page 4, after line 20, insert:

"Sec. 5. **EFFECTIVE DATE.**

Subdivision 1. **Generally.** This act is effective August 1, 2007, except as provided in this section.

Subd. 2. **Automatic registration.** An applicant for a Minnesota driver's license, instruction permit, or identification card must not be registered to vote under section 3 until the secretary of state has certified that the system for automatic registration of those applicants has been tested and shown to properly determine whether an applicant is eligible to vote."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 1588, A bill for an act relating to state employees; establishing a pilot project to provide employees with electronic health records; appropriating money.

Reported the same back with the following amendments:

Page 2, line 3, delete "and HIPAA compliance" and insert "and compliance with HIPAA; Minnesota Statutes, chapter 13; Minnesota Statutes, section 144.335; and other state law related to data privacy."

Page 2, line 5, delete "from the health care access fund"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1609, A bill for an act relating to employment; protecting certain employee statements from employer retaliation; establishing complaint procedures; establishing investigative jurisdiction for the commissioner of labor and industry; creating civil penalties; amending Minnesota Statutes 2006, sections 177.27, subdivisions 4, 5, by adding a subdivision; 181.932, subdivision 1; 181.935; proposing coding for new law in Minnesota Statutes, chapters 177; 181.

Reported the same back with the following amendments:

Page 3, delete lines 33 to 35

Page 4, line 1, delete "(f)" and insert "(e)"

Page 4, line 3, before the semicolon, insert ", public health and public safety"

Page 4, line 4, delete "(g)" and insert "(f)"

Page 4, line 5, after "accurate" insert ", including reports to a governmental body or law enforcement official"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 1698, A bill for an act relating to education; establishing a scholar loan program to encourage teacher diversity in schools; establishing a revolving account in the state treasury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 122A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1710, A bill for an act relating to state government; clarifying private cemeteries; amending Minnesota Statutes 2006, section 307.08.

Reported the same back with the following amendments:

Page 2, line 28, delete "contract" and insert "professional" and after the first comma, insert "qualified"

Page 3, line 5, delete everything after "waters"



Page 3, delete lines 6 and 7

Page 3, line 8, delete everything before the period

Page 4, line 24, delete "construction" and insert "disturbance"

Page 6, line 4, after "tombstone" insert "or obvious grave marker"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 1794, A bill for an act relating to education; providing for children's early literacy; appropriating money; amending Minnesota Statutes 2006, section 119A.50, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1819, A bill for an act relating to the city of Proctor; authorizing sales taxes; amending Laws 1999, chapter 243, article 4, section 18, subdivisions 1, 3, 4.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1820, A bill for an act relating to taxes; authorizing the city of Crookston to impose a local sales and use tax.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 1823, A bill for an act relating to corrections; establishing a five-year demonstration project designed to apply best practices to improve and promote the recovery and success of high-risk adults who frequently use costly public services such as emergency rooms, treatment programs, jails, prisons, and detoxification facilities;

combining an innovative management and governance structure; assembling core services currently provided separately, including housing, behavioral health, health care, employment, and community and family reengagement; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the following amendments:

Page 3, delete line 23

Page 3, line 24, delete the comma and insert "of corrections"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1894, A bill for an act relating to the county of Cook; authorizing an extension of the local sales tax; amending Laws 1993, chapter 375, article 9, section 45, subdivisions 2, as amended, 3, as amended, 4, as amended.

Reported the same back with the following amendments:

Page 2, line 8, delete the second "and"

Page 2, line 9, delete the period and insert "; and"

Page 2, after line 9, insert:

"(4) debt service to retire bonds for improvements to the Superior National Golf Course."

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1930, A bill for an act relating to waters; improving oversight of local government water management; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103B.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2059, A bill for an act relating to taxes; authorizing the city of Ely to impose a local sales and use tax.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 532, 648, 1051, 1101, 1259, 1335, 1409, 1441 and 1710 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Loeffler, Solberg, Lanning, Erickson, Urdahl, Jaros and Tingelstad introduced:

H. F. No. 2135, A bill for an act relating to the Minnesota Sesquicentennial Commission; changing certain duties, powers, and procedures; amending Laws 2005, First Special Session chapter 1, article 4, section 121.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Gottwalt introduced:

H. F. No. 2136, A bill for an act relating to employment; modifying prevailing wage provisions; amending Minnesota Statutes 2006, section 177.42, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Sailer, Howes, Eken, Moe and Koenen introduced:

H. F. No. 2137, A bill for an act relating to motor fuels; allowing petroleum inspection fee to be used for weatherization assistance; amending Minnesota Statutes 2006, section 239.101, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Abeler and Thao introduced:

H. F. No. 2138, A bill for an act relating to health-related licensing boards; modifying fees for licensed professional counselors; establishing fees for licensed professional clinical counselors; amending Minnesota Statutes 2006, sections 148B.53, subdivision 3; 148C.12, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Finance.

Mahoney, Mullery, Hansen and Nelson introduced:

H. F. No. 2139, A bill for an act relating to unemployment insurance; providing extra unemployment benefits for certain electricians.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Madore introduced:

H. F. No. 2140, A bill for an act relating to taxation; redefining transit taxing district; authorizing tax levy outside existing transit taxing district; amending Minnesota Statutes 2006, section 473.446, subdivisions 2, 8; repealing Minnesota Statutes 2006, section 473.4461.

The bill was read for the first time and referred to the Committee on Taxes.

Dominguez, Haws, Walker, Hornstein, Heidgerken and Clark introduced:

H. F. No. 2141, A bill for an act relating to landlord and tenant; requiring expungement of court eviction records after one year; amending Minnesota Statutes 2006, section 504B.241, subdivision 4.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Marquart, Haws, Olin, Westrom, Anzelc, Dittrich, Ward, Kalin, Doty, Loeffler, Wollschlager, Sailer, Lieder, Abeler, Otremba, Masin, Bly, Brown and Knuth introduced:

H. F. No. 2142, A bill for an act relating to taxation; property tax; changing class rates; extending time for certain refunds; requiring certain information to be included on certificates of real estate value and used in sales ratio studies; creating a property classification for rural woodlands; establishing a seasonal recreational property tax deferral program; providing a market value exclusion for improvements made to certain older homes; providing for homeowners to make monthly property tax payments; appropriating money; amending Minnesota Statutes 2006, sections 127A.48, subdivision 3; 272.115, subdivision 1; 273.11, by adding a subdivision; 273.13, subdivisions 22, 23, 25, 33; 279.01, by adding a subdivision; 289A.40, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 290D.

The bill was read for the first time and referred to the Committee on Taxes.

Simon; Anderson, B., and Wardlow introduced:

H. F. No. 2143, A bill for an act relating to human services; requiring the commissioner to establish a kinship support program for grandparents and relatives caring for related children.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gardner, Swails, Bigham and Bunn introduced:

H. F. No. 2144, A bill for an act relating to environment; creating an ombudsman in the Pollution Control Agency for water pollution education and assistance; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Atkins, Pelowski, Kahn and Simon introduced:

H. F. No. 2145, A bill for an act relating to open meetings; defining terms; adding open meeting requirement; adding violation for serial meetings; adding contemporaneous textual electronic communications to open meeting requirements; amending Minnesota Statutes 2006, sections 13D.01, subdivisions 1, 2, by adding a subdivision; 13D.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13D.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Wardlow and Scalze introduced:

H. F. No. 2146, A bill for an act relating to human services; changing provisions for nonpublic assistance IV-D services; amending Minnesota Statutes 2006, sections 256J.08, by adding a subdivision; 256J.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256J.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bly and Fritz introduced:

H. F. No. 2147, A bill for an act relating to counties; appropriating money for grants to counties participating in the development of the integrated financial system.

The bill was read for the first time and referred to the Committee on Finance.

Clark and Hornstein introduced:

H. F. No. 2148, A bill for an act relating to public health; creating a pilot project to make Minneapolis schools fragrance-free.

The bill was read for the first time and referred to the Committee on E-12 Education.

Lenczewski introduced:

H. F. No. 2149, A bill for an act relating to human services; increasing the property payment rate for a nursing facility located in Hennepin County; amending Minnesota Statutes 2006, section 256B.434, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Hilstrom introduced:

H. F. No. 2150, A bill for an act relating to taxation; requiring certain low-income rental housing to participate in the crime free multihousing program to receive a reduced property tax class rate; amending Minnesota Statutes 2006, section 273.128, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Hilstrom, Kahn and Greiling introduced:

H. F. No. 2151, A bill for an act relating to education; making Minnesota State High School League rules subject to the Administrative Procedure Act; amending Minnesota Statutes 2006, section 128C.02, subdivision 4; repealing Minnesota Statutes 2006, section 128C.03.

The bill was read for the first time and referred to the Committee on Finance.

Bly introduced:

H. F. No. 2152, A bill for an act relating to higher education; increasing revenue bond authority; amending Minnesota Statutes 2006, section 136A.29, subdivision 9.

The bill was read for the first time and referred to the Committee on Finance.

Smith, Mullery, Berns, Eastlund and Cornish introduced:

H. F. No. 2153, A bill for an act relating to public safety; providing penalties for unlawful acts relating to fraudulent identification cards; amending Minnesota Statutes 2006, section 609.652, subdivisions 1, 2, 3.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Murphy, M.; Hilty and Solberg introduced:

H. F. No. 2154, A bill for an act relating to education finance; increasing funding for low referendum districts; amending Minnesota Statutes 2006, section 126C.10, subdivision 24.

The bill was read for the first time and referred to the Committee on Finance.

Hackbarth and Juhnke introduced:

H. F. No. 2155, A bill for an act relating to bioenergy production; appropriating money for study of plasma gasification process to convert cellulose, plastics, and other components of municipal solid waste into methanol for use in biodiesel production.

The bill was read for the first time and referred to the Committee on Finance.

Wagenius introduced:

H. F. No. 2156, A bill for an act relating to taxation; imposing an excise tax on incandescent light bulbs; amending Minnesota Statutes 2006, sections 270C.56, subdivision 1; 289A.01; 289A.02, subdivision 5; 289A.12, by adding a subdivision; 289A.18, by adding a subdivision; 289A.19, by adding a subdivision; 289A.20, by adding a subdivision; 289A.56, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 297J.

The bill was read for the first time and referred to the Committee on Taxes.

Madore introduced:

H. F. No. 2157, A bill for an act relating to human services; prohibiting the use of a broker for special transportation and access transportation services; amending Laws 2003, First Special Session chapter 14, article 12, section 93, as amended.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Loeffler and Tingelstad introduced:

H. F. No. 2158, A bill for an act relating to human services; appropriating money to the International Adoption Project.

The bill was read for the first time and referred to the Committee on Finance.

Abeler and Huntley introduced:

H. F. No. 2159, A bill for an act relating to human services; requiring certain medical assistance enrollees who are children with high-cost medical conditions to receive integrated health care coordination and social support services through the U special kids program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gunther and Cornish introduced:

H. F. No. 2160, A bill for an act relating to human services finance; providing a rate increase for a nursing facility in Faribault County; amending Minnesota Statutes 2006, section 256B.434, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Cornish and Gunther introduced:

H. F. No. 2161, A bill for an act relating to human services; appropriating money for methamphetamine treatment programs.

The bill was read for the first time and referred to the Committee on Finance.

Gunther and Cornish introduced:

H. F. No. 2162, A bill for an act relating to human services; requiring the commissioner to make recommendations to the legislature for an adolescent residential treatment center.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Hortman introduced:

H. F. No. 2163, A bill for an act relating to taxes; expanding the sales tax base and reducing the rate; providing a low income tax credit; appropriating money; amending Minnesota Statutes 2006, sections 297A.61, subdivision 3; 297A.62, subdivision 1; 297A.67, subdivision 7; 297A.68, subdivisions 10, 19, by adding a subdivision; 297A.70, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 2006, sections 297A.67, subdivisions 8, 9, 10, 13, 13a, 14, 15, 16, 17; 297A.70, subdivision 12.

The bill was read for the first time and referred to the Committee on Taxes.

Hausman, Lesch, Carlson, Thao, Simpson, Zellers, Koenen, Atkins and Paulsen introduced:

H. F. No. 2164, A bill for an act relating to life insurance taxation; exempting certain group term contracts from the premiums tax; amending Minnesota Statutes 2006, section 297I.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

The House recessed to hear Irish music performed by the local Irish band "Legacy" in celebration of St. Patrick's Day.

#### RECONVENED

The House reconvened and was called to order by the Speaker.



**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned, as amended by the Senate:

House Concurrent Resolution No. 2, A House concurrent resolution relating to the adoption of revenue targets under Minnesota Statutes 2006, section 16A.102, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Solberg moved that the House refuse to concur in the Senate amendments to House Concurrent Resolution No. 2, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 805, 543 and 1499.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 805, A bill for an act relating to insurance; regulating health plan coverage for hearing aids; amending Minnesota Statutes 2006, section 62Q.675.

The bill was read for the first time.

Sertich moved that S. F. No. 805 and H. F. No. 633, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 543, A resolution memorializing Congress to support the Employee Free Choice Act relating to workers' rights to form and join unions.

The bill was read for the first time.

Nelson moved that S. F. No. 543 and H. F. No. 554, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1499, A bill for an act relating to education; ensuring students' ability to participate in league-sponsored activities after completing licensed treatment programs; amending Minnesota Statutes 2006, section 128C.02, subdivision 5.

The bill was read for the first time.

#### DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Holberg moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1499 be given its second and third readings and be placed upon its final passage. The motion prevailed.

#### SUSPENSION OF RULES

Holberg moved that the rules of the House be so far suspended that S. F. No. 1499 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1499 was read for the second time.

S. F. No. 1499, A bill for an act relating to education; ensuring students' ability to participate in league-sponsored activities after completing licensed treatment programs; amending Minnesota Statutes 2006, section 128C.02, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Liebling	Paulsen	Solberg
Anderson, B.	Dill	Hilstrom	Lieder	Paymar	Sviggum
Anderson, S.	Dittrich	Hilty	Lillie	Pelowski	Swails
Anzelc	Dominguez	Holberg	Loeffler	Peppin	Thao
Atkins	Doty	Hoppe	Madore	Peterson, A.	Thissen
Beard	Eastlund	Hornstein	Magnus	Peterson, N.	Tillberry
Benson	Eken	Hortman	Mariani	Peterson, S.	Tingelstad
Berns	Emmer	Hosch	Marquart	Poppe	Tschumper
Bigham	Erhardt	Howes	Masin	Rukavina	Urdahl
Bly	Erickson	Jaros	McFarlane	Ruth	Wagenius
Brod	Faust	Johnson	McNamara	Ruud	Walker
Brown	Finstad	Juhnke	Moe	Sailer	Ward
Brynaert	Fritz	Kahn	Morgan	Scalze	Wardlow
Buesgens	Gardner	Kalin	Morrow	Seifert	Welti
Bunn	Garofalo	Knuth	Mullery	Sertich	Westrom
Carlson	Gottwalt	Koenen	Murphy, E.	Severson	Winkler
Clark	Greiling	Kohls	Murphy, M.	Shimanski	Zellers
Cornish	Gunther	Kranz	Nelson	Simon	Spk. Kelliher
Davnie	Hackbarth	Laine	Nornes	Simpson	
Dean	Hamilton	Lanning	Olin	Slawik	
DeLaForest	Hansen	Lenczewski	Otremba	Slocum	
Demmer	Hausman	Lesch	Ozment	Smith	

Those who voted in the negative were:

Heidgerken      Huntley      Mahoney      Norton      Olson      Wollschlager

The bill was passed and its title agreed to.

### CONSENT CALENDAR

H. F. No. 736, A bill for an act relating to emergency medical services; changing the name of an award and incentive program.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilty	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Holberg	Lillie	Paulsen	Sviggum
Anderson, S.	Dominguez	Hoppe	Loeffler	Paymar	Swails
Anzelc	Doty	Hornstein	Madore	Pelowski	Thao
Atkins	Eastlund	Hortman	Magnus	Peterson, A.	Thissen
Beard	Eken	Hosch	Mahoney	Peterson, N.	Tillberry
Benson	Erhardt	Howes	Mariani	Peterson, S.	Tingelstad
Berns	Erickson	Huntley	Marquart	Poppe	Tschumper
Bigham	Faust	Jaros	Masin	Rukavina	Urdahl
Bly	Finstad	Johnson	McFarlane	Ruth	Wagenius
Brod	Fritz	Juhnke	McNamara	Ruud	Walker
Brown	Gardner	Kahn	Moe	Sailer	Ward
Brynaert	Garofalo	Kalin	Morgan	Scalze	Wardlow
Bunn	Gottwalt	Knuth	Morrow	Seifert	Welti
Carlson	Gunther	Koenen	Mullery	Sertich	Westrom
Clark	Hackbarth	Kohls	Murphy, E.	Severson	Winkler
Cornish	Hamilton	Kranz	Murphy, M.	Shimanski	Wollschlager
Davnie	Hansen	Laine	Nelson	Simon	Zellers
Dean	Hausman	Lanning	Nornes	Simpson	Spk. Kelliher
DeLaForest	Haws	Lenczewski	Norton	Slawik	
Demmer	Heidgerken	Lesch	Olin	Slocum	
Dettmer	Hilstrom	Liebling	Otremba	Smith	

Those who voted in the negative were:

Buesgens      Emmer      Olson      Peppin

The bill was passed and its title agreed to.

Sertich moved that the remaining bill on the Consent Calendar be continued. The motion prevailed.

### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 15, 2007:

S. F. No. 60; and H. F. Nos. 881, 1033, 1022, 122 and 1425.

### CALENDAR FOR THE DAY

H. F. No. 122 was reported to the House.

Rukavina moved to amend H. F. No. 122 as follows:

Page 1, line 6, delete everything after "flag"

Page 1, line 7, delete everything before "unless" and delete "or item"

Amend the title as follows:

Page 1, line 2, delete "and related items"

### MOTION TO LAY ON THE TABLE

Magnus moved that H. F. No. 122 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Magnus motion and the roll was called. There were 41 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Olson	Simpson
Anderson, S.	Demmer	Garofalo	Kohls	Peppin	Sviggum
Beard	Dettmer	Gottwalt	Lanning	Peterson, N.	Tingelstad
Berns	Eastlund	Gunther	Magnus	Ruth	Wardlow
Brod	Emmer	Hackbarth	McFarlane	Seifert	Westrom
Buesgens	Erhardt	Hamilton	McNamara	Severson	Zellers
Dean	Erickson	Holberg	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Davnie	Dominguez
Anzelc	Bigham	Brynaert	Clark	Dill	Doty
Atkins	Bly	Bunn	Cornish	Dittrich	Eken

Faust	Howes	Liebling	Murphy, E.	Ruud	Tschumper
Fritz	Huntley	Lieder	Murphy, M.	Sailer	Urdahl
Gardner	Jaros	Lillie	Nelson	Scalze	Wagenius
Greiling	Johnson	Loeffler	Norton	Sertich	Walker
Hansen	Juhnke	Madore	Olin	Simon	Ward
Hausman	Kahn	Mahoney	Otremba	Slawik	Welti
Haws	Kalin	Mariani	Paulsen	Slocum	Winkler
Heidgerken	Knuth	Marquart	Paymar	Smith	Wollschlager
Hilstrom	Koenen	Masin	Pelowski	Solberg	Spk. Kelliher
Hilty	Kranz	Moe	Peterson, A.	Swails	
Hornstein	Laine	Morgan	Peterson, S.	Thao	
Hortman	Lenczewski	Morrow	Poppe	Thissen	
Hosch	Lesch	Mullery	Rukavina	Tillberry	

The motion did not prevail.

The question recurred on the Rukavina amendment to H. F. No. 122. The motion prevailed and the amendment was adopted.

Erickson offered an amendment to H. F. No. 122, as amended.

#### POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Erickson amendment was not in order. The Speaker ruled the point of order well taken and the Erickson amendment out of order.

Severson offered an amendment to H. F. No. 122, as amended.

#### POINT OF ORDER

Rukavina raised a point of order pursuant to rule 3.21 that the Severson amendment was not in order. The Speaker ruled the point of order well taken and the Severson amendment out of order.

Westrom, Nornes, Hackbarth and Zellers offered an amendment to H. F. No. 122, as amended.

#### POINT OF ORDER

Rukavina raised a point of order pursuant to rule 3.21 that the Westrom et al amendment was not in order. The Speaker ruled the point of order well taken and the Westrom et al amendment out of order.

Peppin and Zellers moved to amend H. F. No. 122, as amended, as follows:

Page 1, after line 8, insert:

"Sec. 2. **[325E.66] SALE OF UNITED STATES LANDMARK ITEMS.**

No person may sell or offer for sale in this state any novelty or other item containing a representation of any architecturally, culturally, or historically significant landmark or symbol of the United States including:

(1) the Statue of Liberty;

(2) the Liberty Bell;

(3) Independence Hall;

(4) the United States Constitution and Bill of Rights;

(5) the Emancipation Proclamation;

(6) depictions of Rev. Dr. Martin Luther King Jr. or his "I Have a Dream" speech;

(7) the women's suffrage movement;

(8) the World Trade Center;

(9) any national park or landmark within any national park of the United States; and

(10) historical symbols used by the Industrial Workers of the World, Knights of Labor, American Federation of Labor, Congress of Industrial Organization, or International Brotherhood of Teamsters;

unless the novelty or other item was manufactured in the United States of America.

Sec. 3. **[325E.67] SALE OF MINNESOTA LANDMARK ITEMS.**

No person may sell or offer for sale in this state any novelty or other item containing a representation of any architecturally, culturally, or historically significant landmark or symbol of Minnesota including:

(1) the State Capitol;

(2) Minnesota state flag;

(3) Minnesota Constitution;

(4) the Duluth aerial lift bridge;

(5) the Vermilion, Mesabi, or Cuyana Iron Range regions;

(6) the Boundary Waters Canoe Area Wilderness;

(7) any Minnesota state park or landmark within any state park;

(8) the Minneapolis stone arch bridge; and

(9) any other landmark or symbol designated by the director of the Explore Minnesota tourism office; unless the novelty or other item was manufactured in the United States of America."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Lenczewski and Thissen were excused for the remainder of today's session.

H. F. No. 122, as amended, was read for the third time.

Kohls moved that H. F. No. 122, as amended, be re-referred to the Committee on Public Safety and Civil Justice.

A roll call was requested and properly seconded.

The question was taken on the Kohls motion and the roll was called. There were 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Finstad	Kohls	Ozment	Simpson
Anderson, B.	DeLaForest	Garofalo	Kranz	Paulsen	Sviggum
Anderson, S.	Demmer	Gottwalt	Lanning	Peppin	Swails
Beard	Dettmer	Gunther	Magnus	Peterson, N.	Tingelstad
Berns	Eastlund	Hackbarth	McFarlane	Ruth	Wardlow
Brod	Emmer	Hamilton	McNamara	Seifert	Westrom
Buesgens	Erhardt	Haws	Nornes	Severson	Zellers
Bunn	Erickson	Hoppe	Olson	Shimanski	

Those who voted in the negative were:

Anzelc	Eken	Howes	Loeffler	Olin	Slocum
Atkins	Faust	Huntley	Madore	Otremba	Smith
Benson	Fritz	Jaros	Mahoney	Paymar	Solberg
Bigham	Gardner	Johnson	Mariani	Pelowski	Thao
Bly	Greiling	Juhnke	Marquart	Peterson, A.	Tillberry
Brown	Hansen	Kahn	Masin	Peterson, S.	Tschumper
Brynaert	Hausman	Kalin	Moe	Poppe	Urdahl
Carlson	Heidgerken	Knuth	Morgan	Rukavina	Wagenius
Clark	Hilstrom	Koenen	Morrow	Ruud	Walker
Cornish	Hilty	Laine	Mullery	Sailer	Ward
Davnie	Holberg	Lesch	Murphy, E.	Scalze	Welti
Dittrich	Hornstein	Liebling	Murphy, M.	Sertich	Winkler
Dominguez	Hortman	Lieder	Nelson	Simon	Wollschlager
Doty	Hosch	Lillie	Norton	Slawik	Spk. Kelliher

The motion did not prevail.

H. F. No. 122, A bill for an act relating to commerce; regulating sales of American flags; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Hosch	Lillie	Olin	Smith
Atkins	Eken	Howes	Loeffler	Otremba	Solberg
Benson	Faust	Jaros	Madore	Pelowski	Thao
Bigham	Fritz	Johnson	Mahoney	Peterson, A.	Tillberry
Bly	Gardner	Juhnke	Mariani	Peterson, S.	Tschumper
Brown	Greiling	Kahn	Marquart	Poppe	Urdahl
Brynaert	Hamilton	Kalin	Moe	Rukavina	Wagenius
Carlson	Hansen	Knuth	Morgan	Ruud	Walker
Clark	Hausman	Koenen	Morrow	Sailer	Ward
Cornish	Haws	Kranz	Mullery	Scalze	Welti
Davnie	Heidgerken	Laine	Murphy, E.	Sertich	Winkler
Dill	Hilstrom	Lesch	Murphy, M.	Simon	Wollschlager
Dittrich	Hornstein	Liebling	Nelson	Slawik	Spk. Kelliher
Dominguez	Hortman	Lieder	Norton	Slocum	

Those who voted in the negative were:

Abeler	Dean	Finstad	Kohls	Paulsen	Sviggum
Anderson, B.	DeLaForest	Garofalo	Lanning	Peppin	Swails
Anderson, S.	Demmer	Gottwalt	Magnus	Peterson, N.	Tingelstad
Beard	Dettmer	Gunther	Masin	Ruth	Wardlow
Berns	Eastlund	Hackbarth	McFarlane	Seifert	Westrom
Brod	Emmer	Holberg	McNamara	Severson	Zellers
Buesgens	Erhardt	Hoppe	Nornes	Shimanski	
Bunn	Erickson	Huntley	Olson	Simpson	

The bill was passed, as amended, and its title agreed to.

S. F. No. 60 was reported to the House.

Huntley moved to amend S. F. No. 60, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 163, the third engrossment:

"Section 1. **[11A.235] ACCOUNT FOR INVESTMENT OF CERTAIN DULUTH FUNDS OR ASSETS.**

**Subdivision 1. Establishment.** The State Board of Investment, when requested by the city of Duluth, may invest the funds or assets of the city's community investment trust fund in a special account for that purpose in the combined investment funds established in section 11A.14, subject to the policies and procedures established by the State Board of Investment. Use of the funds in the account is restricted to debt service payments for the city's street improvement program or to any other use approved in accordance with Section 54(E) of the home rule charter of the city of Duluth.



Subd. 2. **Account maintenance and investment.** The city may deposit money in the account and may withdraw money from the account for purposes approved by the Duluth City Council in accordance with Section 54(E) of the home rule charter of the city of Duluth. Such transactions must be at a time and in a manner required by the executive director of the State Board of Investment. Investment earnings must be credited to the account of the city. The account may be terminated by the city at any time.

**EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day following the day on which the chief clerical officer of the city of Duluth timely completes its compliance with Minnesota Statutes, section 645.021, subdivision 3, following approval by the Duluth City Council in compliance with Minnesota Statutes, section 645.021, subdivision 2.

Sec. 2. **[353.95] ACCOUNT FOR DULUTH POSTEMPLOYMENT BENEFITS.**

Subdivision 1. **Establishment.** The Public Employees Retirement Association may administer an account representing the irrevocable trust fund established by the city of Duluth to be used only to fund and pay for the postemployment benefits owed to retired employees in accordance with language contained in labor agreements between the city and its employee bargaining units, or between participating subgroups in the city's health plan and their retirees. The city of Duluth investment committee shall serve as trustee of the irrevocable trust.

Subd. 2. **Definition.** For purposes of this section, "postemployment benefit" means a benefit giving rise to a liability under Statement 45 of the Governmental Accounting Standards Board, and therefore does not include benefits to be paid by a Minnesota public pension plan listed in section 356.20, subdivision 2, or 356.30, subdivision 3, and benefits provided on a defined contribution individual account basis.

Subd. 3. **Account maintenance and investment.** (a) The Public Employees Retirement Association may charge the city fees for reasonable administrative costs, and the amount of those fees is appropriated to the association from the account. The Public Employees Retirement Association may establish other terms and conditions for participation in the account.

(b) The Public Employees Retirement Association must certify all money in the account to the State Board of Investment for investment in the combined investment funds established in section 11A.14, subject to the policies and procedures established by the State Board of Investment. Investment earnings must be credited to the account of the city.

Subd. 4. **Management and termination of account.** The city may deposit money in the account and may withdraw money from the account as needed for postemployment benefits owed on behalf of retired employees of the city or its subgroups. Such transactions must be at a time and in a manner required by the executive director of the Public Employees Retirement Association. The city of Duluth must ensure that the investment and management of the assets complies with the prudent investor rule in section 501B.151 and that withdrawals comply with the requirements of this section. The account may be terminated only to the extent the city's postemployment benefit actuarial liability is satisfied or otherwise defeased.

Subd. 5. **Status of irrevocable fund.** (a) All money in the account representing the irrevocable fund created in this section is held in trust for the exclusive benefit of retired employees of the city and of subgroups participating in the city's health plan, and is not subject to claims by creditors of the state, the city, the city's subgroups, or the current and former employees of the city or its subgroups.

(b) The irrevocable trust fund underlying the account created in this section must be deemed an arrangement equivalent to a trust for all legal purposes.

**EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day following the day on which the chief clerical officer of the city of Duluth timely completes its compliance with Minnesota Statutes, section 645.021, subdivision 3, following approval by the Duluth City Council in compliance with Minnesota Statutes, section 645.021, subdivision 2.

Sec. 3. **INTENT AND PURPOSE; NO PRECEDENT.**

(a) Sections 1 and 2 are intended to resolve specific expenditure and funding issues that have arisen in the city of Duluth.

(b) Nothing in sections 1 and 2 may be interpreted as establishing a precedent for potential solutions to postemployment benefit expenditure and funding problems in other jurisdictions that may be fashioned by the 2007 legislature.

Sec. 4. **ADDITIONAL RATE OF RETURN ANALYSIS; ANNUAL REPORT BY STATE BOARD OF INVESTMENT.**

(a) The State Board of Investment shall annually perform an additional analysis of the rate of investment return using a value-added analysis for the investment fund into which the irrevocable trust fund assets have been deposited under section 2.

(b) In making its value-added investment performance analysis, the board shall compare its rate of return with the rates of return that it could have achieved in treasury bill investments and with the rates of return that it could have achieved in investments in the applicable indices combined, in a manner that adjusts for the board's actual portfolio mix.

(c) The board shall annually file a report on the additional rate of return analysis with the Legislative Reference Library on or before November 1.

**EFFECTIVE DATE.** This section is effective June 30, 2007."

Delete the title and insert:

"A bill for an act relating to local government; authorizing the city of Duluth to establish accounts to pay for postemployment benefits owed to retired employees and to generate revenue dedicated to meet certain city obligations; requiring an analysis and report; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 11A; 353."

The motion prevailed and the amendment was adopted.

S. F. No. 60, A bill for an act relating to local government; authorizing the city of Duluth to establish accounts to pay for postemployment benefits owed to retired employees and to generate revenue dedicated to meet certain city obligations; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 11A and 353.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Bigham	Brown	Bunn	Cornish
Anderson, S.	Beard	Bly	Brynaert	Carlson	Davnie
Anzelc	Benson	Brod	Buesgens	Clark	Dean

DeLaForest	Hackbarth	Knuth	Moe	Poppe	Tillberry
Demmer	Hamilton	Koenen	Morgan	Rukavina	Tingelstad
Dettmer	Hansen	Kohls	Morrow	Ruth	Tschumper
Dill	Hausman	Kranz	Mullery	Ruud	Urdahl
Dittrich	Haws	Laine	Murphy, E.	Sailer	Wagenius
Dominguez	Heidgerken	Lanning	Murphy, M.	Scalze	Walker
Doty	Hilstrom	Lesch	Nelson	Seifert	Ward
Eastlund	Hilty	Liebling	Nornes	Sertich	Wardlow
Eken	Holberg	Lieder	Norton	Severson	Welti
Erhardt	Hornstein	Lillie	Olin	Shimanski	Westrom
Erickson	Hortman	Loeffler	Otremba	Simon	Winkler
Faust	Hosch	Madore	Ozment	Simpson	Wollschlager
Finstad	Howes	Magnus	Paulsen	Slawik	Zellers
Fritz	Huntley	Mahoney	Paymar	Slocum	Spk. Kelliher
Gardner	Jaros	Mariani	Pelowski	Smith	
Garofalo	Johnson	Marquart	Peppin	Solberg	
Gottwalt	Juhnke	Masin	Peterson, A.	Sviggum	
Greiling	Kahn	McFarlane	Peterson, N.	Swails	
Gunther	Kalin	McNamara	Peterson, S.	Thao	

Those who voted in the negative were:

Anderson, B.	Berns	Emmer	Hoppe	Olson
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The bill was passed, as amended, and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

## MOTIONS AND RESOLUTIONS

DeLaForest moved that the name of Ruth be added as an author on H. F. No. 193. The motion prevailed.

Hilty moved that the name of Walker be added as an author on H. F. No. 404. The motion prevailed.

Winkler moved that the name of Brown be added as an author on H. F. No. 532. The motion prevailed.

Brod moved that the name of Otremba be added as an author on H. F. No. 599. The motion prevailed.

Tschumper moved that the name of Kranz be added as an author on H. F. No. 726. The motion prevailed.

Hackbarth moved that the name of Olson be added as an author on H. F. No. 775. The motion prevailed.

Brown moved that the name of Madore be added as an author on H. F. No. 833. The motion prevailed.

Peterson, A., moved that the name of Loeffler be added as an author on H. F. No. 926. The motion prevailed.

Otremba moved that the name of Brown be added as an author on H. F. No. 1065. The motion prevailed.

Davnie moved that the name of Winkler be added as an author on H. F. No. 1097. The motion prevailed.

Morrow moved that the name of Brod be added as an author on H. F. No. 1143. The motion prevailed.

Atkins moved that the name of Loeffler be added as an author on H. F. No. 1249. The motion prevailed.

Morrow moved that his name be stricken as an author on H. F. No. 1251. The motion prevailed.

Murphy, M., moved that the name of Loeffler be added as an author on H. F. No. 1252. The motion prevailed.

Slawik moved that the name of Loeffler be added as an author on H. F. No. 1290. The motion prevailed.

Smith moved that the name of Westrom be added as an author on H. F. No. 1342. The motion prevailed.

Hilstrom moved that the name of Zellers be added as an author on H. F. No. 1353. The motion prevailed.

Bigham moved that the name of Bunn be added as an author on H. F. No. 1444. The motion prevailed.

Smith moved that the name of Westrom be added as an author on H. F. No. 1473. The motion prevailed.

Dittrich moved that the name of Hortman be added as an author on H. F. No. 1484. The motion prevailed.

Peterson, A., moved that the name of Winkler be added as an author on H. F. No. 1488. The motion prevailed.

Peterson, A., moved that the name of Loeffler be added as an author on H. F. No. 1489. The motion prevailed.

Bigham moved that the name of Dettmer be added as an author on H. F. No. 1523. The motion prevailed.

Simon moved that the name of Wollschlager be added as an author on H. F. No. 1546. The motion prevailed.

Hortman moved that the name of Madore be added as an author on H. F. No. 1602. The motion prevailed.

Kahn moved that the name of Loeffler be added as an author on H. F. No. 1618. The motion prevailed.

Urdahl moved that the name of Koenen be added as an author on H. F. No. 1833. The motion prevailed.

Cornish moved that the name of Hilstrom be added as an author on H. F. No. 1858. The motion prevailed.

Atkins moved that the name of Winkler be added as an author on H. F. No. 1884. The motion prevailed.

Winkler moved that the name of Lillie be added as an author on H. F. No. 1896. The motion prevailed.

Madore moved that the name of Lillie be added as an author on H. F. No. 1917. The motion prevailed.

Lenczewski moved that the name of Loeffler be added as an author on H. F. No. 1923. The motion prevailed.

Lenczewski moved that the name of Loeffler be added as an author on H. F. No. 1924. The motion prevailed.

Mariani moved that the name of Moe be added as an author on H. F. No. 1931. The motion prevailed.

Paymar moved that the name of Cornish be added as chief author on H. F. No. 1956. The motion prevailed.

Pelowski moved that the names of DeLaForest and Hilstrom be added as authors on H. F. No. 2007. The motion prevailed.

Brynaert moved that the name of Hilstrom be added as an author on H. F. No. 2021. The motion prevailed.

Eastlund moved that his name be stricken as an author on H. F. No. 2030. The motion prevailed.

Abeler moved that the name of Berns be added as an author on H. F. No. 2035. The motion prevailed.

Abeler moved that the name of Berns be added as an author on H. F. No. 2036. The motion prevailed.

Abeler moved that the name of Berns be added as an author on H. F. No. 2037. The motion prevailed.

Lenczewski moved that the name of Loeffler be added as an author on H. F. No. 2058. The motion prevailed.

Rukavina moved that the name of Nelson be added as an author on H. F. No. 2083. The motion prevailed.

Gottwalt moved that the name of Heidgerken be added as an author on H. F. No. 2087. The motion prevailed.

Simpson moved that the name of Heidgerken be added as an author on H. F. No. 2103. The motion prevailed.

Masin moved that the name of Koenen be added as an author on H. F. No. 2107. The motion prevailed.

Loeffler moved that H. F. No. 536 be recalled from the Energy Finance and Policy Division and be re-referred to the Committee on Taxes. The motion prevailed.

Mahoney moved that H. F. No. 648, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Clark moved that H. F. No. 1407 be recalled from the Committee on Health and Human Services and be re-referred to the Housing Policy and Finance and Public Health Finance Division. The motion prevailed.

Kahn moved that H. F. No. 1440 be recalled from the Committee on Governmental Operations, Reform, Technology and Elections and be re-referred to the Committee on Finance. The motion prevailed.

Winkler moved that H. F. No. 1588 be recalled from the Committee on Public Safety and Civil Justice and be re-referred to the Committee on Finance. The motion prevailed.

Clark moved that H. F. No. 1842 be recalled from the Committee on Health and Human Services and be re-referred to the Housing Policy and Finance and Public Health Finance Division. The motion prevailed.

Tschumper moved that H. F. No. 1986 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Tschumper moved that H. F. No. 1997 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Clark moved that H. F. No. 2114 be recalled from the Committee on Health and Human Services and be re-referred to the Housing Policy and Finance and Public Health Finance Division. The motion prevailed.

## ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, March 19, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Monday, March 19, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives