

1.1 moves to amend H.F. No. 2209 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **APPROPRIATIONS**

1.5 Section 1. **JOBS AND ECONOMIC DEVELOPMENT.**

1.6 (a) The sums shown in the columns marked "Appropriations" are appropriated to the
1.7 agencies and for the purposes specified in this article. The appropriations are from the
1.8 general fund, or another named fund, and are available for the fiscal years indicated for
1.9 each purpose. The figures "2018" and "2019" used in this article mean that the appropriations
1.10 listed under them are available for the fiscal year ending June 30, 2018, or June 30, 2019,
1.11 respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The
1.12 biennium" is fiscal years 2018 and 2019.

1.13 (b) If an appropriation in this article is enacted more than once in the 2017 legislative
1.14 session, the appropriation must be given effect only once.

1.15 **APPROPRIATIONS**

1.16 **Available for the Year**

1.17 **Ending June 30**

1.18 **2018 2019**

1.19 **Sec. 2. DEPARTMENT OF EMPLOYMENT**
1.20 **AND ECONOMIC DEVELOPMENT**

1.21 **Subdivision 1. Total Appropriation** \$ **128,211,000** \$ **111,024,000**

1.22 **Appropriations by Fund**

1.23 2018 2019

1.24 **General** 93,997,000 84,160,000

2.1	<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
2.2	<u>Workforce</u>		
2.3	<u>Development</u>	<u>26,164,000</u>	<u>26,164,000</u>
2.4	<u>Special Revenue</u>	<u>7,350,000</u>	<u>0</u>

2.5 (a) The amounts that may be spent for each
 2.6 purpose are specified in the following
 2.7 subdivisions.

2.8 (b) Notwithstanding Minnesota Statutes,
 2.9 section 16A.285, the commissioner of
 2.10 employment and economic development must
 2.11 not allow transfers of money appropriated in
 2.12 this section between divisions or programs of
 2.13 the Department of Employment and Economic
 2.14 Development.

2.15 (c) Notwithstanding Minnesota Statutes,
 2.16 section 16B.37, subdivision 4, the
 2.17 commissioner of employment and economic
 2.18 development must not allow billing between
 2.19 divisions or programs within the Department
 2.20 of Employment and Economic Development,
 2.21 or otherwise use any "Internal Billing
 2.22 Expenditures".

2.23 (d) Notwithstanding Minnesota Statutes,
 2.24 section 16B.37, subdivision 4, and Minnesota
 2.25 Statutes, section 471.59, except for work
 2.26 performed by MN.IT under Minnesota
 2.27 Statutes, chapter 16E, the commissioner of
 2.28 employment and economic development must
 2.29 not allow billing or transfers between other
 2.30 executive branch agencies or departments and
 2.31 the Department of Employment and Economic
 2.32 Development.

2.33	<u>Subd. 2. Business and Community Development</u>	<u>48,084,000</u>	<u>38,834,000</u>
2.34	<u>Appropriations by Fund</u>		
2.35	<u>General</u>	<u>39,134,000</u>	<u>37,234,000</u>

3.1	<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
3.2	<u>Workforce</u>		
3.3	<u>Development</u>	<u>900,000</u>	<u>900,000</u>
3.4	<u>Special Revenue</u>	<u>7,350,000</u>	<u>0</u>

3.5 (a) Of the amounts appropriated in this
 3.6 subdivision, no more than \$4,154,000 in fiscal
 3.7 year 2018 and \$4,219,000 in fiscal year 2019
 3.8 can be expended on full-time equivalent
 3.9 positions, totalling no more than 40.2 full-time
 3.10 equivalent positions in fiscal year 2018 and
 3.11 40.2 in fiscal year 2019.

3.12 (b)(1) \$12,000,000 the first year and
 3.13 \$11,000,000 the second year are for the
 3.14 Minnesota investment fund under Minnesota
 3.15 Statutes, section 116J.8731. Of this amount,
 3.16 the commissioner of employment and
 3.17 economic development may use up to three
 3.18 percent for administrative expenses and
 3.19 technology upgrades. This appropriation is
 3.20 available until expended.

3.21 (2) Of the amount appropriated in fiscal year
 3.22 2018, \$4,000,000 is for a loan to construct and
 3.23 equip a wholesale electronic component
 3.24 distribution center investing a minimum of
 3.25 \$200,000,000 and constructing a facility at
 3.26 least 700,000 square feet in size. Loan funds
 3.27 may be used for purchases of materials,
 3.28 supplies, and equipment for the construction
 3.29 of the facility and are available from July 1,
 3.30 2017, to June 30, 2021. The commissioner of
 3.31 employment and economic development shall
 3.32 forgive the loan after verification that the
 3.33 project has satisfied performance goals and
 3.34 contractual obligations as required under
 3.35 Minnesota Statutes, section 116J.8731.

4.1 (3) Of the amount appropriated in fiscal year
4.2 2018, \$700,000 is for a loan to extend an
4.3 effluent pipe that will deliver wastewater to
4.4 an innovative waste-to-biofuel project
4.5 investing a minimum of \$150,000,000 and
4.6 constructing a facility that is designed to
4.7 process approximately 400,000 tons of waste
4.8 annually. Loan funds are available until June
4.9 30, 2021

4.10 (c)(1) \$5,000,000 each year is for the
4.11 Minnesota job creation fund under Minnesota
4.12 Statutes, section 116J.8748. Of this amount,
4.13 the commissioner of employment and
4.14 economic development may use up to three
4.15 percent for administrative expenses. This
4.16 appropriation is available until expended. In
4.17 fiscal year 2020 and beyond the base amount
4.18 is \$6,500,000.

4.19 (2) Notwithstanding Minnesota Statutes,
4.20 section 116J.8748, for applications in fiscal
4.21 years 2018 and 2019, the only businesses
4.22 eligible to enter the program under section
4.23 116J.8748 are those located in counties in
4.24 which the average unemployment rate for the
4.25 prior 12 months is equal to or greater than the
4.26 state average for the same 12 months, as
4.27 determined by the commissioner of
4.28 employment and economic development.

4.29 (d) \$1,272,000 in fiscal year 2018 and
4.30 \$2,272,000 in fiscal year 2019 are from the
4.31 general fund for contaminated site cleanup
4.32 and development grants under Minnesota
4.33 Statutes, sections 116J.551 to 116J.558. This
4.34 appropriation is available until expended. In

5.1 fiscal year 2020 and beyond, the base amount
5.2 is \$1,272,000.

5.3 (e) \$1,425,000 each year is from the general
5.4 fund for the business development competitive
5.5 grant program. Of this amount, up to five
5.6 percent is for administration and monitoring
5.7 of the business development competitive grant
5.8 program. All grant awards shall be for two
5.9 consecutive years. Grants shall be awarded in
5.10 the first year.

5.11 (f) \$4,195,000 each year is from the general
5.12 fund for the Minnesota job skills partnership
5.13 program under Minnesota Statutes, sections
5.14 116L.01 to 116L.17. If the appropriation for
5.15 either year is insufficient, the appropriation
5.16 for the other year is available. This
5.17 appropriation is available until expended.

5.18 (g) \$163,000 each year is from the general
5.19 fund for the Minnesota Film and TV Board.
5.20 The appropriation in each year is available
5.21 only upon receipt by the board of \$1 in
5.22 matching contributions of money or in-kind
5.23 contributions from nonstate sources for every
5.24 \$3 provided by this appropriation, except that
5.25 each year up to \$50,000 is available on July
5.26 1 even if the required matching contribution
5.27 has not been received by that date.

5.28 (h) \$750,000 each year is from the general
5.29 fund for a grant to the Minnesota Film and TV
5.30 Board for the film production jobs program
5.31 under Minnesota Statutes, section 116U.26.
5.32 This appropriation is available until expended.

5.33 (i) \$875,000 each year is from the general fund
5.34 for the Host Community Economic

6.1 Development Program established in
6.2 Minnesota Statutes, section 116J.548.

6.3 (j) \$300,000 each year is from the general fund
6.4 for grants to the Rural Policy and
6.5 Development Center under Minnesota
6.6 Statutes, section 116J.421.

6.7 (k)(1) \$2,300,000 the first year and \$1,300,000
6.8 the second year are from the general fund for
6.9 the greater Minnesota business development
6.10 public infrastructure grant program under
6.11 Minnesota Statutes, section 116J.431. This
6.12 appropriation is available until spent. Funds
6.13 available under this paragraph may be used
6.14 for site preparation of property owned and to
6.15 be used by private entities.

6.16 (2) Of the amount appropriated in fiscal year
6.17 2018, \$1,000,000 is for a grant to the city of
6.18 Thief River Falls to support utility extensions,
6.19 roads, and other public improvements related
6.20 to the construction of a wholesale electronic
6.21 component distribution center at least 700,000
6.22 square feet in size and investing a minimum
6.23 of \$200,000,000. Notwithstanding Minnesota
6.24 Statutes, section 116J.431, a local match is
6.25 not required. Grant funds are available from
6.26 July 1, 2017, to June 30, 2021.

6.27 (l)(1) \$500,000 in fiscal year 2018 is from the
6.28 general fund for grants to local communities
6.29 to increase the supply of quality child care
6.30 providers in order to support economic
6.31 development. At least 60 percent of grant
6.32 funds must go to communities located outside
6.33 of the seven-county metropolitan area, as
6.34 defined under Minnesota Statutes, section
6.35 473.121, subdivision 2. Grant recipients must

7.1 obtain a 50 percent nonstate match to grant
7.2 funds in either cash or in-kind contributions.
7.3 Grant funds available under this section must
7.4 be used to implement solutions to reduce the
7.5 child care shortage in the state, including but
7.6 not limited to funding for child care business
7.7 start-ups or expansion, training, facility
7.8 modifications or improvements required for
7.9 licensing, and assistance with licensing and
7.10 other regulatory requirements. In awarding
7.11 grants, the commissioner must give priority
7.12 to communities that have documented a
7.13 shortage of child care providers in the area.

7.14 (2) Within one year of receiving grant funds,
7.15 grant recipients must report to the
7.16 commissioner on the outcomes of the grant
7.17 program, including but not limited to the
7.18 number of new providers, the number of
7.19 additional child care provider jobs created, the
7.20 number of additional child care slots, and the
7.21 amount of local funds invested.

7.22 (3) By January 1 of each year, starting in 2019,
7.23 the commissioner must report to the standing
7.24 committees of the legislature having
7.25 jurisdiction over child care and economic
7.26 development on the outcomes of the program
7.27 to date.

7.28 (m) \$750,000 each year is from the general
7.29 fund for grants to the Neighborhood
7.30 Development Center for small business
7.31 programs.

7.32 (n) \$1,175,000 each year is from the general
7.33 fund for grants to the Metropolitan Economic
7.34 Development Association (MEDA) for
7.35 statewide business development and assistance

8.1 services, including services to entrepreneurs
8.2 with businesses that have the potential to
8.3 create job opportunities for unemployed and
8.4 underemployed people, with an emphasis on
8.5 minority-owned businesses.

8.6 (o) \$125,000 each year is from the general
8.7 fund for grants to the White Earth Nation for
8.8 the White Earth Nation Integrated Business
8.9 Development System to provide business
8.10 assistance with workforce development,
8.11 outreach, technical assistance, infrastructure
8.12 and operational support, financing, and other
8.13 business development activities.

8.14 (p) \$1,375,000 in fiscal year 2018 and
8.15 \$1,575,000 in fiscal year 2019 are from the
8.16 general fund for grants to Enterprise
8.17 Minnesota, Inc.

8.18 (q) \$250,000 in fiscal year 2018 is from the
8.19 general fund for a grant to the Minnesota
8.20 Design Center at the University of Minnesota
8.21 for the greater Minnesota community design
8.22 pilot project.

8.23 (r) \$225,000 in fiscal year 2018 is from the
8.24 general fund for a grant to WomenVenture to
8.25 provide business training, mentoring, technical
8.26 assistance, and loans in order to establish two
8.27 pilot women-run cooperative child care
8.28 businesses in low-income urban areas. The
8.29 commissioner shall report data on outcomes
8.30 and recommendations for replication of this
8.31 pilot program throughout Minnesota to the
8.32 governor and the legislative committees with
8.33 jurisdiction over child care by January 31,
8.34 2020. Funds are available until June 30, 2019.

9.1 (s) \$125,000 in fiscal year 2018 is from the
9.2 general fund for a grant to WomenVenture to
9.3 operate a business training program for child
9.4 care providers and to create materials that
9.5 could be used, free of charge, for start-up,
9.6 expansion, and operation of child care
9.7 businesses statewide, with the goal of helping
9.8 new and existing child care businesses in
9.9 underserved areas of the state become
9.10 profitable and sustainable. The commissioner
9.11 shall report data on outcomes and
9.12 recommendations for replication of this
9.13 training program throughout Minnesota to the
9.14 governor and the committees of the house of
9.15 representatives and the senate with jurisdiction
9.16 over child care by December 15, 2019. Funds
9.17 are available until June 30, 2019.

9.18 (t)(1) \$125,000 each year is from the general
9.19 fund for small business development center
9.20 (SBDC) services to support business transition
9.21 planning. In fiscal year 2020 and beyond, the
9.22 base amount is \$0. For purposes of this
9.23 paragraph, business transition planning
9.24 includes, but is not limited to:

9.25 (i) succession planning for next generation
9.26 proprietors. For purposes of this subclause,
9.27 next generation proprietors do not include
9.28 immediate family members of the current
9.29 business owner;

9.30 (ii) providing business owners seeking to sell
9.31 existing businesses and aspiring business
9.32 owners with a venue and opportunity to
9.33 exchange information. Such services under
9.34 this clause may be targeted to small businesses
9.35 located in economically disadvantaged

10.1 communities or areas of declining population.
10.2 For purposes of this subclause, "economically
10.3 disadvantaged communities" means
10.4 communities in which average household
10.5 income is less than 80 percent of statewide
10.6 median household income as measured by the
10.7 United States Census Bureau; or communities
10.8 that contain two or more contiguous census
10.9 tracts in which average household income is
10.10 less than 80 percent of the statewide median
10.11 household income as measured by the United
10.12 States Census Bureau; and
10.13 (iii) providing information and counseling
10.14 services to business owners, prospective
10.15 owners, and others regarding the importance
10.16 of business transition and succession planning,
10.17 the transition and succession process, and
10.18 financing options and requirements related to
10.19 the business transition and succession process.
10.20 (2) Funds available under this paragraph may
10.21 be used to:
10.22 (i) provide the necessary information and
10.23 services under clause (1);
10.24 (ii) build small business development center
10.25 staff capacity to provide business transition
10.26 and succession planning services; and
10.27 (iii) match funds under the federal Small
10.28 Business Development Center Program under
10.29 United States Code, title 15, section 648, and
10.30 other federal, state, or local funds available
10.31 for the purposes of this paragraph.
10.32 (u) \$350,000 in fiscal year 2018 is from the
10.33 general fund for a grant to the Hallie Q. Brown
10.34 Community Center, Inc., for youth

11.1 intervention services through the community
11.2 ambassadors and youth employment program.

11.3 (v)(1) \$500,000 in fiscal year 2018 is from the
11.4 general fund for a grant to East Side Enterprise
11.5 Center (ESEC) to expand culturally tailored
11.6 resources that address small business growth
11.7 and job creation. This appropriation is onetime
11.8 and is available until spent. The appropriation
11.9 shall fund the work of African Economic
11.10 Development Solutions, the Asian Economic
11.11 Development Association, the Dayton's Bluff
11.12 Community Council, and the Latino Economic
11.13 Development Center in a collaborative
11.14 approach to economic development that is
11.15 effective with smaller, culturally diverse
11.16 communities that seek to increase the
11.17 productivity and success of new immigrant
11.18 and minority populations living and working
11.19 in the community. Programs shall provide
11.20 minority business growth and capacity
11.21 building that generate wealth and jobs creation
11.22 for local residents and business owners on the
11.23 East Side of St. Paul.

11.24 (2) In fiscal year 2019 ESEC shall use funds
11.25 to share its integrated service model and
11.26 evolving collaboration principles with civic
11.27 and economic development leaders in greater
11.28 Minnesota communities which have diverse
11.29 populations similar to the East Side of St. Paul.
11.30 ESEC shall submit a report of activities and
11.31 program outcomes, including quantifiable
11.32 measures of success annually to the house of
11.33 representatives and senate committees with
11.34 jurisdiction over economic development.

- 12.1 (w) \$100,000 in fiscal year 2018 is from the
12.2 general fund for a grant to the city of Virginia
12.3 to be used for grants to city businesses for
12.4 infrastructure revitalization and code
12.5 compliance. In making grants, the city must
12.6 give preference to projects that promote
12.7 economic development and that include
12.8 private dollar contributions.
- 12.9 (x) In fiscal year 2020 and beyond, the base
12.10 amount for the rural agriculture diversification
12.11 initiative under Minnesota Statutes, section
12.12 116J.6582, is \$5,000,000 from the general
12.13 fund.
- 12.14 (y) \$50,000 in fiscal year 2018 is from the
12.15 workforce development fund for a grant to
12.16 Fighting Chance for behavioral intervention
12.17 programs for at-risk youth.
- 12.18 (z) \$1,000,000 each year is from the general
12.19 fund for the central Minnesota opportunity
12.20 grant program established under Minnesota
12.21 Statutes, section 116J.9922. These
12.22 appropriations are available until June 30,
12.23 2022. Starting in fiscal year 2020, the base
12.24 funding for this program shall be \$0.
- 12.25 (aa) \$75,000 each year is from the general
12.26 fund for grants to the state's recipient of
12.27 funding from the Federal and State
12.28 Technology (FAST) Partnership Program to
12.29 strengthen the technological competitiveness
12.30 of small businesses.
- 12.31 (bb) \$900,000 each year is from the workforce
12.32 development fund and \$461,000 in fiscal year
12.33 2018 and \$1,461,000 in fiscal year 2019 are

13.1 form the general fund for job training grants
13.2 under Minnesota Statutes, section 116L.42.
13.3 (cc) \$700,000 each year is from the
13.4 remediation fund for contaminated site cleanup
13.5 and development grants under Minnesota
13.6 Statutes, sections 116J.551 to 116J.558. This
13.7 appropriation is available until expended.
13.8 (dd) \$350,000 in fiscal year 2018 is from the
13.9 energy fund account in the special revenue
13.10 fund established in Minnesota Statutes, section
13.11 116C.779, subdivision 1, for a grant to the
13.12 East Phillips Improvement Coalition to create
13.13 the East Phillips Neighborhood Institute
13.14 (EPNI) to expand culturally tailored resources
13.15 that address small business growth and job
13.16 creation. The grant shall fund the collaborative
13.17 work of Tamales y Bicicletas, Little Earth of
13.18 the United Tribes, a nonprofit serving East
13.19 Africans, and other coalition members towards
13.20 developing EPNI as a community space to
13.21 host activities including, but not limited to,
13.22 creation and expansion of small businesses,
13.23 culturally specific entrepreneurial activities,
13.24 indoor urban farming, job training, education,
13.25 and skills development. Eligible uses for grant
13.26 funds include, but are not limited to, planning
13.27 and start-up costs, staff and consultant costs,
13.28 building improvements, rent, supplies, utilities,
13.29 vehicles, marketing, and program activities.
13.30 The commissioner shall submit a report on
13.31 grant activities and quantifiable outcomes to
13.32 the committees of the house of representatives
13.33 and the senate with jurisdiction over economic
13.34 development by December 15, 2020. Funds
13.35 are available until June 30, 2020.

14.1 (ee) \$2,000,000 in fiscal year 2018 is from the
 14.2 energy fund account in the special revenue
 14.3 fund established in Minnesota Statutes, section
 14.4 116C.779, subdivision 1, for a grant to the city
 14.5 of Duluth to upgrade the municipal district
 14.6 heating facility and systems, including
 14.7 conversion of the distribution system along
 14.8 Superior Street from steam with no condensate
 14.9 return, to closed-loop hot water. This
 14.10 appropriation is for one or more of the project
 14.11 elements or phases: predesign, design,
 14.12 engineering, renovation, construction,
 14.13 furnishing, and equipping the facility, systems,
 14.14 and infrastructure.

14.15 (ff) \$5,000,000 in fiscal year 2018 is from the
 14.16 energy fund account in the special revenue
 14.17 fund established in Minnesota Statutes, section
 14.18 116C.779, subdivision 1, for a grant to Dakota
 14.19 County under Minnesota Statutes, sections
 14.20 103G.511 and 103G.515, to design and
 14.21 construct capital improvements to the
 14.22 hydro-electric generating facility, including
 14.23 replacement of obsolete turbines, at the
 14.24 Byllesby Dam, located on the Cannon River.

14.25 <u>Subd. 3. Workforce Development</u>	<u>31,829,000</u>	<u>30,829,000</u>
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14.26 <u>Appropriations by Fund</u>		
14.27 <u>General</u>	<u>14,412,000</u>	<u>13,475,000</u>
14.28 <u>Workforce</u>		
14.29 <u>Development</u>	<u>17,417,000</u>	<u>17,417,000</u>

14.30 (a) Of the amounts appropriated in this
 14.31 subdivision, no more than \$773,000 in fiscal
 14.32 year 2018 and \$780,000 in fiscal year 2019
 14.33 can be expended on full-time equivalent
 14.34 positions, totalling no more than 16.1 full-time
 14.35 equivalent positions in fiscal year 2018 and
 14.36 16.1 in fiscal year 2019.

- 15.1 (b) \$600,000 each year is from the general
15.2 fund for performance grants under Minnesota
15.3 Statutes, section 116J.8747, to Twin Cities
15.4 R!SE to provide training to hard-to-train
15.5 individuals.
- 15.6 (c) \$250,000 each year is from the general
15.7 fund for pilot programs in the workforce
15.8 service areas to combine career and higher
15.9 education advising.
- 15.10 (d) \$500,000 each year is from the general
15.11 fund for rural career counseling coordinator
15.12 positions in the workforce service areas and
15.13 for the purposes specified in Minnesota
15.14 Statutes, section 116L.667. The commissioner
15.15 of employment and economic development,
15.16 in consultation with local workforce
15.17 investment boards and local elected officials
15.18 in each of the service areas receiving funds,
15.19 shall develop a method of distributing funds
15.20 to provide equitable services across workforce
15.21 service areas.
- 15.22 (e) \$1,000,000 each year is from the general
15.23 fund for grants to the Construction Careers
15.24 Foundation for the construction career
15.25 pathway initiative to provide year-round
15.26 educational and experiential learning
15.27 opportunities for teens and young adults under
15.28 the age of 21 that lead to careers in the
15.29 construction industry. Grant funds must be
15.30 used to:
- 15.31 (1) increase construction industry exposure
15.32 activities for middle school and high school
15.33 youth, parents, and counselors to reach a more
15.34 diverse demographic and broader statewide
15.35 audience. This requirement includes, but is

16.1 not limited to, an expansion of programs to
16.2 provide experience in different crafts to youth
16.3 and young adults throughout the state;
16.4 (2) increase the number of high schools in
16.5 Minnesota offering construction classes during
16.6 the academic year that utilize a multicraft
16.7 curriculum;
16.8 (3) increase the number of summer internship
16.9 opportunities;
16.10 (4) enhance activities to support graduating
16.11 seniors in their efforts to obtain employment
16.12 in the construction industry;
16.13 (5) increase the number of young adults
16.14 employed in the construction industry and
16.15 ensure that they reflect Minnesota's diverse
16.16 workforce; and
16.17 (6) enhance an industrywide marketing
16.18 campaign targeted to youth and young adults
16.19 about the depth and breadth of careers within
16.20 the construction industry.
16.21 Programs and services supported by grant
16.22 funds must give priority to individuals and
16.23 groups that are economically disadvantaged
16.24 or historically underrepresented in the
16.25 construction industry, including but not limited
16.26 to women, veterans, and members of minority
16.27 and immigrant groups.
16.28 (f) \$5,000,000 each year is from the general
16.29 fund for the Pathways to Prosperity adult
16.30 workforce development competitive grant
16.31 program. Of this amount, up to three percent
16.32 is for administration and monitoring of the
16.33 program. When awarding grants under this
16.34 paragraph, the commissioner of employment

17.1 and economic development may give
17.2 preference to any previous grantee with
17.3 demonstrated success in job training and
17.4 placement for hard-to-train individuals. Grants
17.5 may be used for purposes including:
17.6 (1) competitive grants to organizations
17.7 providing services to relieve economic
17.8 disparities in the Southeast Asian community
17.9 through workforce recruitment, development,
17.10 job creation, assistance of smaller
17.11 organizations to increase capacity, and
17.12 outreach;
17.13 (2) the high-wage, high-demand,
17.14 nontraditional jobs grant program under
17.15 Minnesota Statutes, section 116L.99;
17.16 (3) the youth-at-work competitive grant
17.17 program under Minnesota Statutes, section
17.18 116L.562, subdivision 3;
17.19 (4) the Minnesota emerging entrepreneur
17.20 program under Minnesota Statutes, section
17.21 116M.18;
17.22 (5) the capacity building grant program to
17.23 assist nonprofit organizations offering or
17.24 seeking to offer workforce development and
17.25 economic development programming; or
17.26 (6) for competitive grants to organizations that
17.27 provide support services for individuals, such
17.28 as job training, employment preparation,
17.29 internships, job assistance to fathers, financial
17.30 literacy, academic and behavioral interventions
17.31 for low-performing students, and youth
17.32 intervention. Grants made under this clause
17.33 must focus on low-income communities,
17.34 young adults from families with a history of

- 18.1 intergenerational poverty, and communities
18.2 of color.
- 18.3 (g) \$250,000 each year is from the general
18.4 fund for grants to YWCA St. Paul to provide
18.5 job training services and workforce
18.6 development programs and services, including
18.7 job skills training and counseling.
- 18.8 (h) \$1,000,000 each year is from the general
18.9 fund for grants to EMERGE Community
18.10 Development, in collaboration with
18.11 community partners, for services targeting
18.12 Minnesota communities with the highest
18.13 concentrations of African and
18.14 African-American joblessness, based on the
18.15 most recent census tract data, to provide
18.16 employment readiness training, credentialed
18.17 training placement, job placement and
18.18 retention services, supportive services for
18.19 hard-to-employ individuals, and a general
18.20 education development fast track and adult
18.21 diploma program.
- 18.22 (i) \$1,000,000 each year is from the general
18.23 fund for grants to the Minneapolis Foundation
18.24 for a strategic intervention program designed
18.25 to target and connect program participants to
18.26 meaningful, sustainable living-wage
18.27 employment.
- 18.28 (j) \$750,000 each year is from the general fund
18.29 for grants to Latino Communities United in
18.30 Service (CLUES) to expand culturally tailored
18.31 programs that address employment and
18.32 education skill gaps for working parents and
18.33 underserved youth by providing new job skills
18.34 training to stimulate higher wages for
18.35 low-income people, family support systems

19.1 designed to reduce intergenerational poverty,
19.2 and youth programming to promote
19.3 educational advancement and career pathways.
19.4 At least 50 percent of this amount must be
19.5 used for programming targeted at greater
19.6 Minnesota.

19.7 (k) \$250,000 each year is from the general
19.8 fund for grants to the American Indian
19.9 Opportunities and Industrialization Center, in
19.10 collaboration with the Northwest Indian
19.11 Community Development Center, to reduce
19.12 academic disparities for American Indian
19.13 students and adults. The grant funds may be
19.14 used to provide:

19.15 (1) student tutoring and testing support
19.16 services;

19.17 (2) training in information technology;

19.18 (3) assistance in obtaining a GED;

19.19 (4) remedial training leading to enrollment in
19.20 a postsecondary higher education institution;

19.21 (5) real-time work experience in information
19.22 technology fields; and

19.23 (6) contextualized adult basic education.

19.24 After notification to the legislature, the
19.25 commissioner may transfer this appropriation
19.26 to the commissioner of education.

19.27 (l) \$600,000 each year is from the general fund
19.28 for grants to Ujamaa Place for job training,
19.29 employment preparation, internships,
19.30 education, training in the construction trades,
19.31 housing, and organizational capacity building.

19.32 (m) \$375,000 each year is from the general
19.33 fund for grants to the YWCA of Minneapolis

20.1 to provide economically challenged
20.2 individuals the job skills training, career
20.3 counseling, and job placement assistance
20.4 necessary to secure a child development
20.5 associate credential and to have a career path
20.6 in early childhood education.

20.7 (n) \$250,000 in fiscal year 2018 is from the
20.8 general fund for a grant to the Bois Forte
20.9 Tribal Employment Rights Office for an
20.10 American Indian workforce development
20.11 training pilot project.

20.12 (o) \$750,000 each year is from the general
20.13 fund for grants to Summit Academy OIC to
20.14 expand their contextualized GED and
20.15 employment placement program.

20.16 (p) \$600,000 in fiscal year 2018 and \$750,000
20.17 in fiscal year 2019 are from the general fund
20.18 for grants to Goodwill Easter Seals Minnesota
20.19 and its partners. The grant shall be used to
20.20 continue the FATHER Project in Rochester,
20.21 Park Rapids, St. Cloud, Minneapolis, and the
20.22 surrounding areas to assist fathers in
20.23 overcoming barriers that prevent fathers from
20.24 supporting their children economically and
20.25 emotionally.

20.26 (q) \$200,000 each year is from the general
20.27 fund for displaced homemaker programs under
20.28 Minnesota Statutes, section 116L.96. The
20.29 commissioner, through the adult career
20.30 pathways program, shall distribute the funds
20.31 to existing nonprofit and state displaced
20.32 homemaker programs. In fiscal year 2020 and
20.33 beyond, the base amount is \$0.

21.1 (r) \$190,000 in fiscal year 2018 is from the
21.2 general fund for transfer to the Cook County
21.3 Higher Education Board to provide
21.4 educational programming and academic
21.5 support services to remote regions in
21.6 northeastern Minnesota. This amount is in
21.7 addition to other funds previously transferred
21.8 by the commissioner.

21.9 (s)(1) \$150,000 in fiscal year 2018 is from the
21.10 general fund for a grant to Anoka County to
21.11 develop and implement a pilot program to
21.12 increase competitive employment
21.13 opportunities for transition age youth ages 18
21.14 to 21.

21.15 (2) The competitive employment for transition
21.16 age youth pilot program shall include career
21.17 guidance components, including health and
21.18 life skills, to encourage, train, and assist
21.19 transition age youth in job-seeking skills,
21.20 workplace orientation, and job site knowledge.

21.21 (3) In operating the pilot program, Anoka
21.22 County shall collaborate with schools,
21.23 disability providers, jobs and training
21.24 organizations, vocational rehabilitation
21.25 providers, and employers to build upon
21.26 opportunities and services, to prepare
21.27 transition age youth for competitive
21.28 employment, and to enhance employer
21.29 connections that lead to employment for the
21.30 individuals served.

21.31 (4) Grant funds may be used to create an
21.32 on-the-job training incentive to encourage
21.33 employers to hire and train qualifying
21.34 individuals. A participating employer may
21.35 receive up to 50 percent of the wages paid to

22.1 the employee as a cost reimbursement for
22.2 on-the-job training provided.

22.3 (t) \$497,000 in fiscal year 2018 is from the
22.4 general fund for grants to Twin Cities RISE,
22.5 in collaboration with Metro Transit and
22.6 Hennepin Technical College for the Metro
22.7 Transit technician training program. Funds are
22.8 available until June 30, 2020.

22.9 (u) \$200,000 each year is from the general
22.10 fund for grants to the Minnesota Alliance of
22.11 Boys and Girls Clubs to administer a statewide
22.12 project of youth job skills and career
22.13 development. This project, which may have
22.14 career guidance components including health
22.15 and life skills, is designed to encourage, train,
22.16 and assist youth in early access to education
22.17 and job-seeking skills, work-based learning
22.18 experience including career pathways in
22.19 STEM learning, career exploration and
22.20 matching, and first job placement through
22.21 local community partnerships and on-site job
22.22 opportunities. This grant requires a 25 percent
22.23 match from nonstate resources. In fiscal year
22.24 2020 and beyond, the base amount is \$0.

22.25 (v) \$1,500,000 each year is from the
22.26 workforce development fund for grants to
22.27 FastTRAC - Minnesota Adult Careers
22.28 Pathways Program. Up to five percent of this
22.29 appropriation may be used to provide
22.30 leadership, oversight, and technical assistance
22.31 services for low-skilled, low-income adults.

22.32 (w) \$150,000 each year is from the workforce
22.33 development fund for grants to the YWCA of
22.34 Minneapolis to provide economically
22.35 challenged individuals the job skills training,

23.1 career counseling, and job placement
23.2 assistance necessary to secure a child
23.3 development associate credential and to have
23.4 a career path in early childhood education.

23.5 (x) \$3,104,000 each year is from the
23.6 workforce development fund for the adult
23.7 workforce development competitive grant
23.8 program. Of this amount, up to three percent
23.9 is for administration and monitoring of the
23.10 adult workforce development competitive
23.11 grant program. All grant awards shall be for
23.12 two consecutive years. Grants shall be
23.13 awarded in the first year.

23.14 (y) \$4,050,000 each year is from the
23.15 workforce development fund for the
23.16 Minnesota youth program under Minnesota
23.17 Statutes, sections 116L.56 and 116L.561, to
23.18 provide employment and career advising to
23.19 youth, including career guidance in secondary
23.20 schools, to address the youth career advising
23.21 deficiency, to carry out activities outlined in
23.22 Minnesota Statutes, section 116L.561, to
23.23 provide support services, and to provide work
23.24 experience to youth in the workforce service
23.25 areas. The funds in this paragraph may be used
23.26 for expansion of the pilot program combining
23.27 career and higher education advising in Laws
23.28 2013, chapter 85, article 3, section 27.
23.29 Activities in workforce services areas under
23.30 this paragraph may serve all youth up to age
23.31 24.

23.32 (z) \$1,000,000 each year is from the workforce
23.33 development fund for the youthbuild program
23.34 under Minnesota Statutes, sections 116L.361
23.35 to 116L.366.

- 24.1 (aa) \$450,000 each year is from the workforce
24.2 development fund for grants to Minnesota
24.3 Diversified Industries, Inc., to provide
24.4 progressive development and employment
24.5 opportunities for people with disabilities.
- 24.6 (bb) \$3,348,000 each year is from the
24.7 workforce development fund for the "Youth
24.8 at Work" youth workforce development
24.9 competitive grant program. Of this amount,
24.10 up to five percent is for administration and
24.11 monitoring of the youth workforce
24.12 development competitive grant program. All
24.13 grant awards shall be for two consecutive
24.14 years. Grants shall be awarded in the first year.
- 24.15 (cc) \$500,000 each year is from the workforce
24.16 development fund for the Opportunities
24.17 Industrialization Center programs.
- 24.18 (dd) \$750,000 each year is from the workforce
24.19 development fund for grants to the Minnesota
24.20 Alliance of Boys and Girls Clubs to administer
24.21 a statewide project of youth jobs skills
24.22 development. This project, which may have
24.23 career guidance components, including health
24.24 and life skills, is to encourage, train, and assist
24.25 youth in job-seeking skills, workplace
24.26 orientation, and job-site knowledge through
24.27 coaching. This grant requires a 25 percent
24.28 match from nonstate resources.
- 24.29 (ee) \$215,000 each year is from the workforce
24.30 development fund for grants to Big Brothers,
24.31 Big Sisters of the Greater Twin Cities for
24.32 workforce readiness, employment exploration,
24.33 and skills development for youth ages 12 to
24.34 21. The grant must serve youth in the Twin

25.1 Cities, Central Minnesota, and Southern
25.2 Minnesota Big Brothers, Big Sisters chapters.
25.3 (ff) \$1,350,000 each year is from the
25.4 workforce development fund for grants to the
25.5 Minnesota High Tech Association to support
25.6 SciTechsperience, a program that supports
25.7 science, technology, engineering, and math
25.8 (STEM) internship opportunities for two- and
25.9 four-year college students and graduate
25.10 students in their field of study. The internship
25.11 opportunities must match students with paid
25.12 internships within STEM disciplines at small,
25.13 for-profit companies located in Minnesota,
25.14 having fewer than 250 employees worldwide.
25.15 At least 300 students must be matched in the
25.16 first year and at least 350 students must be
25.17 matched in the second year. No more than 15
25.18 percent of the hires may be graduate students.
25.19 Selected hiring companies shall receive from
25.20 the grant 50 percent of the wages paid to the
25.21 intern, capped at \$2,500 per intern. The
25.22 program must work toward increasing the
25.23 participation among women or other
25.24 underserved populations.
25.25 (gg) \$500,000 each year is from the workforce
25.26 development fund for grants to Resource, Inc.
25.27 to provide low-income individuals career
25.28 education and job skills training that are fully
25.29 integrated with chemical and mental health
25.30 services.
25.31 (hh) \$500,000 each year is from the workforce
25.32 development fund for rural career counseling
25.33 coordinator positions in the workforce service
25.34 areas and for the purposes specified in
25.35 Minnesota Statutes, section 116L.667. The

26.1	<u>commissioner of employment and economic</u>		
26.2	<u>development, in consultation with local</u>		
26.3	<u>workforce investment boards and local elected</u>		
26.4	<u>officials in each of the service areas receiving</u>		
26.5	<u>funds, shall develop a method of distributing</u>		
26.6	<u>funds to provide equitable services across</u>		
26.7	<u>workforce service areas.</u>		
26.8	<u>Subd. 4. General Support Services</u>	<u>2,670,000</u>	<u>2,670,000</u>
26.9	<u>Appropriations by Fund</u>		
26.10	<u>General Fund</u>	<u>2,653,000</u>	<u>2,653,000</u>
26.11	<u>Workforce</u>		
26.12	<u>Development</u>	<u>17,000</u>	<u>17,000</u>
26.13	<u>(a) Of the amounts appropriated in this</u>		
26.14	<u>subdivision, no more than \$1,027,000 in fiscal</u>		
26.15	<u>year 2018 and \$1,027,000 in fiscal year 2019</u>		
26.16	<u>can be expended on full-time equivalent</u>		
26.17	<u>positions, totalling no more than 9.7 full-time</u>		
26.18	<u>equivalent positions in fiscal year 2018 and</u>		
26.19	<u>9.7 in fiscal year 2019.</u>		
26.20	<u>(b) \$1,269,000 each year is from the general</u>		
26.21	<u>fund for operating the Olmstead</u>		
26.22	<u>Implementation Office.</u>		
26.23	<u>Subd. 5. Minnesota Trade Office</u>	<u>1,762,000</u>	<u>1,762,000</u>
26.24	<u>(a) Of the amounts appropriated in this</u>		
26.25	<u>subdivision, no more than \$1,319,000 in fiscal</u>		
26.26	<u>year 2018 and \$1,332,000 in fiscal year 2019</u>		
26.27	<u>can be expended on full-time equivalent</u>		
26.28	<u>positions, totalling no more than 12.9 full-time</u>		
26.29	<u>equivalent positions in fiscal year 2018 and</u>		
26.30	<u>12.9 in fiscal year 2019.</u>		
26.31	<u>(b) \$300,000 each year is from the general</u>		
26.32	<u>fund for the STEP grants in Minnesota</u>		
26.33	<u>Statutes, section 116J.979.</u>		
26.34	<u>Subd. 6. Vocational Rehabilitation</u>	<u>30,191,000</u>	<u>30,191,000</u>

27.1	<u>Appropriations by Fund</u>		
27.2	<u>General</u>	<u>22,361,000</u>	<u>22,361,000</u>
27.3	<u>Workforce</u>		
27.4	<u>Development</u>	<u>7,830,000</u>	<u>7,830,000</u>

27.5 (a) Of the amounts appropriated in this
 27.6 subdivision, no more than \$524,000 in fiscal
 27.7 year 2018 and \$524,000 in fiscal year 2019
 27.8 can be expended on full-time equivalent
 27.9 positions, totalling no more than 5.1 full-time
 27.10 equivalent positions in fiscal year 2018 and
 27.11 5.1 in fiscal year 2019.

27.12 (b) \$10,800,000 each year is from the general
 27.13 fund for the state's vocational rehabilitation
 27.14 program under Minnesota Statutes, chapter
 27.15 268A.

27.16 (c) \$3,011,000 each year is from the general
 27.17 fund for grants to centers for independent
 27.18 living under Minnesota Statutes, section
 27.19 268A.11.

27.20 (d) \$2,555,000 each year is from the general
 27.21 fund for grants to programs that provide
 27.22 employment support services to persons with
 27.23 mental illness under Minnesota Statutes,
 27.24 sections 268A.13 and 268A.14.

27.25 (e) \$5,995,000 each year from the general fund
 27.26 and \$6,830,000 each year from the workforce
 27.27 development fund is for extended employment
 27.28 services for persons with severe disabilities
 27.29 under Minnesota Statutes, section 268A.15.

27.30 (f) \$1,000,000 each year is from the workforce
 27.31 development fund for grants under Minnesota
 27.32 Statutes, section 268A.16, for employment
 27.33 services for persons, including transition-aged
 27.34 youth, who are deaf, deafblind, or
 27.35 hard-of-hearing. If the amount in the first year

28.1 is insufficient, the amount in the second year
 28.2 is available in the first year.

28.3 **Subd. 7. Competitive Grant Limitations**

28.4 An organization that receives a direct
 28.5 appropriation under this section is not eligible
 28.6 to participate in competitive grant programs
 28.7 under this section, either directly or by
 28.8 receiving funds from a third party that received
 28.9 a competitive grant under this section, during
 28.10 the fiscal years in which the direct
 28.11 appropriations are received.

28.12 **Subd. 8. Services for the Blind** 6,425,000 6,425,000

28.13 Of the amounts appropriated in this
 28.14 subdivision, no more than \$3,209,000 in fiscal
 28.15 year 2018 and \$3,224,000 in fiscal year 2019
 28.16 can be expended on full-time equivalent
 28.17 positions, totalling no more than 45 full-time
 28.18 equivalent positions in fiscal year 2018 and
 28.19 45 in fiscal year 2019.

28.20 **Subd. 9. Broadband Development** 7,250,000 250,000

28.21 (a) Of the amounts appropriated in this
 28.22 subdivision, no more than \$174,000 in fiscal
 28.23 year 2018 and \$177,000 in fiscal year 2019
 28.24 can be expended on full-time equivalent
 28.25 positions, totalling no more than 1.5 full-time
 28.26 equivalent positions in fiscal year 2018 and
 28.27 1.5 in fiscal year 2019.

28.28 (b) \$250,000 each year is from the general
 28.29 fund for the Broadband Development Office.

28.30 (c) \$7,000,000 in fiscal year 2018 is from the
 28.31 general fund for deposit in the
 28.32 border-to-border broadband fund account in
 28.33 the special revenue fund established under
 28.34 Minnesota Statutes, section 116J.396.

29.1 **Sec. 3. HOUSING FINANCE AGENCY**

29.2	<u>Subdivision 1. Total Appropriation</u>	\$	<u>56,798,000</u>	\$	<u>39,873,000</u>
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29.3 The amounts that may be spent for each
 29.4 purpose are specified in the following
 29.5 subdivisions.

29.6 Unless otherwise specified, this appropriation
 29.7 is for transfer to the housing development fund
 29.8 for the programs specified in this section.

29.9 Except as otherwise indicated, this transfer is
 29.10 part of the agency's permanent budget base.

29.11	<u>Subd. 2. Challenge Program</u>	<u>18,925,000</u>		<u>2,000,000</u>
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29.12 (a) Beginning in fiscal year 2020, the base
 29.13 amount for the Challenge Program is
 29.14 \$11,717,000.

29.15 (b) This appropriation is for the economic
 29.16 development and housing challenge program
 29.17 under Minnesota Statutes, section 462A.33.

29.18 The agency must continue to strengthen its
 29.19 efforts to address the disparity rate between
 29.20 white households and indigenous American
 29.21 Indians and communities of color. Of this
 29.22 amount, \$1,208,000 in fiscal year 2018 shall
 29.23 be made available during the first 11 months
 29.24 of the fiscal year exclusively for housing
 29.25 projects for American Indians. Any funds not
 29.26 committed to housing projects for American
 29.27 Indians in the first 11 months of fiscal year
 29.28 2018 shall be available for any eligible activity
 29.29 under Minnesota Statutes, section 462A.33.

29.30 In fiscal year 2020 and beyond, the base
 29.31 amount is \$1,208,000

29.32 (c) \$4,000,000 in fiscal year 2018 is from the
 29.33 general fund for the purposes of the workforce
 29.34 housing development program under

30.1	<u>Minnesota Statutes, section 462A.39. In fiscal</u>		
30.2	<u>year 2020 and beyond, the base amount is</u>		
30.3	<u>\$2,000,000.</u>		
30.4	<u>(d) \$250,000 each year is from the general</u>		
30.5	<u>fund for grants to programs under Minnesota</u>		
30.6	<u>Statutes, section 462A.204, subdivision 8. In</u>		
30.7	<u>fiscal year 2020 and beyond, the base amount</u>		
30.8	<u>is \$0.</u>		
30.9	<u>(e) \$1,750,000 each year is from the general</u>		
30.10	<u>fund to the housing trust fund for the rental</u>		
30.11	<u>assistance to highly mobile students program</u>		
30.12	<u>under Minnesota Statutes, section 462A.201,</u>		
30.13	<u>subdivision 2, paragraph (a), clause (4). In</u>		
30.14	<u>fiscal year 2020 and beyond, the base amount</u>		
30.15	<u>is \$0.</u>		
30.16	<u>Subd. 3. Housing Trust Fund</u>	<u>11,471,000</u>	<u>11,471,000</u>
30.17	<u>This appropriation is for deposit in the housing</u>		
30.18	<u>fund account created under Minnesota</u>		
30.19	<u>Statutes, section 462A.201, and may be used</u>		
30.20	<u>for the purposes provided in that section.</u>		
30.21	<u>Subd. 4. Rental Assistance for Mentally Ill</u>	<u>4,088,000</u>	<u>4,088,000</u>
30.22	<u>This appropriation is for the rental housing</u>		
30.23	<u>assistance program under Minnesota Statutes,</u>		
30.24	<u>section 462A.2097. Among comparable</u>		
30.25	<u>proposals, the agency shall prioritize those</u>		
30.26	<u>proposals that target, in part, eligible persons</u>		
30.27	<u>who desire to move to more integrated,</u>		
30.28	<u>community-based settings.</u>		
30.29	<u>Subd. 5. Family Homeless Prevention</u>	<u>8,519,000</u>	<u>8,519,000</u>
30.30	<u>This appropriation is for the family homeless</u>		
30.31	<u>prevention and assistance programs under</u>		
30.32	<u>Minnesota Statutes, section 462A.204.</u>		
30.33	<u>Subd. 6. Home Ownership Assistance Fund</u>	<u>885,000</u>	<u>885,000</u>

31.1 This appropriation is for the home ownership
 31.2 assistance program under Minnesota Statutes,
 31.3 section 462A.21, subdivision 8. The agency
 31.4 shall continue to strengthen its efforts to
 31.5 address the disparity gap in the
 31.6 homeownership rate between white
 31.7 households and indigenous American Indians
 31.8 and communities of color.

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

31.10 (a) This appropriation is for the affordable
 31.11 rental investment fund program under
 31.12 Minnesota Statutes, section 462A.21,
 31.13 subdivision 8b, to finance the acquisition,
 31.14 rehabilitation, and debt restructuring of
 31.15 federally assisted rental property and for
 31.16 making equity take-out loans under Minnesota
 31.17 Statutes, section 462A.05, subdivision 39.

31.18 (b) The owner of federally assisted rental
 31.19 property must agree to participate in the
 31.20 applicable federally assisted housing program
 31.21 and to extend any existing low-income
 31.22 affordability restrictions on the housing for
 31.23 the maximum term permitted. The owner must
 31.24 also enter into an agreement that gives local
 31.25 units of government, housing and
 31.26 redevelopment authorities, and nonprofit
 31.27 housing organizations the right of first refusal
 31.28 if the rental property is offered for sale.
 31.29 Priority must be given among comparable
 31.30 federally assisted rental properties to
 31.31 properties with the longest remaining term
 31.32 under an agreement for federal assistance.
 31.33 Priority must also be given among comparable
 31.34 rental housing developments to developments
 31.35 that are or will be owned by local government

32.1 units, a housing and redevelopment authority,
 32.2 or a nonprofit housing organization.

32.3 (c) The appropriation also may be used to
 32.4 finance the acquisition, rehabilitation, and debt
 32.5 restructuring of existing supportive housing
 32.6 properties. For purposes of this subdivision,
 32.7 "supportive housing" means affordable rental
 32.8 housing with links to services necessary for
 32.9 individuals, youth, and families with children
 32.10 to maintain housing stability.

32.11 **Subd. 8. Housing Rehabilitation** 6,515,000 6,515,000

32.12 This appropriation is for the housing
 32.13 rehabilitation program under Minnesota
 32.14 Statutes, section 462A.05, subdivision 14. Of
 32.15 this amount, \$2,772,000 each year is for the
 32.16 rehabilitation of owner-occupied housing and
 32.17 \$3,743,000 each year is for the rehabilitation
 32.18 of eligible rental housing. In administering a
 32.19 rehabilitation program for rental housing, the
 32.20 agency may apply the processes and priorities
 32.21 adopted for administration of the economic
 32.22 development and housing challenge program
 32.23 under Minnesota Statutes, section 462A.33.

32.24 **Subd. 9. Homeownership Education, Counseling,**
 32.25 **and Training** 857,000 857,000

32.26 This appropriation is for the homeownership
 32.27 education, counseling, and training program
 32.28 under Minnesota Statutes, section 462A.209.
 32.29 Priority may be given to funding programs
 32.30 that are aimed at culturally specific groups
 32.31 who are providing services to members of their
 32.32 communities.

32.33 **Subd. 10. Capacity Building Grants** 875,000 875,000

32.34 This appropriation is for nonprofit capacity
 32.35 building grants under Minnesota Statutes,

- 33.1 section 462A.21, subdivision 3b. Of this
- 33.2 amount:
- 33.3 (1) \$125,000 each year is for support of the
- 33.4 Homeless Management Information System
- 33.5 (HMIS); and
- 33.6 (2) \$500,000 each year is for grants to Build
- 33.7 Wealth MN to provide a family stabilization
- 33.8 plan program including program outreach,
- 33.9 financial literacy education, and budget and
- 33.10 debt counseling.

33.11 **Sec. 4. DEPARTMENT OF LABOR AND**

33.12 **INDUSTRY**

33.13 Subdivision 1. Total Appropriation \$ 27,934,000 \$ 27,934,000

33.14 Appropriations by Fund

33.15		<u>2018</u>	<u>2019</u>
33.16	<u>General</u>	<u>1,652,000</u>	<u>1,652,000</u>
33.17	<u>Workers'</u>		
33.18	<u>Compensation</u>	<u>24,975,000</u>	<u>24,975,000</u>
33.19	<u>Workforce</u>		
33.20	<u>Development</u>	<u>1,307,000</u>	<u>1,307,000</u>

33.21 (a) The amounts that may be spent for each

33.22 purpose are specified in the following

33.23 subdivisions.

33.24 (b) Notwithstanding Minnesota Statutes,

33.25 section 16A.285, the commissioner of labor

33.26 and industry must not allow transfers of

33.27 money appropriated in this section between

33.28 divisions or programs of the Department of

33.29 Labor and Industry.

33.30 (c) Notwithstanding Minnesota Statutes,

33.31 section 16B.37, subdivision 4, the

33.32 commissioner of labor and industry must not

33.33 allow billing between divisions or programs

33.34 within the Department of Labor and Industry,

34.1 or otherwise use any "Internal Billing
 34.2 Expenditures".

34.3 (d) Notwithstanding Minnesota Statutes,
 34.4 section 16B.37, subdivision 4, and Minnesota
 34.5 Statutes, section 471.59, except for work
 34.6 performed by MN.IT under Minnesota
 34.7 Statutes, chapter 16E, the commissioner of
 34.8 labor and industry must not allow billing or
 34.9 transfers between other executive branch
 34.10 agencies or departments and the Department
 34.11 of Labor and Industry.

34.12 <u>Subd. 2. Workers' Compensation</u>	<u>14,782,000</u>	<u>14,782,000</u>
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34.13 (a) This appropriation is from the workers'
 34.14 compensation fund. Of the amount
 34.15 appropriated, no more than \$10,560,000 in
 34.16 fiscal year 2018 and \$10,560,000 in fiscal year
 34.17 2019 can be expended on full-time equivalent
 34.18 positions, totalling no more than 109.6
 34.19 full-time equivalent positions in fiscal year
 34.20 2018 and 109.6 in fiscal year 2019.

34.21 (b)(1) \$3,000,000 each year is for workers'
 34.22 compensation system upgrades. This amount
 34.23 is available until June 30, 2021. The base
 34.24 appropriation for fiscal year 2020 and beyond
 34.25 is \$0.

34.26 (2) This appropriation includes funds for
 34.27 information technology project services and
 34.28 support subject to the provisions of Minnesota
 34.29 Statutes, section 16E.0466. Any ongoing
 34.30 information technology costs must be
 34.31 incorporated into the service level agreement
 34.32 and must be paid to the Office of MN.IT
 34.33 Services by the commissioner of labor and
 34.34 industry under the rates and mechanism
 34.35 specified in that agreement.

35.1	<u>Subd. 3. Labor Standards and Apprenticeship</u>	<u>2,759,000</u>	<u>2,759,000</u>
35.2	<u>Appropriations by Fund</u>		
35.3	<u>General</u>	<u>1,452,000</u>	<u>1,452,000</u>
35.4	<u>Workforce</u>		
35.5	<u>Development</u>	<u>1,307,000</u>	<u>1,307,000</u>
35.6	<u>(a) Of the amounts appropriated in this</u>		
35.7	<u>subdivision, no more than \$2,234,000 in fiscal</u>		
35.8	<u>year 2018 and \$2,238,000 in fiscal year 2019</u>		
35.9	<u>can be expended on full-time equivalent</u>		
35.10	<u>positions, totalling no more than 21.7 full-time</u>		
35.11	<u>equivalent positions in fiscal year 2018 and</u>		
35.12	<u>19.7 in fiscal year 2019.</u>		
35.13	<u>(b) \$1,202,000 each year is from the general</u>		
35.14	<u>fund for the labor standards and apprenticeship</u>		
35.15	<u>program.</u>		
35.16	<u>(c) \$250,000 each year is from the general</u>		
35.17	<u>fund for wage theft prevention under the</u>		
35.18	<u>division of labor standards.</u>		
35.19	<u>(d) \$1,029,000 each year is from the</u>		
35.20	<u>workforce development fund for the</u>		
35.21	<u>apprenticeship program under Minnesota</u>		
35.22	<u>Statutes, chapter 178.</u>		
35.23	<u>(e) \$100,000 each year is appropriated from</u>		
35.24	<u>the workforce development fund for labor</u>		
35.25	<u>education and advancement program grants</u>		
35.26	<u>under Minnesota Statutes, section 178.11 to</u>		
35.27	<u>expand and promote registered apprenticeship</u>		
35.28	<u>training for minorities and women.</u>		
35.29	<u>(f) \$150,000 each year is from the workforce</u>		
35.30	<u>development fund for prevailing wage</u>		
35.31	<u>enforcement.</u>		
35.32	<u>Subd. 4. Workplace Safety</u>	<u>4,154,000</u>	<u>4,154,000</u>
35.33	<u>This appropriation is from the workers'</u>		
35.34	<u>compensation fund. Of the amount</u>		

36.1 appropriated, not more than \$3,320,000 in
 36.2 fiscal year 2018 and \$3,320,000 in fiscal year
 36.3 2019 can be expended on full-time equivalent
 36.4 positions, totalling no more than 82.6 full-time
 36.5 equivalent positions in fiscal year 2018 and
 36.6 82.6 in fiscal year 2019.

36.7 **Subd. 5. General Support** 6,239,000 6,239,000

	<u>Appropriations by Fund</u>	
36.8		
36.9	<u>General Fund</u>	<u>200,000</u>
36.10	<u>Workers'</u>	<u>200,000</u>
36.11	<u>Compensation</u>	<u>6,039,000</u>
		<u>6,039,000</u>

36.12 (a) Of the amount appropriated in this
 36.13 subdivision, no more than \$3,148,000 in fiscal
 36.14 year 2018 and \$3,234,000 in fiscal year 2019
 36.15 can be expended on full-time equivalent
 36.16 positions, totalling no more than 57.1 full-time
 36.17 equivalent positions in fiscal year 2018 and
 36.18 57.1 in fiscal year 2019.

36.19 (b) Except as provided in paragraph (c), this
 36.20 appropriation is from the workers'
 36.21 compensation fund.

36.22 (c) \$200,000 each year is from the general
 36.23 fund for grants to the Construction Careers
 36.24 Foundation Inc. for the Helmets to Hardhats
 36.25 Minnesota Initiative. Grant funds must be used
 36.26 to recruit, retain, assist, and support National
 36.27 Guard, reserve, active duty military members,
 36.28 and veteran's participation into apprenticeship
 36.29 programs registered with the Department of
 36.30 Labor and Industry and connect them with
 36.31 career training and employment in the building
 36.32 and construction industry. The recruitment,
 36.33 selection, employment, and training must be
 36.34 without discrimination due to race, color,
 36.35 creed, religion, national origin, sex, sexual

37.1 orientation, marital status, physical or mental
 37.2 disability, receipt of public assistance, or age.

37.3 **Sec. 5. BUREAU OF MEDIATION SERVICES \$ 1,853,000 \$ 1,853,000**

37.4 (a) Notwithstanding Minnesota Statutes,
 37.5 section 16A.285, the commissioner of
 37.6 mediation services must not allow transfers
 37.7 of money appropriated in this section between
 37.8 divisions or programs of the Bureau of
 37.9 Mediation Services.

37.10 (b) Notwithstanding Minnesota Statutes,
 37.11 section 16B.37, subdivision 4, the
 37.12 commissioner of mediation services must not
 37.13 allow billing between divisions or programs
 37.14 within the Bureau of Mediation Services, or
 37.15 otherwise use any "Internal Billing
 37.16 Expenditures".

37.17 (c) Notwithstanding Minnesota Statutes,
 37.18 section 16B.37, subdivision 4, and Minnesota
 37.19 Statutes, section 471.59, except for work
 37.20 performed by MN.IT under Minnesota
 37.21 Statutes, chapter 16E, the commissioner of
 37.22 employment and economic development
 37.23 mediation services must not allow billing or
 37.24 transfers between other executive branch
 37.25 agencies or departments and the Bureau of
 37.26 Mediation Services.

37.27 (d) Of the amounts appropriated in this
 37.28 section, no more than \$1,639,000 in fiscal year
 37.29 2018 and \$1,639,000 in fiscal year 2019 can
 37.30 be expended on full-time equivalent positions,
 37.31 totalling no more than 15.1 full-time
 37.32 equivalent positions in fiscal year 2018 and
 37.33 15.1 in fiscal year 2019.

38.1 (e) \$68,0000 each year is from the general
 38.2 fund for grants to area labor management
 38.3 committees. Grants may be awarded for a
 38.4 12-month period beginning July 1 each year.
 38.5 Any unencumbered balance remaining at the
 38.6 end of the first year does not cancel but is
 38.7 available for the second year.

38.8 **Sec. 6. WORKERS' COMPENSATION COURT**
 38.9 **OF APPEALS** \$ 1,913,000 \$ 1,913,000

38.10 (a) This appropriation is from the workers'
 38.11 compensation fund.
 38.12 (b) Of the amounts appropriated in this
 38.13 section, no more than \$1,683,000 in fiscal year
 38.14 2018 and \$1,683,000 in fiscal year 2019 can
 38.15 be expended on full-time equivalent positions,
 38.16 totalling no more than 12 full-time equivalent
 38.17 positions in fiscal year 2018 and 12 in fiscal
 38.18 year 2019.

38.19 **Sec. 7. DEPARTMENT OF COMMERCE**

38.20 **Subdivision 1. Total Appropriation** \$ 30,175,000 \$ 30,050,000

38.21	<u>Appropriations by Fund</u>		
38.22	<u>General</u>	<u>27,032,000</u>	<u>26,707,000</u>
38.23	<u>Special Revenue</u>	<u>1,340,000</u>	<u>1,540,000</u>
38.24	<u>Petroleum Tank</u>	<u>1,052,000</u>	<u>1,052,000</u>
38.25	<u>Workers'</u>		
38.26	<u>Compensation</u>	<u>751,000</u>	<u>751,000</u>

38.27 (a) The amounts that may be spent for each
 38.28 purpose are specified in the following
 38.29 subdivisions.

38.30 (b) Notwithstanding Minnesota Statutes,
 38.31 section 16A.285, the commissioner of
 38.32 commerce must not allow transfers of money
 38.33 appropriated in this section between divisions
 38.34 or programs of the Department of Commerce.

39.1 (c) Notwithstanding Minnesota Statutes,
 39.2 section 16B.37, subdivision 4, the
 39.3 commissioner of commerce must not allow
 39.4 billing between divisions or programs within
 39.5 the Department of Commerce, or otherwise
 39.6 use any "Internal Billing Expenditures".

39.7 (d) Notwithstanding Minnesota Statutes,
 39.8 section 16B.37, subdivision 4, and Minnesota
 39.9 Statutes, section 471.59, except for work
 39.10 performed by MN.IT under Minnesota
 39.11 Statutes, chapter 16E, the commissioner of
 39.12 commerce must not allow billing or transfers
 39.13 between other executive branch agencies or
 39.14 departments and the Department of
 39.15 Commerce.

39.16 <u>Subd. 2. Financial Institutions</u>	<u>5,285,000</u>	<u>5,410,000</u>
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39.17 (a) Of the amounts appropriated in this
 39.18 subdivision, no more than \$4,343,000 in fiscal
 39.19 year 2018 and \$4,343,000 in fiscal year 2019
 39.20 can be expended on full-time equivalent
 39.21 positions, totalling no more than 45.3 full-time
 39.22 equivalent positions in fiscal year 2018 and
 39.23 45.3 in fiscal year 2019.

39.24 (b) \$400,000 each year is from the general
 39.25 fund for grants to Prepare and Prosper for
 39.26 purposes of developing, marketing, evaluating,
 39.27 and distributing a financial services inclusion
 39.28 program that will assist low-income and
 39.29 financially underserved populations build
 39.30 savings, strengthen credit, and provide services
 39.31 to assist them in being more financially stable
 39.32 and secure. Grants must be matched by
 39.33 nonstate contributions. Money remaining after
 39.34 the first year is available for the second year.

40.1	<u>Subd. 3. Petroleum Tank Release Compensation</u>		
40.2	<u>Board</u>	<u>1,052,000</u>	<u>1,052,000</u>
40.3	<u>(a) This appropriation is from the petroleum</u>		
40.4	<u>tank fund.</u>		
40.5	<u>(b) Of the amounts appropriated in this</u>		
40.6	<u>subdivision, no more than \$710,000 in fiscal</u>		
40.7	<u>year 2018 and \$710,000 in fiscal year 2019</u>		
40.8	<u>can be expended on full-time equivalent</u>		
40.9	<u>positions, totalling no more than 6.9 full-time</u>		
40.10	<u>equivalent positions in fiscal year 2018 and</u>		
40.11	<u>6.9 in fiscal year 2019.</u>		
40.12	<u>Subd. 4. Administrative Services</u>	<u>7,603,000</u>	<u>7,353,000</u>
40.13	<u>Appropriations by Fund</u>		
40.14	<u>General</u>	<u>7,353,000</u>	<u>7,103,000</u>
40.15	<u>Special Revenue</u>	<u>250,000</u>	<u>250,000</u>
40.16	<u>(a) Of the amounts appropriated in this</u>		
40.17	<u>subdivision, no more than \$4,709,000 in fiscal</u>		
40.18	<u>year 2018 and \$4,709,000 in fiscal year 2019</u>		
40.19	<u>can be expended on full-time equivalent</u>		
40.20	<u>positions, totalling no more than 49.9 full-time</u>		
40.21	<u>equivalent positions in fiscal year 2018 and</u>		
40.22	<u>49.9 in fiscal year 2019.</u>		
40.23	<u>(b) \$625,000 in fiscal year 2018 and \$375,000</u>		
40.24	<u>in fiscal year 2019 are from the general fund</u>		
40.25	<u>to fund Minnesota Statutes, section 345.42,</u>		
40.26	<u>subdivision 1, paragraph (b).</u>		
40.27	<u>(c) \$33,000 each year is from the general fund</u>		
40.28	<u>for rulemaking and administration under</u>		
40.29	<u>Minnesota Statutes, section 80A.461.</u>		
40.30	<u>(d) \$250,000 each year is from the energy fund</u>		
40.31	<u>account in the special revenue fund established</u>		
40.32	<u>in Minnesota Statutes, section 116C.779,</u>		
40.33	<u>subdivision 1, for transfer to the Board of</u>		
40.34	<u>Regents of the University of Minnesota for</u>		

41.1 operations and maintenance of the Natural
 41.2 Resources Research Institute at the University
 41.3 of Minnesota Duluth. The funds shall be used
 41.4 for operations, maintenance, research, and
 41.5 staff support to strengthen applied research
 41.6 activities and accelerate innovation and
 41.7 economic development in key areas such as
 41.8 minerals, mining and water, energy and the
 41.9 environment, and forest products and
 41.10 bioeconomy. In fiscal year 2020 and beyond,
 41.11 the base amount is \$0.

41.12 **Subd. 5. Telecommunications** 2,219,000 2,219,000

	<u>Appropriations by Fund</u>	
41.13		
41.14	<u>General</u>	<u>979,000</u> <u>979,000</u>
41.15	<u>Special Revenue</u>	<u>1,240,000</u> <u>1,240,000</u>

41.16 (a) Of the amounts appropriated in this
 41.17 subdivision, no more than \$759,000 in fiscal
 41.18 year 2018 and \$759,000 in fiscal year 2019
 41.19 can be expended on full-time equivalent
 41.20 positions, totalling no more than seven
 41.21 full-time equivalent positions in fiscal year
 41.22 2018 and seven in fiscal year 2019.

41.23 (b) \$1,610,000 each year is from the
 41.24 telecommunication access fund for the
 41.25 following transfers. This appropriation is
 41.26 added to the department's base.

41.27 (1) \$1,170,000 each year is to the
 41.28 commissioner of human services to
 41.29 supplement the ongoing operational expenses
 41.30 of the Commission of Deaf, DeafBlind, and
 41.31 Hard-of-Hearing Minnesotans;

41.32 (2) \$290,000 each year is to the chief
 41.33 information officer for the purpose of

42.1 coordinating technology accessibility and
42.2 usability;

42.3 (3) \$100,000 each year is to the Legislative
42.4 Coordinating Commission for captioning of
42.5 legislative coverage. This transfer is subject
42.6 to Minnesota Statutes, section 16A.281; and

42.7 (4) \$50,000 each year is to the Office of
42.8 MN.IT Services for a consolidated access fund
42.9 to provide grants to other state agencies related
42.10 to accessibility of their Web-based services.

42.11 **Subd. 6. Enforcement** 5,299,000 5,099,000

42.12	<u>Appropriations by Fund</u>		
42.13	<u>General</u>	<u>5,101,000</u>	<u>4,901,000</u>
42.14	<u>Workers'</u>		
42.15	<u>Compensation</u>	<u>198,000</u>	<u>198,000</u>

42.16 (a) Of the amounts appropriated in this
42.17 subdivision, no more than \$4,732,000 in fiscal
42.18 year 2018 and \$4,732,000 in fiscal year 2019
42.19 can be expended on full-time equivalent
42.20 positions, totalling no more than 48.5 full-time
42.21 equivalent positions in fiscal year 2018 and
42.22 48.5 in fiscal year 2019.

42.23 (b) \$279,000 each year is from the general
42.24 fund for health care enforcement.

42.25 (c)(1) \$200,000 in fiscal year 2018 is from the
42.26 general fund to create and execute a statewide
42.27 education and outreach campaign to protect
42.28 seniors, meaning those aged 60 or more years,
42.29 vulnerable adults, as defined in Minnesota
42.30 Statutes, section 626.5572, subdivision 21,
42.31 and their caregivers from financial fraud and
42.32 exploitation.

42.33 (2) The education and outreach campaign must
42.34 be statewide, and must include, but is not

43.1 limited to, the dissemination of information
 43.2 through television, print, or other media,
 43.3 training and outreach to senior living facilities,
 43.4 and the creation of a senior fraud toolkit.

43.5 (3) The commissioner of commerce shall
 43.6 report by January 15, 2018, to the chairs and
 43.7 ranking minority members of the standing
 43.8 committees of the house of representatives
 43.9 and senate having jurisdiction over commerce
 43.10 issues regarding the results of the statewide
 43.11 education and outreach campaign, and
 43.12 recommendations for supporting ongoing
 43.13 efforts to prevent financial fraud from
 43.14 occurring to, and the financial exploitation of,
 43.15 seniors, vulnerable adults, and their caregivers.

43.16 **Subd. 7. Energy Resources** 4,099,000 4,299,000

<u>Appropriations by Fund</u>			
43.17 <u>General</u>	<u>3,999,000</u>	<u>3,999,000</u>	
43.18 <u>Special Revenue</u>	<u>100,000</u>	<u>300,000</u>	

43.20 (a) Of the amounts appropriated in this
 43.21 subdivision, no more than \$3,689,000 in fiscal
 43.22 year 2018 and \$3,689,000 in fiscal year 2019
 43.23 can be expended on full-time equivalent
 43.24 positions, totalling no more than 26.8 full-time
 43.25 equivalent positions in fiscal year 2018 and
 43.26 28.6 in fiscal year 2019.

43.27 (b) \$430,000 each year is from the general
 43.28 fund for costs associated with competitive
 43.29 rates for energy-intensive, trade-exposed
 43.30 electric utility customers. All general fund
 43.31 appropriations for costs associated with
 43.32 competitive rates for energy-intensive,
 43.33 trade-exposed electric utility customers are
 43.34 recovered through assessments under
 43.35 Minnesota Statutes, section 216B.62.

44.1 (c) \$832,000 each year is from the general
 44.2 fund for energy regulation and planning unit
 44.3 staff.

44.4 (d) \$200,000 in fiscal year 2019 is from the
 44.5 general fund to remediate insulation from
 44.6 households that are eligible for weatherization
 44.7 assistance under Minnesota's weatherization
 44.8 assistance program state plan under Minnesota
 44.9 Statutes, section 216C.264. Remediation must
 44.10 be done in conjunction with federal
 44.11 weatherization assistance program services.
 44.12 This is a onetime appropriation.

44.13 (e) \$100,000 each year is from the energy fund
 44.14 account in the special revenue fund established
 44.15 in Minnesota Statutes, section 116C.779,
 44.16 subdivision 1, to administer the "Made in
 44.17 Minnesota" solar energy production incentive
 44.18 program in Minnesota Statutes, section
 44.19 216C.417. Any remaining unspent funds
 44.20 cancel back to the energy fund account at the
 44.21 end of the biennium.

44.22 Subd. 8. Insurance 4,868,000 4,868,000

	<u>Appropriations by Fund</u>	
44.24 <u>General</u>	<u>4,315,000</u>	<u>4,315,000</u>
44.25 <u>Workers'</u>		
44.26 <u>Compensation</u>	<u>553,000</u>	<u>553,000</u>

44.27 (a) Of the amounts appropriated in this
 44.28 subdivision, no more than \$4,431,000 in fiscal
 44.29 year 2018 and \$4,431,000 in fiscal year 2019
 44.30 can be expended on full-time equivalent
 44.31 positions, totalling no more than 37.3 full-time
 44.32 equivalent positions in fiscal year 2018 and
 44.33 37.3 in fiscal year 2019.

44.34 (b) \$642,000 each year is from the general
 44.35 fund for health insurance rate review staffing.

45.1 (c) \$412,000 each year is from the general
 45.2 fund for actuarial work to prepare for
 45.3 implementation of principle-based reserves.

45.4 **Sec. 8. PUBLIC UTILITIES COMMISSION \$ 7,242,000 \$ 7,242,000**

45.5 (a) Notwithstanding Minnesota Statutes,
 45.6 section 16A.285, the Public Utilities
 45.7 Commission and its members must not allow
 45.8 transfers of money appropriated in this article
 45.9 between divisions or programs of the Public
 45.10 Utilities Commission.

45.11 (b) Notwithstanding Minnesota Statutes,
 45.12 section 16B.37, subdivision 4, the Public
 45.13 Utilities Commission and its members must
 45.14 not allow billing between divisions or
 45.15 programs within the Public Utilities
 45.16 Commission, or otherwise use any "Internal
 45.17 Billing Expenditures".

45.18 (c) Notwithstanding Minnesota Statutes,
 45.19 section 16B.37, subdivision 4, and section
 45.20 471.59, or any other law to the contrary,
 45.21 except for work performed by MN.IT, under
 45.22 Minnesota Statutes, chapter 16E, the Public
 45.23 Utilities Commission and its members must
 45.24 not allow billing or transfers between other
 45.25 executive branch agencies or departments and
 45.26 the Public Utilities Commission.

45.27 (d) Of the amount appropriated in this section,
 45.28 no more than \$6,072,000 in fiscal year 2018
 45.29 and \$6,072,000 in fiscal year 2019 can be
 45.30 expended on full-time equivalent positions,
 45.31 totalling no more than 55 full-time equivalent
 45.32 positions in fiscal year 2018 and 55 in fiscal
 45.33 year 2019.

46.1 (e) \$21,000 each year is from the general fund
 46.2 for the purposes of Minnesota Statutes, section
 46.3 237.045.

46.4 **Sec. 9. PUBLIC FACILITIES AUTHORITY \$ 7,450,000 \$ 0**

46.5 (a) \$300,000 in fiscal year 2018 is from the
 46.6 general fund for a grant to the city of New
 46.7 Trier to replace water infrastructure under
 46.8 Hogan Avenue, including related road
 46.9 reconstruction, and to acquire land for
 46.10 predesign, design, and construction of a storm
 46.11 water pond that will be colocated with the
 46.12 pond of the new subdivision. This
 46.13 appropriation does not require a nonstate
 46.14 contribution.

46.15 (b) \$3,500,000 in fiscal year 2018 is from the
 46.16 general fund for a grant for land acquisition,
 46.17 design, engineering, and construction of
 46.18 facilities and infrastructure necessary for Phase
 46.19 3 of the Lewis and Clark Regional Water
 46.20 System project. Phase 3 includes extension of
 46.21 the project from the Lincoln-Pipestone Rural
 46.22 Water System connection near Adrian to
 46.23 Worthington, construction of a reservoir in
 46.24 Nobles County and a meter building in
 46.25 Worthington, and acquisition and installation
 46.26 of a supervisory control and data acquisition
 46.27 system.

46.28 (c) \$1,200,000 in fiscal year 2018 is from the
 46.29 general fund for a grant to the Clear
 46.30 Lake-Clearwater Sewer Authority to remove
 46.31 and replace the existing wastewater treatment
 46.32 facility. This project is intended to prevent the
 46.33 discharge of phosphorus into the Mississippi
 46.34 River. This appropriation is not available until

47.1 the commissioner of management and budget
47.2 determines that at least \$200,000 is committed
47.3 to the project from nonstate sources and the
47.4 authority has applied for at least two grants to
47.5 offset the cost. Any money received by the
47.6 authority from grants will be returned to the
47.7 general fund.

47.8 (d) \$1,200,000 in fiscal year 2018 is from the
47.9 general fund for a grant to the
47.10 Ramsey/Washington Recycling and Energy
47.11 Board to design, construct, and equip capital
47.12 improvements to the Ramsey/Washington
47.13 Recycling and Energy Center in Newport.

47.14 (e) \$750,000 in 2018 is from the general fund
47.15 to the Public Facilities Authority for a grant
47.16 to the city of Cold Spring to acquire land,
47.17 predesign, design, engineer, construct, furnish,
47.18 and equip water infrastructure, including
47.19 drilling new wells, a water treatment plant,
47.20 and piping for water distribution.

47.21 (f) \$500,000 in fiscal year 2018 is from the
47.22 general fund for a grant to the Big Lake Area
47.23 Sanitary District to construct a pressure sewer
47.24 system and force main to convey sewage to
47.25 the Western Lake Superior Sanitary District
47.26 connection in the city of Cloquet. This
47.27 appropriation is in addition to the
47.28 appropriation in Laws 2014, chapter 294,
47.29 article 1, section 22, subdivision 4.

47.30 **Sec. 10. IRON RANGE RESOURCES AND**
47.31 **REHABILITATION BOARD.**

47.32 \$1,500,000 in fiscal year 2018 is from the
47.33 energy fund account in the special revenue
47.34 fund established in Minnesota Statutes, section

48.1 116C.779, subdivision 1, for grants for
 48.2 innovative energy solutions on the Iron Range.

48.3 **Sec. 11. GENERAL FUND TRANSFER TO ENERGY FUND ACCOUNT.**

48.4 The commissioner of management and budget must transfer \$500,000 in fiscal year
 48.5 2018 and \$3,500,000 in fiscal year 2019 from the general fund to the energy fund account
 48.6 in the special revenue fund established in Minnesota Statutes, section 116C.779, subdivision
 48.7 1.

48.8 **Sec. 12. MINNESOTA FILM AND TV BOARD APPROPRIATION**
 48.9 **CANCELLATION.**

48.10 All unspent funds, estimated to be \$350,000, appropriated for the film production jobs
 48.11 program under Minnesota Statutes, section 116U.26, under Laws 2016, chapter 189, article
 48.12 7, section 2, subdivision 2, are cancelled to the general fund the day following final enactment
 48.13 of this act.

48.14 **ARTICLE 2**

48.15 **DEPARTMENT OF LABOR AND INDUSTRY POLICY**

48.16 Section 1. Minnesota Statutes 2016, section 175.45, is amended to read:

48.17 **175.45 ~~COMPETENCY~~ STANDARDS FOR DUAL TRAINING.**

48.18 Subdivision 1. **Duties; goal.** The commissioner of labor and industry shall convene
 48.19 industry representatives, identify occupational competency standards for dual training, and
 48.20 provide technical assistance to develop dual-training programs. The goal of dual training
 48.21 is to provide employees of an employer with training to acquire competencies that the
 48.22 employer requires. The competency standards shall be identified for employment in
 48.23 occupations in advanced manufacturing, health care services, information technology, and
 48.24 agriculture. Competency standards are not rules and are exempt from the rulemaking
 48.25 provisions of chapter 14, and the provisions in section 14.386 concerning exempt rules do
 48.26 not apply.

48.27 Subd. 2. **~~Definition; competency standards~~ Definitions.** For purposes of this section,
 48.28 the following terms have the meanings given them:

48.29 (1) "competency standards" means the specific knowledge and skills necessary for a
 48.30 particular occupation-; and

49.1 (2) "dual-training program" means an employment-based earn-as-you-learn program
 49.2 where the trainee is employed by a participating employer and receives structured on-the-job
 49.3 training and technical instruction in accordance with the competency standards.

49.4 Subd. 3. **Competency standards identification process.** In identifying competency
 49.5 standards, the commissioner shall consult with the commissioner of the Office of Higher
 49.6 Education and the commissioner of employment and economic development and convene
 49.7 recognized industry experts, representative employers, higher education institutions,
 49.8 representatives of the disabled community, and representatives of labor to assist in identifying
 49.9 credible competency standards. Competency standards must be consistent with, to the extent
 49.10 available and practical, recognized international and national standards.

49.11 Subd. 4. **Duties.** The commissioner shall:

49.12 (1) convene industry representatives to identify, develop, and implement dual-training
 49.13 programs;

49.14 (2) identify competency standards for ~~entry-level~~ entry-level and higher skill levels;

49.15 ~~(2)~~ (3) verify the competency standards and skill levels and their transferability by subject
 49.16 matter expert representatives of each respective industry;

49.17 ~~(3)~~ (4) develop models for Minnesota educational institutions to engage in providing
 49.18 education and training to meet the competency standards established;

49.19 ~~(4)~~ (5) encourage participation by employers and labor in the competency standard
 49.20 identification process for occupations in their industry; and

49.21 ~~(5)~~ (6) align ~~dual-training competency standards~~ dual-training programs with other
 49.22 workforce initiatives; and

49.23 (7) provide technical assistance to develop dual-training programs.

49.24 Subd. 5. **Notification.** The commissioner must communicate identified competency
 49.25 standards to the commissioner of the Office of Higher Education for the purpose of the ~~dual~~
 49.26 ~~training~~ dual-training competency grant program under section 136A.246. The commissioner
 49.27 of labor and industry shall maintain the competency standards on the department's Web
 49.28 site.

49.29 Sec. 2. [175.46] YOUTH SKILLS TRAINING PROGRAM.

49.30 Subdivision 1. Program established; grants authorized. The commissioner shall
 49.31 approve youth skills training programs established for the purpose of providing work-based
 49.32 skills training for student learners ages 16 and older.

50.1 Subd. 2. Definitions. (a) For purposes of this section, the terms in this subdivision have
50.2 the meanings given.

50.3 (b) "School district" means a school district or charter school.

50.4 (c) "Local partnership" means a school district, nonpublic school, intermediate school
50.5 district, or postsecondary institution, in partnership with other school districts, nonpublic
50.6 schools, intermediate school districts, postsecondary institutions, workforce development
50.7 authorities, economic development authorities, nonprofit organizations, labor unions, or
50.8 individuals who have an agreement with one or more local employers to be responsible for
50.9 implementing and coordinating a local youth skills training program.

50.10 (d) "Student learner" means a student who is both enrolled in a course of study at a public
50.11 or nonpublic school to obtain related instruction for academic credit and is employed under
50.12 a written agreement to obtain on-the-job skills training under a youth skills training program
50.13 approved under this section.

50.14 (e) "Commissioner" means the commissioner of labor and industry.

50.15 Subd. 3. Duties. (a) The commissioner shall:

50.16 (1) approve youth skills training programs in high growth, high demand occupations
50.17 that provide:

50.18 (i) that the work of the student learner in the occupations declared particularly hazardous
50.19 shall be incidental to the training;

50.20 (ii) that the work shall be intermittent and for short periods of time, and under the direct
50.21 and close supervision of a qualified and experienced person;

50.22 (iii) that safety instruction shall be provided to the student learner and may be given by
50.23 the school and correlated by the employer with on-the-job training;

50.24 (iv) a schedule of organized and progressive work processes to be performed on the job;

50.25 (v) a schedule of wage rates in compliance with section 177.24; and

50.26 (vi) whether the student learner will obtain secondary school academic credit,
50.27 postsecondary credit, or both, for the training program;

50.28 (2) approve occupations and maintain a list of approved occupations for programs under
50.29 this section;

50.30 (3) work with individuals representing industry and labor to develop new youth skills
50.31 training programs;

51.1 (4) develop model program guides;

51.2 (5) monitor youth skills training programs;

51.3 (6) provide technical assistance to local partnership grantees;

51.4 (7) work with providers to identify paths for receiving postsecondary credit for
51.5 participation in the youth skills training program; and

51.6 (8) approve other activities as necessary to implement the program.

51.7 (b) The commissioner shall collaborate with stakeholders, including, but not limited to,
51.8 representatives of secondary school institutions, career and technical education instructors,
51.9 postsecondary institutions, businesses, and labor, in developing youth skills training
51.10 programs, and identifying and approving occupations and competencies for youth skills
51.11 training programs.

51.12 Subd. 4. **Training agreement.** Each student learner shall sign a written training agreement
51.13 on a form prescribed by the commissioner. Each agreement shall contain the name of the
51.14 student learner, and be signed by the employer, the school coordinator or administrator, and
51.15 the student learner, or if the student learner is a minor, by the student's parent or legal
51.16 guardian. Copies of each agreement shall be kept on file by both the school and the employer.

51.17 Subd. 5. **Program approval.** The commissioner may grant exemptions from the
51.18 provisions of chapter 181A for student learners participating in youth skills training programs
51.19 approved by the commissioner under this section. The approval of a youth skills training
51.20 program will be reviewed annually. The approval of a youth skills training program may
51.21 be revoked at any time if the commissioner finds that:

51.22 (1) all provisions of subdivision 3 have not been met in the previous year; or

51.23 (2) reasonable precautions have not been observed for the safety of minors.

51.24 The commissioner shall maintain and annually update a list of occupations and tasks suitable
51.25 for student learners in compliance with federal law.

51.26 Subd. 6. **Interactions with education finance.** (a) For the purpose of computing state
51.27 aids for the enrolling school district, the hours a student learner participates in a youth skills
51.28 training program under this section must be counted in the student's hours of average daily
51.29 membership under section 126C.05.

51.30 (b) Educational expenses for a participating student learner must be included in the
51.31 enrolling district's career and technical revenue as provided under section 124D.4531.

52.1 Subd. 7. **Academic credit.** A school district may grant academic credit to student learners
52.2 participating in youth skills training programs under this section in accordance with local
52.3 requirements.

52.4 Subd. 8. **Postsecondary credit.** A postsecondary institution may award postsecondary
52.5 credit to a student learner who successfully completes a youth skills training program.

52.6 Subd. 9. **Work-based learning program.** A youth skills training program shall qualify
52.7 as a work-based learning program if it meets requirements for a career and technical education
52.8 program and is supervised by a qualified teacher with appropriate licensure for a work-based
52.9 learning teacher-coordinator.

52.10 Subd. 10. **School coordinator.** Unless otherwise required for a work-based learning
52.11 program, a youth skills training program may be supervised by a qualified teacher or by an
52.12 administrator as determined by the school district.

52.13 Subd. 11. **Other apprenticeship programs.** (a) This section shall not affect programs
52.14 under section 124D.47.

52.15 (b) A registered apprenticeship program governed by chapter 178 may grant credit
52.16 toward the completion of a registered apprenticeship for the successful completion of a
52.17 youth skills training program under this section.

52.18 Subd. 12. **Outcomes.** The following outcomes are expected of a local youth skills training
52.19 program:

52.20 (1) at least 80 percent of the student learners who participate in a youth skills training
52.21 program receive a high school diploma when eligible on completion of the training program;
52.22 and

52.23 (2) at least 60 percent of the student learners who participate in a youth skills training
52.24 program receive a recognized credential on completion of the training program.

52.25 Subd. 13. **Reporting.** (a) By February 1, 2019, and annually thereafter, the commissioner
52.26 shall report on the activity and outcomes of the program for the preceding fiscal year to the
52.27 chairs of the legislative committees with jurisdiction over jobs and economic growth policy
52.28 and finance. At a minimum, the report must include:

52.29 (1) the number of student learners who commenced the training program and the number
52.30 who completed the training program; and

52.31 (2) recommendations, if any, for changes to the program.

53.1 (b) The initial report shall include a detailed description of the differences between the
 53.2 state and federal systems in child safety standards.

53.3 Sec. 3. Minnesota Statutes 2016, section 326B.092, subdivision 7, is amended to read:

53.4 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license is
 53.5 the base license fee plus any applicable board fee, continuing education fee, and contractor
 53.6 recovery fund fee and additional assessment, as set forth in this subdivision.

53.7 (b) For purposes of this section, "license duration" means the number of years for which
 53.8 the license is issued except that if the initial license is not issued for a whole number of
 53.9 years, the license duration shall be rounded up to the next whole number.

53.10 (c) The base license fee shall depend on whether the license is classified as an entry
 53.11 level, master, journeyman, or business license, and on the license duration. The base license
 53.12 fee shall be:

	License Classification	License Duration	
		1 year	2 years
53.15	Entry level	\$10	\$20
53.16	Journeyworker	\$20	\$40
53.17	Master	\$40	\$80
53.18	Business		\$180

53.19 (d) If there is a continuing education requirement for renewal of the license, then a
 53.20 continuing education fee must be included in the renewal license fee. The continuing
 53.21 education fee for all license classifications shall be: \$10 if the renewal license duration is
 53.22 one year; and \$20 if the renewal license duration is two years.

53.23 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.925,
 53.24 then a board fee must be included in the license fee and the renewal license fee. The board
 53.25 fee for all license classifications shall be: \$4 if the license duration is one year; and \$8 if
 53.26 the license duration is two years.

53.27 (f) If the application is for the renewal of a license issued under sections 326B.802 to
 53.28 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision
 53.29 3, and any additional assessment required under section 326B.89, subdivision 16, must be
 53.30 included in the license renewal fee.

53.31 (g) Notwithstanding the fee amounts described in paragraphs (c) to (f), for the period
 53.32 July 1, ~~2015~~ 2017, through June 30, ~~2017~~ September 30, 2021, the following fees apply:

	License Classification	License Duration	
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54.1		1 year	2 years
54.2	Entry level	\$10	\$20
54.3			\$35
54.4	Journeyworker	\$15	<u>\$30</u>
54.5			\$75
54.6	Master	\$30	<u>\$60</u>
54.7			\$160
54.8	Business		<u>\$120</u>

54.9 If there is a continuing education requirement for renewal of the license, then a continuing
 54.10 education fee must be included in the renewal license fee. The continuing education fee for
 54.11 all license classifications shall be \$5.

54.12 **Sec. 4. [326B.108] PLACES OF PUBLIC ACCOMMODATION SUBJECT TO**
 54.13 **CODE.**

54.14 **Subdivision 1. Definition.** For purposes of this section, "place of public accommodation"
 54.15 means a publicly or privately owned facility that is designed for occupancy by 200 or more
 54.16 people and includes a sports or entertainment arena, stadium, theater, community or
 54.17 convention hall, special event center, indoor amusement facility or water park, or swimming
 54.18 pool.

54.19 **Subd. 2. Application.** Construction, additions, and alterations to a place of public
 54.20 accommodation must be designed and constructed to comply with the State Building Code.

54.21 **Subd. 3. Enforcement.** In a municipality that has not adopted the code by ordinance
 54.22 under section 326B.121, subdivision 2, the commissioner shall enforce this section in
 54.23 accordance with section 326B.107, subdivision 1.

54.24 **Sec. 5.** Minnesota Statutes 2016, section 326B.153, subdivision 1, is amended to read:

54.25 **Subdivision 1. Building permits.** (a) Fees for building permits submitted as required
 54.26 in section ~~326B.106~~ 326B.107 include:

54.27 (1) the fee as set forth in the fee schedule in paragraph (b) or as adopted by a municipality;
 54.28 and

54.29 (2) the surcharge required by section 326B.148.

54.30 (b) The total valuation and fee schedule is:

54.31 (1) \$1 to \$500, ~~\$29.50~~ \$21;

55.1 (2) \$501 to \$2,000, ~~\$28~~ \$21 for the first \$500 plus ~~\$3.70~~ \$2.75 for each additional \$100
 55.2 or fraction thereof, to and including \$2,000;

55.3 (3) \$2,001 to \$25,000, ~~\$83.50~~ \$62.25 for the first \$2,000 plus ~~\$16.55~~ \$12.50 for each
 55.4 additional \$1,000 or fraction thereof, to and including \$25,000;

55.5 (4) \$25,001 to \$50,000, ~~\$464.15~~ \$349.75 for the first \$25,000 plus ~~\$12~~ \$9 for each
 55.6 additional \$1,000 or fraction thereof, to and including \$50,000;

55.7 (5) \$50,001 to \$100,000, ~~\$764.15~~ \$574.75 for the first \$50,000 plus ~~\$8.45~~ \$6.25 for
 55.8 each additional \$1,000 or fraction thereof, to and including \$100,000;

55.9 (6) \$100,001 to \$500,000, ~~\$1,186.65~~ \$887.25 for the first \$100,000 plus ~~\$6.75~~ \$5 for
 55.10 each additional \$1,000 or fraction thereof, to and including \$500,000;

55.11 (7) \$500,001 to \$1,000,000, ~~\$3,886.65~~ \$2,887.25 for the first \$500,000 plus ~~\$5.50~~ \$4.25
 55.12 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and

55.13 (8) \$1,000,001 and up, ~~\$6,636.65~~ \$5,012.25 for the first \$1,000,000 plus ~~\$4.50~~ \$2.75
 55.14 for each additional \$1,000 or fraction thereof.

55.15 (c) Other inspections and fees are:

55.16 (1) inspections outside of normal business hours (minimum charge two hours), \$63.25
 55.17 per hour;

55.18 (2) reinspection fees, \$63.25 per hour;

55.19 (3) inspections for which no fee is specifically indicated (minimum charge one-half
 55.20 hour), \$63.25 per hour; and

55.21 (4) additional plan review required by changes, additions, or revisions to approved plans
 55.22 (minimum charge one-half hour), \$63.25 per hour.

55.23 (d) If the actual hourly cost to the jurisdiction under paragraph (c) is greater than \$63.25,
 55.24 then the greater rate shall be paid. Hourly cost includes supervision, overhead, equipment,
 55.25 hourly wages, and fringe benefits of the employees involved.

55.26 **EFFECTIVE DATE.** Paragraph (a) is effective July 1, 2017. Paragraph (b) is effective
 55.27 July 1, 2017, and the amendments to it expire October 1, 2021.

55.28 Sec. 6. Minnesota Statutes 2016, section 326B.37, is amended by adding a subdivision to
 55.29 read:

55.30 **Subd. 16. Wind electric systems.** (a) The inspection fee for the installation of a wind
 55.31 turbine is:

- 56.1 (1) zero watts to and including 100,000 watts, \$80;
56.2 (2) 100,001 watts to and including 500,000 watts, \$105;
56.3 (3) 500,001 watts to and including 1,000,000 watts, \$120;
56.4 (4) 1,000,001 watts to and including 1,500,000 watts, \$125;
56.5 (5) 1,500,001 watts to and including 2,000,000 watts, \$130;
56.6 (6) 2,000,001 watts to and including 3,000,000 watts, \$145; and
56.7 (7) 3,000,001 watts and larger, \$160.

56.8 (b) For the purpose of paragraph (a), the watt rating is the total estimated alternating
56.9 current energy output of one individual wind turbine.

56.10 Sec. 7. Minnesota Statutes 2016, section 326B.37, is amended by adding a subdivision to
56.11 read:

56.12 Subd. 17. **Solar photovoltaic systems.** (a) The inspection fee for the installation of a
56.13 solar photovoltaic system is:

- 56.14 (1) zero watts to and including 5,000 watts, \$60;
56.15 (2) 5,001 watts to and including 10,000 watts, \$100;
56.16 (3) 10,001 watts to and including 20,000 watts, \$150;
56.17 (4) 20,001 watts to and including 30,000 watts, \$200;
56.18 (5) 30,001 watts to and including 40,000 watts, \$250;
56.19 (6) 40,001 watts to and including 1,000,000 watts, \$250, and \$25 for each additional
56.20 10,000 watts over 40,000 watts;
56.21 (7) 1,000,001 watts to 5,000,000 watts, \$2,650, and \$15 for each additional 10,000 watts
56.22 over 1,000,000 watts; and
56.23 (8) 5,000,001 watts and larger, \$8,650, and \$10 for each additional 10,000 watts over
56.24 5,000,000 watts.

56.25 (b) For the purpose of paragraph (a), the watt rating is the total estimated alternating
56.26 current energy output of the solar photovoltaic system.

57.1 Sec. 8. Minnesota Statutes 2016, section 326B.435, subdivision 2, is amended to read:

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

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

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

57.8 (3) adopt the Plumbing Code that must be followed in this state and any Plumbing Code
57.9 amendments thereto. The Plumbing Code shall include the minimum standards described
57.10 in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the
57.11 Plumbing Code and any amendments thereto pursuant to chapter 14 and as provided in
57.12 subdivision 6, paragraphs (b), (c), and (d);

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

57.15 (5) adopt rules that regulate the licensure, certification, or registration of plumbing
57.16 contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers,
57.17 restricted journeymen, restricted plumbing contractors, backflow prevention rebuilders and
57.18 testers, water conditioning contractors, and water conditioning installers, and other persons
57.19 engaged in the design, installation, and alteration of plumbing systems or engaged in or
57.20 working at the business of water conditioning installation or service, or engaged in or
57.21 working at the business of medical gas system installation, maintenance, or repair, except
57.22 for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall
57.23 adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e)
57.24 and (f);

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

57.31 (7) refer complaints or other communications to the commissioner, whether oral or
57.32 written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or

58.1 order that the commissioner has the authority to enforce pertaining to code compliance,
58.2 licensure, or an offering to perform or performance of unlicensed plumbing services;

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

58.5 (9) approve license reciprocity agreements;

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

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

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

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

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

58.20 Sec. 9. Minnesota Statutes 2016, section 326B.50, subdivision 3, is amended to read:

58.21 Subd. 3. **Water conditioning installation.** "Water conditioning installation" means the
58.22 installation of appliances, appurtenances, and fixtures designed to treat water so as to alter,
58.23 modify, add or remove mineral, chemical or bacterial content, said installation to be made
58.24 in a water distribution system serving:

58.25 (1) a single family residential unit, which has been initially established by a licensed
58.26 plumber, and does not involve a direct connection without an air gap to a soil or waste pipe;
58.27 or

58.28 (2) a multifamily or nonresidential building, where the plumbing installation has been
58.29 initially established by a licensed plumber. Isolation valves shall be required for all water
58.30 conditioning installations and shall be readily accessible. Water conditioning installation
58.31 does not include:

58.32 (i) a valve that allows isolation of the water conditioning installation;

59.1 (ii) piping greater than two-inch nominal pipe size; or

59.2 (iii) a direct connection without an air gap to a soil or waste pipe.

59.3 Sec. 10. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision
59.4 to read:

59.5 Subd. 5. **Direct supervision.** "Direct supervision," with respect to direct supervision of
59.6 a registered unlicensed individual, means that:

59.7 (1) at all times while the registered unlicensed individual is performing water conditioning
59.8 installation work, a direct supervisor is present at the location where the registered unlicensed
59.9 individual is working;

59.10 (2) the direct supervisor is physically present and immediately available to the registered
59.11 unlicensed individual at all times for assistance and direction;

59.12 (3) any form of electronic supervision does not meet the requirement of being physically
59.13 present;

59.14 (4) the direct supervisor reviews the water conditioning installation work performed by
59.15 the registered unlicensed individual before the water conditioning installation is operated;
59.16 and

59.17 (5) the direct supervisor determines that all water conditioning installation work
59.18 performed by the registered unlicensed individual is performed in compliance with sections
59.19 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code,
59.20 and all orders issued under section 326B.082.

59.21 Sec. 11. Minnesota Statutes 2016, section 326B.50, is amended by adding a subdivision
59.22 to read:

59.23 Subd. 6. **Direct supervisor.** "Direct supervisor" means a master plumber, journeyman
59.24 plumber, restricted master plumber, restricted journeyman plumber, water conditioning
59.25 master, or water conditioning journeyman responsible for providing direct supervision of
59.26 a registered unlicensed individual.

59.27 Sec. 12. Minnesota Statutes 2016, section 326B.55, subdivision 2, is amended to read:

59.28 Subd. 2. **Qualifications for licensing.** (a) A water conditioning master license shall be
59.29 issued only to an individual who has demonstrated skill in planning, superintending, ~~and~~
59.30 servicing, and installing water conditioning installations, and has successfully passed the
59.31 examination for water conditioning masters. A water conditioning journeyman license shall

60.1 only be issued to an individual other than a water conditioning master who has demonstrated
60.2 practical knowledge of water conditioning installation, and has successfully passed the
60.3 examination for water conditioning journeymen. A water conditioning journeyman must
60.4 successfully pass the examination for water conditioning masters before being licensed as
60.5 a water conditioning master.

60.6 (b) Each water conditioning contractor must designate a responsible licensed master
60.7 plumber or a responsible licensed water conditioning master, who shall be responsible for
60.8 the performance of all water conditioning installation and servicing in accordance with the
60.9 requirements of sections 326B.50 to 326B.59, all rules adopted under sections 326B.50 to
60.10 326B.59, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If
60.11 the water conditioning contractor is an individual or sole proprietorship, the responsible
60.12 licensed master must be the individual, proprietor, or managing employee. If the water
60.13 conditioning contractor is a partnership, the responsible licensed master must be a general
60.14 partner or managing employee. If the water conditioning contractor is a limited liability
60.15 company, the responsible licensed master must be a chief manager or managing employee.
60.16 If the water conditioning contractor is a corporation, the responsible licensed master must
60.17 be an officer or managing employee. If the responsible licensed master is a managing
60.18 employee, the responsible licensed master must be actively engaged in performing water
60.19 conditioning work on behalf of the water conditioning contractor and cannot be employed
60.20 in any capacity as a water conditioning master or water conditioning journeyman for any
60.21 other water conditioning contractor. An individual must not be the responsible licensed
60.22 master for more than one water conditioning contractor.

60.23 (c) All applications and renewals for water conditioning contractor licenses shall include
60.24 a verified statement that the applicant or licensee has complied with paragraph (b).

60.25 (d) Each application and renewal for a water conditioning master license, water
60.26 conditioning journeyman license, or a water conditioning contractor license shall be
60.27 accompanied by all fees required by section 326B.092.

60.28 Sec. 13. Minnesota Statutes 2016, section 326B.55, subdivision 4, is amended to read:

60.29 Subd. 4. **Plumber's apprentices.** (a) A plumber's apprentice who is registered under
60.30 section 326B.47 is authorized to assist in water conditioning installation and water
60.31 conditioning servicing only while under the direct supervision of a master plumber,
60.32 journeyman plumber, restricted master plumber, restricted journeyman plumber, water
60.33 conditioning master, or water conditioning journeyman. The master or journeyman is
60.34 responsible for ensuring that all water conditioning work performed by the plumber's

61.1 apprentice complies with the plumbing code and rules adopted under sections 326B.50 to
61.2 326B.59. The supervising master or journeyman must be licensed and must be employed
61.3 by the same employer as the plumber's apprentice. Licensed individuals shall not permit
61.4 plumber's apprentices to perform water conditioning work except under the direct supervision
61.5 of an individual actually licensed to perform such work. Plumber's apprentices shall not
61.6 supervise the performance of plumbing work or make assignments of plumbing work to
61.7 unlicensed individuals.

61.8 (b) Water conditioning contractors employing plumber's apprentices to perform water
61.9 conditioning work shall maintain records establishing compliance with this subdivision that
61.10 shall identify all plumber's apprentices performing water conditioning work, and shall permit
61.11 the department to examine and copy all such records.

61.12 Sec. 14. **[326B.555] REGISTERED UNLICENSED INDIVIDUALS.**

61.13 Subdivision 1. Registration; supervision; records. (a) All unlicensed individuals
61.14 engaged in water conditioning installation must be registered under subdivision 3.

61.15 (b) A registered unlicensed individual is authorized to assist in water conditioning
61.16 installations in a single family residential unit only when a master plumber, journeyman
61.17 plumber, restricted master plumber, restricted journeyman plumber, water conditioning
61.18 master, or water conditioning journeyman is available and responsible for ensuring that all
61.19 water conditioning installation work performed by the unlicensed individual complies with
61.20 the applicable provisions of the plumbing and water conditioning codes and rules adopted
61.21 pursuant to such codes. For all other water conditioning installation work, the registered
61.22 unlicensed individual must be under the direct supervision of a responsible licensed water
61.23 conditioning master.

61.24 (c) Water conditioning contractors employing registered unlicensed individuals to perform
61.25 water conditioning installation work shall maintain records establishing compliance with
61.26 this subdivision that shall identify all unlicensed individuals performing water conditioning
61.27 installations, and shall permit the department to examine and copy all such records.

61.28 Subd. 2. Journeyman exam. A registered unlicensed individual who has completed
61.29 875 hours of practical water conditioning installation, servicing, and training is eligible to
61.30 take the water conditioning journeyman examination. Up to 100 hours of practical water
61.31 conditioning installation and servicing experience prior to becoming a registered unlicensed
61.32 individual may be applied to the practical experience requirement. However, none of this
61.33 practical experience may be applied if the unlicensed individual did not have any practical

62.1 experience in the 12-month period immediately prior to becoming a registered unlicensed
62.2 individual.

62.3 Subd. 3. **Registration, renewals, and fees.** An unlicensed individual may register by
62.4 completing and submitting to the commissioner an application form provided by the
62.5 commissioner, with all fees required by section 326B.58. A completed application form
62.6 must state the date, the individual's age, schooling, previous experience and employer, and
62.7 other information required by the commissioner. The plumbing board may prescribe rules,
62.8 not inconsistent with this section, for the registration of unlicensed individuals. Applications
62.9 for initial registration may be submitted at any time. Registration must be renewed annually
62.10 and shall be for the period from July 1 of each year to June 30 of the following year.

62.11 Sec. 15. Minnesota Statutes 2016, section 326B.805, subdivision 3, is amended to read:

62.12 Subd. 3. **Prohibition.** Except as provided in subdivision 6, no persons required to be
62.13 licensed by subdivision 1 may act or hold themselves out as a residential building contractor,
62.14 residential remodeler, residential roofer, or manufactured home installer for compensation
62.15 without a license issued by the commissioner. Unlicensed residential building contractor,
62.16 residential remodeler, or residential roofer activity is a gross misdemeanor.

62.17 Sec. 16. Minnesota Statutes 2016, section 326B.89, subdivision 1, is amended to read:

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

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

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

62.24 (d) "Residential real estate" means a new or existing building constructed for habitation
62.25 by one to four families, and includes detached garages intended for storage of vehicles
62.26 associated with the residential real estate.

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

62.28 (f) "Owner" when used in connection with real property, means a person who has any
62.29 legal or equitable interest in real property and includes a condominium or townhome
62.30 association that owns common property located in a condominium building or townhome
62.31 building or an associated detached garage. Owner does not include any real estate developer

63.1 or any owner using, or intending to use, the property for a business purpose and not as
63.2 owner-occupied residential real estate.

63.3 Sec. 17. Minnesota Statutes 2016, section 326B.89, subdivision 5, is amended to read:

63.4 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
63.5 fund to an owner or a lessee in an amount greater than \$75,000 per licensee. The
63.6 commissioner shall not pay compensation from the fund to owners and lessees in an amount
63.7 that totals more than ~~\$150,000~~ \$300,000 per licensee. The commissioner shall only pay
63.8 compensation from the fund for a final judgment that is based on a contract directly between
63.9 the licensee and the homeowner or lessee that was entered into prior to the cause of action
63.10 and that requires licensure as a residential building contractor or residential remodeler.

63.11 Sec. 18. **RULEMAKING.**

63.12 The commissioner of labor and industry shall amend Minnesota Rules, part 1309.0313,
63.13 IRC sections R313.1 to R313.3, to establish that one- and two-family dwellings and two-unit
63.14 townhouses are not required to have installed automatic fire sprinkler systems. The
63.15 commissioner may use the exempt provisions of Minnesota Statutes, section 14.386, except
63.16 that paragraph (b) shall not apply.

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

63.18 Sec. 19. **REPEALER.**

63.19 Minnesota Statutes 2016, section 326B.89, subdivision 14, is repealed.

63.20 **ARTICLE 3**

63.21 **EMPLOYMENT, ECONOMIC DEVELOPMENT, AND WORKFORCE** 63.22 **DEVELOPMENT POLICY**

63.23 Section 1. Minnesota Statutes 2016, section 116J.01, subdivision 5, is amended to read:

63.24 Subd. 5. **Departmental organization.** (a) The commissioner shall organize the
63.25 department as provided in section 15.06.

63.26 (b) The commissioner may establish divisions and offices within the department. The
63.27 commissioner may employ ~~four~~ one deputy ~~commissioners~~ commissioner in the unclassified
63.28 service.

63.29 (c) The commissioner shall:

64.1 (1) employ assistants and other officers, employees, and agents that the commissioner
64.2 considers necessary to discharge the functions of the commissioner's office;

64.3 (2) define the duties of the officers, employees, and agents, and delegate to them any of
64.4 the commissioner's powers, duties, and responsibilities, subject to the commissioner's control
64.5 and under conditions prescribed by the commissioner.

64.6 (d) The commissioner shall ensure that there are at least three employment and economic
64.7 development officers in state offices in nonmetropolitan areas of the state who will work
64.8 with local units of government on developing local employment and economic development.

64.9 **Sec. 2. [116J.4221] RURAL POLICY AND DEVELOPMENT CENTER FUND.**

64.10 (a) A rural policy and development center fund is established as an account in the special
64.11 revenue fund in the state treasury. The commissioner of management and budget shall credit
64.12 to the account the amounts authorized under this section and appropriations and transfers
64.13 to the account. The State Board of Investment shall ensure that account money is invested
64.14 under section 11A.24. All money earned by the account must be credited to the account.
64.15 The principal of the account and any unexpended earnings must be invested and reinvested
64.16 by the State Board of Investment.

64.17 (b) Gifts and donations, including land or interests in land, may be made to the account.
64.18 Noncash gifts and donations must be disposed of for cash as soon as the board prudently
64.19 can maximize the value of the gift or donation. Gifts and donations of marketable securities
64.20 may be held or be disposed of for cash at the option of the board. The cash receipts of gifts
64.21 and donations of cash or capital assets and marketable securities disposed of for cash must
64.22 be credited immediately to the principal of the account. The value of marketable securities
64.23 at the time the gift or donation is made must be credited to the principal of the account and
64.24 any earnings from the marketable securities are earnings of the account. The earnings in
64.25 the account are annually appropriated to the board of the center for rural policy and
64.26 development to carry out the duties of the center.

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

64.28 **Sec. 3. [116J.6582] SHRIMP PRODUCTION INCENTIVE.**

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

64.31 (b) "Commissioner" means the commissioner of employment and economic development.

64.32 (c) "Feed" means pelletized material produced from agricultural sources.

65.1 Subd. 2. **Eligibility.** (a) A facility eligible for payment under this section must acquire
65.2 at least 80 percent of feed from Minnesota. The facility must be located in Minnesota, must
65.3 begin production at a specific location by June 30, 2025, and must not begin production
65.4 before July 1, 2019. Eligible facilities include existing companies and facilities that are
65.5 adding shrimp production capacity, or retrofitting existing capacity, as well as new companies
65.6 and facilities. Eligible shrimp production facilities must produce at least 25,000 pounds of
65.7 shrimp each quarter.

65.8 (b) No payments shall be made for shrimp production that occurs after June 30, 2030,
65.9 for those eligible producers under paragraph (a).

65.10 (c) An eligible producer of shrimp shall not transfer the producer's eligibility for payments
65.11 under this section to a facility at a different location.

65.12 (d) A producer that ceases production for any reason is ineligible to receive payments
65.13 under this section until the producer resumes production.

65.14 Subd. 3. **Payment amounts; limits.** (a) The commissioner shall make payments to
65.15 eligible producers of shrimp. The amount of the payment for each eligible producer's
65.16 quarterly production is 69 cents per pound of shrimp produced at a specific location for five
65.17 years after the start of production.

65.18 (b) Total payments under this section to an eligible shrimp producer in a quarter may
65.19 not exceed the amount necessary for 2,000,000 pounds of shrimp produced. Total payments
65.20 under this section to all eligible shrimp producers in a quarter may not exceed \$1,250,000.
65.21 If the total amount for which all shrimp producers are eligible in a quarter exceeds the
65.22 amount available for payments, the commissioner shall award payments on a pro rata basis
65.23 within the limits of available funding.

65.24 (c) For purposes of this section, an entity that holds a controlling interest in more than
65.25 one shrimp facility is considered a single eligible producer.

65.26 Subd. 4. **Claims.** (a) By the last day of October, January, April, and July, each eligible
65.27 shrimp producer shall file a claim for payment for shrimp production during the preceding
65.28 three calendar months. An eligible shrimp producer that files a claim under this subdivision
65.29 shall include a statement of the eligible producer's total pounds of shrimp produced during
65.30 the quarter covered by the claim. For each claim and statement of total pounds of shrimp
65.31 filed under this subdivision, the pounds of shrimp produced must be examined by a certified
65.32 public accounting firm with a valid permit to practice under chapter 326A, in accordance
65.33 with Statements on Standards for Attestation Engagements established by the American
65.34 Institute of Certified Public Accountants.

66.1 (b) The commissioner must issue payments by November 15, February 15, May 15, and
66.2 August 15. A separate payment must be made for each claim filed.

66.3 Subd. 5. **Report.** By January 15 each year, the commissioner shall report on the program
66.4 under this section to the legislative committees with jurisdiction over agricultural policy
66.5 and finance. The report shall include information on production and incentive expenditures
66.6 under the program.

66.7 **EFFECTIVE DATE.** This section is effective beginning July 1, 2019.

66.8 Sec. 4. **[116J.9922] CENTRAL MINNESOTA OPPORTUNITY GRANT PROGRAM.**

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

66.11 (b) "Commissioner" means the commissioner of employment and economic development.

66.12 (c) "Community initiative" means a nonprofit organization which provides services to
66.13 central Minnesota communities of color in one or more of the program areas listed in
66.14 subdivision 4, paragraph (a).

66.15 (d) "Foundation" means the Central Minnesota Community Foundation.

66.16 Subd. 2. **Establishment.** The commissioner shall establish a central Minnesota
66.17 opportunity grant program, administered by the foundation, to identify and support
66.18 community initiatives in the St. Cloud area that enhance long-term economic self-sufficiency
66.19 by improving education, housing, and economic outcomes for central Minnesota communities
66.20 of color.

66.21 Subd. 3. **Grant to the Central Minnesota Community Foundation.** The commissioner
66.22 shall award all grant funds to the foundation, which shall administer the central Minnesota
66.23 opportunity grant program. The foundation may use up to five percent of grant funds for
66.24 administrative costs.

66.25 Subd. 4. **Grants to community initiatives.** (a) The foundation must award funds through
66.26 a competitive grant process to community initiatives that will provide services, either alone
66.27 or in partnership with another nonprofit organization, in one or more of the following areas:

66.28 (1) economic development, including but not limited to programs to foster
66.29 entrepreneurship or small business development;

66.30 (2) education, including but not limited to programs to encourage civic engagement or
66.31 provide youth after-school or recreation programs; or

67.1 (3) housing, including but not limited to, programs to prevent and respond to
67.2 homelessness or to provide access to loans or grants for housing stability and affordability.

67.3 (b) To receive grant funds, a community initiative must submit a written application to
67.4 the foundation, using a form developed by the foundation. This grant application must
67.5 include:

67.6 (1) a description of the activities that will be funded by the grant;

67.7 (2) an estimate of the cost of each grant activity;

67.8 (3) the total cost of the project;

67.9 (4) the sources and amounts of nonstate funds supplementing the grant;

67.10 (5) how the project aims to achieve stated outcomes in areas including improved job
67.11 training; workforce development; small business support; early childhood, kindergarten
67.12 through grade 12, and higher education achievement; and access to housing, including loans;
67.13 and

67.14 (6) any additional information requested by the foundation.

67.15 (c) In awarding grants under this subdivision, the foundation shall give weight to
67.16 applications from organizations that demonstrate:

67.17 (1) a history of successful provision of the services listed in paragraph (a); and

67.18 (2) a history of successful fund-raising from private sources for such services.

67.19 (d) In evaluating grant applications, the foundation shall not consider the composition
67.20 of a community initiative's governing board.

67.21 (e) Grant funds may be used by a community initiative for the following purposes:

67.22 (1) operating costs, including but not limited to staff, office space, computers, software,
67.23 and Web development and maintenance services;

67.24 (2) program costs;

67.25 (3) travel within Minnesota;

67.26 (4) consultants directly related to and necessary for delivering services listed in paragraph
67.27 (a); and

67.28 (5) capacity building.

67.29 Subd. 5. **Reports to the legislature.** By January 15, 2019, and each January 15 thereafter
67.30 through 2022, the commissioner must submit a report to the chairs and ranking minority

68.1 members of the house of representatives and the senate committees with jurisdiction over
68.2 economic development that details the use of grant funds. This report must include data on
68.3 the number of individuals served and, to the extent practical, measures of progress toward
68.4 achieving the outcomes stated in subdivision 4, paragraph (b), clause (5).

68.5 Sec. 5. Minnesota Statutes 2016, section 116L.17, subdivision 1, is amended to read:

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

68.8 (b) "Commissioner" means the commissioner of employment and economic development.

68.9 (c) "Dislocated worker" means an individual who is a resident of Minnesota at the time
68.10 employment ceased or was working in the state at the time employment ceased and:

68.11 (1) has been permanently separated or has received a notice of permanent separation
68.12 from public or private sector employment and is eligible for or has exhausted entitlement
68.13 to unemployment benefits, and is unlikely to return to the previous industry or occupation;

68.14 (2) has been long-term unemployed and has limited opportunities for employment or
68.15 reemployment in the same or a similar occupation in the area in which the individual resides,
68.16 including older individuals who may have substantial barriers to employment by reason of
68.17 age;

68.18 (3) has been terminated or has received a notice of termination of employment as a result
68.19 of a plant closing or a substantial layoff at a plant, facility, or enterprise;

68.20 (4) has been self-employed, including farmers and ranchers, and is unemployed as a
68.21 result of general economic conditions in the community in which the individual resides or
68.22 because of natural disasters;

68.23 ~~(5) MS 2011 Supp [Expired, 2011 c 84 art 3 s 1]~~

68.24 ~~(6)~~ (5) is a veteran as defined by section 197.447, has been discharged or released from
68.25 active duty under honorable conditions within the last 36 months, and (i) is unemployed or
68.26 (ii) is employed in a job verified to be below the skill level and earning capacity of the
68.27 veteran;

68.28 ~~(7)~~ (6) is an individual determined by the United States Department of Labor to be
68.29 covered by trade adjustment assistance under United States Code, title 19, sections 2271 to
68.30 2331, as amended; or

68.31 ~~(8)~~ (7) is a displaced homemaker. A "displaced homemaker" is an individual who has
68.32 spent a substantial number of years in the home providing homemaking service and (i) has

69.1 been dependent upon the financial support of another; and now due to divorce, separation,
69.2 death, or disability of that person, must find employment to self support; or (ii) derived the
69.3 substantial share of support from public assistance on account of dependents in the home
69.4 and no longer receives such support. To be eligible under this clause, the support must have
69.5 ceased while the worker resided in Minnesota.

69.6 For the purposes of this section, "dislocated worker" does not include an individual who
69.7 was an employee, at the time employment ceased, of a political committee, political fund,
69.8 principle campaign committee, or party unit, as those terms are used in chapter 10A, or an
69.9 organization required to file with the federal elections commission.

69.10 (d) "Eligible organization" means a state or local government unit, nonprofit organization,
69.11 community action agency, business organization or association, or labor organization.

69.12 (e) "Plant closing" means the announced or actual permanent shutdown of a single site
69.13 of employment, or one or more facilities or operating units within a single site of
69.14 employment.

69.15 (f) "Substantial layoff" means a permanent reduction in the workforce, which is not a
69.16 result of a plant closing, and which results in an employment loss at a single site of
69.17 employment during any 30-day period for at least 50 employees excluding those employees
69.18 that work less than 20 hours per week.

69.19 Sec. 6. Laws 2014, chapter 312, article 2, section 14, is amended to read:

69.20 **Sec. 14. ASSIGNED RISK TRANSFER.**

69.21 (a) By June 30, 2015, if the commissioner of commerce determines on the basis of an
69.22 audit that there is an excess surplus in the assigned risk plan created under Minnesota
69.23 Statutes, section 79.252, the commissioner of management and budget shall transfer the
69.24 amount of the excess surplus, not to exceed \$10,500,000, to the general fund. This transfer
69.25 occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision 1,
69.26 paragraph (a), clause (1). This is a onetime transfer.

69.27 (b) By June 30, 2015, and each year thereafter, if the commissioner of commerce
69.28 determines on the basis of an audit that there is an excess surplus in the assigned risk plan
69.29 created under Minnesota Statutes, section 79.252, the commissioner of management and
69.30 budget shall transfer the amount of the excess surplus, not to exceed \$4,820,000 each year,
69.31 to the Minnesota minerals 21st century fund under Minnesota Statutes, section 116J.423.
69.32 This transfer occurs prior to any transfer under Minnesota Statutes, section 79.251,
69.33 subdivision 1, paragraph (a), clause (1), but after the ~~transfer~~ transfers authorized in ~~paragraph~~

70.1 paragraphs (a) and (f). The total amount authorized for all transfers under this paragraph
70.2 must not exceed \$24,100,000. This paragraph expires the day following the transfer in which
70.3 the total amount transferred under this paragraph to the Minnesota minerals 21st century
70.4 fund equals \$24,100,000.

70.5 (c) By June 30, 2015, if the commissioner of commerce determines on the basis of an
70.6 audit that there is an excess surplus in the assigned risk plan created under Minnesota
70.7 Statutes, section 79.252, the commissioner of management and budget shall transfer the
70.8 amount of the excess surplus, not to exceed \$4,820,000, to the general fund. This transfer
70.9 occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision 1,
70.10 paragraph (a), clause (1), but after any transfers authorized in paragraphs (a) and (b). If a
70.11 transfer occurs under this paragraph, the amount transferred is appropriated from the general
70.12 fund in fiscal year 2015 to the commissioner of labor and industry for the purposes of section
70.13 15. Both the transfer and appropriation under this paragraph are onetime.

70.14 (d) By June 30, 2016, if the commissioner of commerce determines on the basis of an
70.15 audit that there is an excess surplus in the assigned risk plan created under Minnesota
70.16 Statutes, section 79.252, the commissioner of management and budget shall transfer the
70.17 amount of the excess surplus, not to exceed \$4,820,000, to the general fund. This transfer
70.18 occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision 1,
70.19 paragraph (a), clause (1), but after the transfers authorized in paragraphs (a) and (b). If a
70.20 transfer occurs under this paragraph, the amount transferred is appropriated from the general
70.21 fund in fiscal year 2016 to the commissioner of labor and industry for the purposes of section
70.22 15. Both the transfer and appropriation under this paragraph are onetime.

70.23 (e) Notwithstanding Minnesota Statutes, section 16A.28, the commissioner of
70.24 management and budget shall transfer to the assigned risk plan under Minnesota Statutes,
70.25 section 79.252, any unencumbered or unexpended balance of the appropriations under
70.26 paragraphs (c) and (d) remaining on June 30, 2017, or the date the commissioner of commerce
70.27 determines that an excess surplus in the assigned risk plan does not exist, whichever occurs
70.28 earlier.

70.29 (f) By June 30, 2017, and each year thereafter, if the commissioner of commerce
70.30 determines on the basis of an audit that there is an excess surplus in the assigned risk plan
70.31 created under Minnesota Statutes, section 79.252, the commissioner of management and
70.32 budget shall transfer the amount of the excess surplus, not to exceed \$2,000,000 each year,
70.33 to the rural policy and development center fund under Minnesota Statutes, section 116J.4221.
70.34 This transfer occurs prior to any transfer under paragraph (b) or under Minnesota Statutes,
70.35 section 79.251, subdivision 1, paragraph (a), clause (1). The total amount authorized for all

71.1 transfers under this paragraph must not exceed \$2,000,000. This paragraph expires the day
 71.2 following the transfer in which the total amount transferred under this paragraph to the rural
 71.3 policy and development center fund equals \$2,000,000.

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

71.5 Sec. 7. Laws 2015, First Special Session chapter 1, article 1, section 2, subdivision 6, is
 71.6 amended to read:

71.7 **Subd. 6. Vocational Rehabilitation**

71.8	Appropriations by Fund		
71.9	General	22,611,000	21,611,000
71.10	Workforce		
71.11	Development	7,830,000	7,830,000

71.12 (a) \$10,800,000 each year is from the general
 71.13 fund for the state's vocational rehabilitation
 71.14 program under Minnesota Statutes, chapter
 71.15 268A.

71.16 (b) \$2,261,000 each year is from the general
 71.17 fund for grants to centers for independent
 71.18 living under Minnesota Statutes, section
 71.19 268A.11.

71.20 (c) \$5,745,000 each year from the general fund
 71.21 and \$6,830,000 each year from the workforce
 71.22 development fund are for extended
 71.23 employment services for persons with severe
 71.24 disabilities under Minnesota Statutes, section
 71.25 268A.15.

71.26 (d) \$250,000 in fiscal year 2016 and \$250,000
 71.27 in fiscal year 2017 are for rate increases to
 71.28 providers of extended employment services
 71.29 for persons with severe disabilities under
 71.30 Minnesota Statutes, section 268A.15. This
 71.31 appropriation is added to the agency's base.

71.32 (e) \$2,555,000 each year is from the general
 71.33 fund for grants to programs that provide

72.1 employment support services to persons with
72.2 mental illness under Minnesota Statutes,
72.3 sections 268A.13 and 268A.14.

72.4 (f) \$1,000,000 each year is from the workforce
72.5 development fund for grants under Minnesota
72.6 Statutes, section 268A.16, for employment
72.7 services for persons, including transition-aged
72.8 youth, who are deaf, deafblind, or
72.9 hard-of-hearing. If the amount in the first year
72.10 is insufficient, the amount in the second year
72.11 is available in the first year.

72.12 (g) \$1,000,000 in fiscal year 2016 is for a
72.13 grant to Assistive Technology of Minnesota,
72.14 a statewide nonprofit organization that is
72.15 exclusively dedicated to the issues of access
72.16 to and the acquisition of assistive technology.
72.17 ~~The purpose of the grant is to acquire assistive~~
72.18 ~~technology and to work in tandem with~~
72.19 ~~individuals using this technology to create~~
72.20 ~~career paths~~ Assistive Technology of
72.21 Minnesota must use the funds to provide
72.22 low-interest loans to individuals of all ages
72.23 and types of disabilities to purchase assistive
72.24 technology and employment-related
72.25 equipment. This is a onetime appropriation.

72.26 (h) For purposes of this subdivision,
72.27 Minnesota Diversified Industries, Inc. is an
72.28 eligible provider of services for persons with
72.29 severe disabilities under Minnesota Statutes,
72.30 section 268A.15.

72.31 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2015.

73.1 Sec. 8. Laws 2016, chapter 189, article 7, section 46, the effective date, is amended to
73.2 read:

73.3 **EFFECTIVE DATE.** This section, except for subdivision 4, is effective July 1, 2016,
73.4 and expires June 30, ~~2017~~ 2018. Subdivision 4 is effective July 1, 2016, and expires on the
73.5 date the last loan is repaid or forgiven as provided under this section.

73.6 Sec. 9. Laws 2016, chapter 189, article 7, section 46, subdivision 3, is amended to read:

73.7 Subd. 3. **Qualification requirements.** To qualify for assistance under this section, a
73.8 business must:

73.9 (1) be located within one of the following municipalities surrounding Lake Mille Lacs:

73.10 (i) in Crow Wing County, the city of Garrison, township of Garrison, or township of
73.11 Roosevelt;

73.12 (ii) in Aitkin County, the township of Hazelton, township of Wealthwood, township of
73.13 Malmo, or township of Lakeside; or

73.14 (iii) in Mille Lacs County, the city of Isle, city of Wahkon, city of Onamia, township of
73.15 East Side, township of Isle Harbor, township of South Harbor, or township of Kathio;

73.16 (2) document a reduction of at least ~~ten~~ five percent in gross receipts in any two-year
73.17 period since 2010; and

73.18 (3) be a business in one of the following industries, as defined within the North American
73.19 Industry Classification System: accommodation, restaurants, bars, amusement and recreation,
73.20 food and beverages retail, sporting goods, miscellaneous retail, general retail, museums,
73.21 historical sites, health and personal care, gas station, general merchandise, business and
73.22 professional membership, movies, or nonstore retailer, as determined by Mille Lacs County
73.23 in consultation with the commissioner of employment and economic development.

73.24 Sec. 10. **GREATER MINNESOTA COMMUNITY DESIGN PILOT PROJECT.**

73.25 Subdivision 1. **Creation.** The Minnesota Design Center at the University of Minnesota
73.26 shall partner with relevant organizations in selected communities within greater Minnesota
73.27 to establish a pilot project for community design. The pilot project shall identify current
73.28 and future opportunities for rural development, create designs, seek funding from existing
73.29 sources, and assist with the implementation of economically, environmentally, and culturally
73.30 sensitive projects that respond to current community conditions, needs, capabilities, and
73.31 aspirations in support of the selected communities. For the purposes of this section, "greater

74.1 Minnesota" is limited to the following counties: Blue Earth, Brown, Dodge, Faribault,
 74.2 Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Martin, Mower, Olmsted, Rice, Sibley,
 74.3 Steele, Wabasha, Waseca, Watonwan, and Winona.

74.4 Subd. 2. **Community selection.** In order to be considered for inclusion in the pilot
 74.5 project, communities with fewer than 12,000 residents within the counties listed in
 74.6 subdivision 1 must submit a letter of interest to the Minnesota Design Center. The Minnesota
 74.7 Design Center may choose up to ten communities for participation in the pilot project.

74.8 Subd. 3. **Pilot project activities.** Among other activities, the Minnesota Design Center,
 74.9 in partnership with relevant organizations within the selected communities, shall:

74.10 (1) assess community capacity to engage in design, development, and implementation;

74.11 (2) create community and project designs that respond to a community's culture and
 74.12 needs, reinforce its identity as a special place, and support its future aspirations;

74.13 (3) create an implementation strategy; and

74.14 (4) build capacity to implement design work by identifying potential funding strategies
 74.15 and sources and assisting in grant writing to secure funding.

74.16 Sec. 11. **DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT;**
 74.17 **MANDATED REPORT HOLIDAY.**

74.18 (a) Notwithstanding any law to the contrary, any report required by state law from the
 74.19 Department of Employment and Economic Development that is due in fiscal years 2018 or
 74.20 2019 is optional. The commissioner of employment and economic development may produce
 74.21 any reports at the commissioner's discretion or as may be required by federal law.

74.22 (b) This section does not apply to workforce programs outcomes reporting under
 74.23 Minnesota Statutes, section 116L.98.

74.24 Sec. 12. **ONETIME EXCEPTION TO RESTRICTIONS ON USE OF MINNESOTA**
 74.25 **INVESTMENT FUND LOCAL GOVERNMENT LOAN REPAYMENT FUNDS.**

74.26 Notwithstanding Minnesota Statutes, section 116J.8731, subdivision 2, a home rule
 74.27 charter or statutory city, county, or town that has uncommitted money received from
 74.28 repayment of funds awarded under Minnesota Statutes, section 116J.8731, may choose to
 74.29 transfer 20 percent of the balance of that money to the state general fund before June 30,
 74.30 2018. A home rule charter or statutory city, county, or town that does so may then use the
 74.31 remaining 80 percent of the uncommitted money for any purposes not otherwise forbidden

75.1 by law other than Minnesota Statutes, section 116J.8731, but must submit a report by January
75.2 20, 2020, to the chairs and ranking minority members of the house of representatives and
75.3 the senate committees with jurisdiction over economic development that details how the
75.4 money was used.

75.5 Sec. 13. **EXISTING DEPUTY COMMISSIONERS MAY SERVE UNTIL JANUARY**
75.6 **1, 2019.**

75.7 All existing deputy commissioners under Minnesota Statutes, section 116J.01, may serve
75.8 until January 1, 2019. Vacancies that occur in these positions before January 1, 2019, may
75.9 not be filled.

75.10 Sec. 14. **REPEALER.**

75.11 Minnesota Statutes 2016, section 116J.549, are repealed.

75.12 **ARTICLE 4**

75.13 **IRON RANGE RESOURCES AND REHABILITATION POLICY**

75.14 Section 1. Minnesota Statutes 2016, section 3.732, subdivision 1, is amended to read:

75.15 Subdivision 1. **Definitions.** As used in this section and section 3.736 the terms defined
75.16 in this section have the meanings given them.

75.17 (1) "State" includes each of the departments, boards, agencies, commissions, courts, and
75.18 officers in the executive, legislative, and judicial branches of the state of Minnesota and
75.19 includes but is not limited to the Housing Finance Agency, the Minnesota Office of Higher
75.20 Education, the Higher Education Facilities Authority, the Health Technology Advisory
75.21 Committee, the Armory Building Commission, the Zoological Board, the Department of
75.22 Iron Range Resources and Rehabilitation Board, the Minnesota Historical Society, the State
75.23 Agricultural Society, the University of Minnesota, the Minnesota State Colleges and
75.24 Universities, state hospitals, and state penal institutions. It does not include a city, town,
75.25 county, school district, or other local governmental body corporate and politic.

75.26 (2) "Employee of the state" means all present or former officers, members, directors, or
75.27 employees of the state, members of the Minnesota National Guard, members of a bomb
75.28 disposal unit approved by the commissioner of public safety and employed by a municipality
75.29 defined in section 466.01 when engaged in the disposal or neutralization of bombs or other
75.30 similar hazardous explosives, as defined in section 299C.063, outside the jurisdiction of the
75.31 municipality but within the state, or persons acting on behalf of the state in an official

76.1 capacity, temporarily or permanently, with or without compensation. It does not include
76.2 either an independent contractor except, for purposes of this section and section 3.736 only,
76.3 a guardian ad litem acting under court appointment, or members of the Minnesota National
76.4 Guard while engaged in training or duty under United States Code, title 10, or title 32,
76.5 section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding
76.6 sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee
76.7 of the state" includes a district public defender or assistant district public defender in the
76.8 Second or Fourth Judicial District, a member of the Health Technology Advisory Committee,
76.9 and any officer, agent, or employee of the state of Wisconsin performing work for the state
76.10 of Minnesota pursuant to a joint state initiative.

76.11 (3) "Scope of office or employment" means that the employee was acting on behalf of
76.12 the state in the performance of duties or tasks lawfully assigned by competent authority.

76.13 (4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

76.14 Sec. 2. Minnesota Statutes 2016, section 3.736, subdivision 3, is amended to read:

76.15 Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases
76.16 where the state and its employees should not, in equity and good conscience, pay
76.17 compensation for personal injuries or property losses, the legislature declares that the state
76.18 and its employees are not liable for the following losses:

76.19 (a) a loss caused by an act or omission of a state employee exercising due care in the
76.20 execution of a valid or invalid statute or rule;

76.21 (b) a loss caused by the performance or failure to perform a discretionary duty, whether
76.22 or not the discretion is abused;

76.23 (c) a loss in connection with the assessment and collection of taxes;

76.24 (d) a loss caused by snow or ice conditions on a highway or public sidewalk that does
76.25 not abut a publicly owned building or a publicly owned parking lot, except when the condition
76.26 is affirmatively caused by the negligent acts of a state employee;

76.27 (e) a loss caused by wild animals in their natural state, except as provided in section
76.28 3.7371;

76.29 (f) a loss other than injury to or loss of property or personal injury or death;

76.30 (g) a loss caused by the condition of unimproved real property owned by the state, which
76.31 means land that the state has not improved, state land that contains idled or abandoned mine

77.1 pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither
77.2 affixed nor improved;

77.3 (h) a loss involving or arising out of the use or operation of a recreational motor vehicle,
77.4 as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as
77.5 defined in section 160.02, except that the state is liable for conduct that would entitle a
77.6 trespasser to damages against a private person;

77.7 (i) a loss incurred by a user arising from the construction, operation, or maintenance of
77.8 the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the
77.9 construction, operation, maintenance, or administration of grants-in-aid trails as defined in
77.10 section 85.018, or for a loss arising from the construction, operation, or maintenance of a
77.11 water access site created by the Department of Iron Range Resources and Rehabilitation
77.12 ~~Board~~, except that the state is liable for conduct that would entitle a trespasser to damages
77.13 against a private person. For the purposes of this clause, a water access site, as defined in
77.14 section 86A.04 or created by the commissioner of Iron Range resources and rehabilitation
77.15 ~~Board~~, that provides access to an idled, water filled mine pit, also includes the entire water
77.16 filled area of the pit and, further, includes losses caused by the caving or slumping of the
77.17 mine pit walls;

77.18 (j) a loss of benefits or compensation due under a program of public assistance or public
77.19 welfare, except if state compensation for loss is expressly required by federal law in order
77.20 for the state to receive federal grants-in-aid;

77.21 (k) a loss based on the failure of a person to meet the standards needed for a license,
77.22 permit, or other authorization issued by the state or its agents;

77.23 (l) a loss based on the usual care and treatment, or lack of care and treatment, of a person
77.24 at a state hospital or state corrections facility where reasonable use of available appropriations
77.25 has been made to provide care;

77.26 (m) loss, damage, or destruction of property of a patient or inmate of a state institution
77.27 except as provided under section 3.7381;

77.28 (n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

77.29 (o) a loss caused by an aeration, bubbler, water circulation, or similar system used to
77.30 increase dissolved oxygen or maintain open water on the ice of public waters, that is operated
77.31 under a permit issued by the commissioner of natural resources;

77.32 (p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state
77.33 is liable for conduct that would entitle a trespasser to damages against a private person;

78.1 (q) a loss arising out of a person's use of a logging road on public land that is maintained
78.2 exclusively to provide access to timber on that land by harvesters of the timber, and is not
78.3 signed or otherwise held out to the public as a public highway; and

78.4 (r) a loss incurred by a user of property owned, leased, or otherwise controlled by the
78.5 Minnesota National Guard or the Department of Military Affairs, except that the state is
78.6 liable for conduct that would entitle a trespasser to damages against a private person.

78.7 The state will not pay punitive damages.

78.8 Sec. 3. Minnesota Statutes 2016, section 15.01, is amended to read:

78.9 **15.01 DEPARTMENTS OF THE STATE.**

78.10 The following agencies are designated as the departments of the state government: the
78.11 Department of Administration; the Department of Agriculture; the Department of Commerce;
78.12 the Department of Corrections; the Department of Education; the Department of Employment
78.13 and Economic Development; the Department of Health; the Department of Human Rights;
78.14 the Department of Iron Range Resources and Rehabilitation; the Department of Labor and
78.15 Industry; the Department of Management and Budget; the Department of Military Affairs;
78.16 the Department of Natural Resources; the Department of Public Safety; the Department of
78.17 Human Services; the Department of Revenue; the Department of Transportation; the
78.18 Department of Veterans Affairs; and their successor departments.

78.19 Sec. 4. Minnesota Statutes 2016, section 15.38, subdivision 7, is amended to read:

78.20 Subd. 7. **Department of Iron Range Resources and Rehabilitation Board.** After
78.21 seeking a recommendation from the Legislative Commission on Iron Range Resources and
78.22 Rehabilitation, the commissioner of Iron Range resources and rehabilitation Board may
78.23 purchase insurance ~~it considers~~ the commissioner deems necessary and appropriate to insure
78.24 facilities operated by the ~~board~~ commissioner.

78.25 Sec. 5. Minnesota Statutes 2016, section 15A.0815, subdivision 3, is amended to read:

78.26 Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall
78.27 not exceed 120 percent of the salary of the governor. This limit must be adjusted annually
78.28 on January 1. The new limit must equal the limit for the prior year increased by the percentage
78.29 increase, if any, in the Consumer Price Index for all urban consumers from October of the
78.30 second prior year to October of the immediately prior year. The commissioner of management
78.31 and budget must publish the limit on the department's Web site. This subdivision applies
78.32 to the following positions:

- 79.1 Executive director of Gambling Control Board;
- 79.2 Commissioner, of Iron Range resources and rehabilitation ~~Board~~;
- 79.3 Commissioner, Bureau of Mediation Services;
- 79.4 Ombudsman for Mental Health and Developmental Disabilities;
- 79.5 Chair, Metropolitan Council;
- 79.6 School trust lands director;
- 79.7 Executive director of pari-mutuel racing; and
- 79.8 Commissioner, Public Utilities Commission.

79.9 Sec. 6. Minnesota Statutes 2016, section 43A.02, subdivision 22, is amended to read:

79.10 Subd. 22. **Executive branch.** "Executive branch" means heads of all agencies of state
79.11 government, elective or appointive, established by statute or Constitution and all employees
79.12 of those agency heads who have within their particular field of responsibility statewide
79.13 jurisdiction and who are not within the legislative or judicial branches of government. The
79.14 executive branch also includes employees of the Department of Iron Range Resources and
79.15 Rehabilitation Board. The executive branch does not include agencies with jurisdiction in
79.16 specifically defined geographical areas, such as regions, counties, cities, towns,
79.17 municipalities, or school districts, the University of Minnesota, the Public Employees
79.18 Retirement Association, the Minnesota State Retirement System, the Teachers Retirement
79.19 Association, the Minnesota Historical Society, and all of their employees, and any other
79.20 entity which is incorporated, even though it receives state funds.

79.21 Sec. 7. Minnesota Statutes 2016, section 85.0146, subdivision 1, is amended to read:

79.22 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area
79.23 Citizens Advisory Council is established. Membership on the advisory council shall include:

- 79.24 (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers Board;
- 79.25 (2) a representative of the Croft Mine Historical Park Joint Powers Board;
- 79.26 (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has worked
79.27 as a miner in the local area;
- 79.28 (4) a representative of the Crow Wing County Board;
- 79.29 (5) an elected state official;

80.1 (6) a representative of the Grand Rapids regional office of the Department of Natural
80.2 Resources;

80.3 (7) a designee of the commissioner of Iron Range resources and rehabilitation ~~Board~~;

80.4 (8) a designee of the local business community selected by the area chambers of
80.5 commerce;

80.6 (9) a designee of the local environmental community selected by the Crow Wing County
80.7 District 5 commissioner;

80.8 (10) a designee of a local education organization selected by the Crosby-Ironton School
80.9 Board;

80.10 (11) a designee of one of the recreation area user groups selected by the Cuyuna Range
80.11 Chamber of Commerce; and

80.12 (12) a member of the Cuyuna Country Heritage Preservation Society.

80.13 Sec. 8. Minnesota Statutes 2016, section 116D.04, subdivision 1a, is amended to read:

80.14 Subd. 1a. **Definitions.** For the purposes of this chapter, the following terms have the
80.15 meanings given to them in this subdivision.

80.16 (a) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

80.17 (b) "Pollution, impairment or destruction" has the meaning given it in section 116B.02,
80.18 subdivision 5.

80.19 (c) "Environmental assessment worksheet" means a brief document which is designed
80.20 to set out the basic facts necessary to determine whether an environmental impact statement
80.21 is required for a proposed action.

80.22 (d) "Governmental action" means activities, including projects wholly or partially
80.23 conducted, permitted, assisted, financed, regulated, or approved by units of government
80.24 including the federal government.

80.25 (e) "Governmental unit" means any state agency and any general or special purpose unit
80.26 of government in the state including, but not limited to, watershed districts organized under
80.27 chapter 103D, counties, towns, cities, port authorities, housing authorities, and economic
80.28 development authorities established under sections 469.090 to 469.108, but not including
80.29 courts, school districts, the Department of Iron Range Resources and Rehabilitation, and
80.30 regional development commissions other than the Metropolitan Council.

81.1 Sec. 9. Minnesota Statutes 2016, section 116J.423, subdivision 2, is amended to read:

81.2 Subd. 2. **Use of fund.** The commissioner shall use money in the fund to make loans or
 81.3 equity investments in mineral, steel, or any other industry processing, production,
 81.4 manufacturing, or technology project that would enhance the economic diversification and
 81.5 that is located within the taconite ~~relief tax~~ relief area as defined under section 273.134.
 81.6 The commissioner must, prior to making any loans or equity investments and after
 81.7 consultation with industry and public officials, develop a strategy for making loans and
 81.8 equity investments that assists the taconite relief area in retaining and enhancing its economic
 81.9 competitiveness. Money in the fund may also be used to pay for the costs of carrying out
 81.10 the commissioner's due diligence duties under this section.

81.11 Sec. 10. Minnesota Statutes 2016, section 116J.424, is amended to read:

81.12 **116J.424 IRON RANGE RESOURCES AND REHABILITATION BOARD**
 81.13 **CONTRIBUTION.**

81.14 The commissioner of ~~the~~ Iron Range resources and rehabilitation ~~Board with approval~~
 81.15 ~~by the board,~~ after consultation with the Legislative Commission on Iron Range Resources
 81.16 and Rehabilitation and complying with the requirements for expenditures under section
 81.17 298.22, may provide an equal match for any loan or equity investment made for a project
 81.18 located in the tax relief area defined in section 273.134, paragraph (b), by the Minnesota
 81.19 21st century fund created by section 116J.423. The match may be in the form of a loan or
 81.20 equity investment, notwithstanding whether the fund makes a loan or equity investment.
 81.21 The state shall not acquire an equity interest because of an equity investment or loan by the
 81.22 ~~board and the board at its sole discretion shall~~ commissioner of Iron Range resources and
 81.23 rehabilitation and the commissioner, after consultation with the commission, shall have sole
 81.24 discretion to decide what interest ~~the fund~~ acquires in a project. The commissioner of
 81.25 employment and economic development may require a commitment from the ~~board~~
 81.26 commissioner of Iron Range resources and rehabilitation to make the match prior to
 81.27 disbursing money from the fund.

81.28 Sec. 11. Minnesota Statutes 2016, section 116J.994, subdivision 3, is amended to read:

81.29 Subd. 3. **Subsidy agreement.** (a) A recipient must enter into a subsidy agreement with
 81.30 the grantor of the subsidy that includes:

81.31 (1) a description of the subsidy, including the amount and type of subsidy, and type of
 81.32 district if the subsidy is tax increment financing;

- 82.1 (2) a statement of the public purposes for the subsidy;
- 82.2 (3) measurable, specific, and tangible goals for the subsidy;
- 82.3 (4) a description of the financial obligation of the recipient if the goals are not met;
- 82.4 (5) a statement of why the subsidy is needed;
- 82.5 (6) a commitment to continue operations in the jurisdiction where the subsidy is used
- 82.6 for at least five years after the benefit date;
- 82.7 (7) the name and address of the parent corporation of the recipient, if any; and
- 82.8 (8) a list of all financial assistance by all grantors for the project.

82.9 (b) Business subsidies in the form of grants must be structured as forgivable loans. For

82.10 other types of business subsidies, the agreement must state the fair market value of the

82.11 subsidy to the recipient, including the value of conveying property at less than a fair market

82.12 price, or other in-kind benefits to the recipient.

82.13 (c) If a business subsidy benefits more than one recipient, the grantor must assign a

82.14 proportion of the business subsidy to each recipient that signs a subsidy agreement. The

82.15 proportion assessed to each recipient must reflect a reasonable estimate of the recipient's

82.16 share of the total benefits of the project.

82.17 (d) The state or local government agency and the recipient must both sign the subsidy

82.18 agreement and, if the grantor is a local government agency, the agreement must be approved

82.19 by the local elected governing body, except for the St. Paul Port Authority and a seaway

82.20 port authority.

82.21 (e) Notwithstanding the provision in paragraph (a), clause (6), a recipient may be

82.22 authorized to move from the jurisdiction where the subsidy is used within the five-year

82.23 period after the benefit date if, after a public hearing, the grantor approves the recipient's

82.24 request to move. For the purpose of this paragraph, if the grantor is a state government

82.25 agency other than the Department of Iron Range Resources and Rehabilitation Board,

82.26 "jurisdiction" means a city or township.

82.27 Sec. 12. Minnesota Statutes 2016, section 116J.994, subdivision 5, is amended to read:

82.28 Subd. 5. **Public notice and hearing.** (a) Before granting a business subsidy that exceeds

82.29 \$500,000 for a state government grantor and \$150,000 for a local government grantor, the

82.30 grantor must provide public notice and a hearing on the subsidy. A public hearing and notice

82.31 under this subdivision is not required if a hearing and notice on the subsidy is otherwise

82.32 required by law.

83.1 (b) Public notice of a proposed business subsidy under this subdivision by a state
83.2 government grantor, other than the commissioner of Iron Range resources and rehabilitation
83.3 ~~Board~~, must be published in the State Register. Public notice of a proposed business subsidy
83.4 under this subdivision by a local government grantor or the commissioner of Iron Range
83.5 resources and rehabilitation Board must be published in a local newspaper of general
83.6 circulation. The public notice must identify the location at which information about the
83.7 business subsidy, including a summary of the terms of the subsidy, is available. Published
83.8 notice should be sufficiently conspicuous in size and placement to distinguish the notice
83.9 from the surrounding text. The grantor must make the information available in printed paper
83.10 copies and, if possible, on the Internet. The government agency must provide at least a
83.11 ten-day notice for the public hearing.

83.12 (c) The public notice must include the date, time, and place of the hearing.

83.13 (d) The public hearing by a state government grantor other than the commissioner of
83.14 Iron Range resources and rehabilitation Board must be held in St. Paul.

83.15 (e) If more than one nonstate grantor provides a business subsidy to the same recipient,
83.16 the nonstate grantors may designate one nonstate grantor to hold a single public hearing
83.17 regarding the business subsidies provided by all nonstate grantors. For the purposes of this
83.18 paragraph, "nonstate grantor" includes the commissioner of Iron Range resources and
83.19 rehabilitation Board.

83.20 (f) The public notice of any public meeting about a business subsidy agreement, including
83.21 those required by this subdivision and by subdivision 4, must include notice that a person
83.22 with residence in or the owner of taxable property in the granting jurisdiction may file a
83.23 written complaint with the grantor if the grantor fails to comply with sections 116J.993 to
83.24 116J.995, and that no action may be filed against the grantor for the failure to comply unless
83.25 a written complaint is filed.

83.26 Sec. 13. Minnesota Statutes 2016, section 116J.994, subdivision 7, is amended to read:

83.27 **Subd. 7. Reports by recipients to grantors.** (a) A business subsidy grantor must monitor
83.28 the progress by the recipient in achieving agreement goals.

83.29 (b) A recipient must provide information regarding goals and results for two years after
83.30 the benefit date or until the goals are met, whichever is later. If the goals are not met, the
83.31 recipient must continue to provide information on the subsidy until the subsidy is repaid.
83.32 The information must be filed on forms developed by the commissioner in cooperation with
83.33 representatives of local government. Copies of the completed forms must be sent to the

84.1 local government agency that provided the subsidy or to the commissioner if the grantor is
84.2 a state agency. If the commissioner of Iron Range resources and rehabilitation Board is the
84.3 grantor, the copies must be sent to the board. The report must include:

84.4 (1) the type, public purpose, and amount of subsidies and type of district, if the subsidy
84.5 is tax increment financing;

84.6 (2) the hourly wage of each job created with separate bands of wages;

84.7 (3) the sum of the hourly wages and cost of health insurance provided by the employer
84.8 with separate bands of wages;

84.9 (4) the date the job and wage goals will be reached;

84.10 (5) a statement of goals identified in the subsidy agreement and an update on achievement
84.11 of those goals;

84.12 (6) the location of the recipient prior to receiving the business subsidy;

84.13 (7) the number of employees who ceased to be employed by the recipient when the
84.14 recipient relocated to become eligible for the business subsidy;

84.15 (8) why the recipient did not complete the project outlined in the subsidy agreement at
84.16 their previous location, if the recipient was previously located at another site in Minnesota;

84.17 (9) the name and address of the parent corporation of the recipient, if any;

84.18 (10) a list of all financial assistance by all grantors for the project; and

84.19 (11) other information the commissioner may request.

84.20 A report must be filed no later than March 1 of each year for the previous year. The local
84.21 agency and the commissioner of Iron Range resources and rehabilitation Board must forward
84.22 copies of the reports received by recipients to the commissioner by April 1.

84.23 (c) Financial assistance that is excluded from the definition of "business subsidy" by
84.24 section 116J.993, subdivision 3, clauses (4), (5), (8), and (16), is subject to the reporting
84.25 requirements of this subdivision, except that the report of the recipient must include instead:

84.26 (1) the type, public purpose, and amount of the financial assistance, and type of district
84.27 if the assistance is tax increment financing;

84.28 (2) progress towards meeting goals stated in the assistance agreement and the public
84.29 purpose of the assistance;

84.30 (3) if the agreement includes job creation, the hourly wage of each job created with
84.31 separate bands of wages;

85.1 (4) if the agreement includes job creation, the sum of the hourly wages and cost of health
85.2 insurance provided by the employer with separate bands of wages;

85.3 (5) the location of the recipient prior to receiving the assistance; and

85.4 (6) other information the grantor requests.

85.5 (d) If the recipient does not submit its report, the local government agency must mail
85.6 the recipient a warning within one week of the required filing date. If, after 14 days of the
85.7 postmarked date of the warning, the recipient fails to provide a report, the recipient must
85.8 pay to the grantor a penalty of \$100 for each subsequent day until the report is filed. The
85.9 maximum penalty shall not exceed \$1,000.

85.10 Sec. 14. Minnesota Statutes 2016, section 216B.161, subdivision 1, is amended to read:

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

85.13 (b) "Area development rate" means a rate schedule established by a utility that provides
85.14 customers within an area development zone service under a base utility rate schedule, except
85.15 that charges may be reduced from the base rate as agreed upon by the utility and the customer
85.16 consistent with this section.

85.17 (c) "Area development zone" means a contiguous or noncontiguous area designated by
85.18 an authority or municipality for development or redevelopment and within which one of
85.19 the following conditions exists:

85.20 (1) obsolete buildings not suitable for improvement or conversion or other identified
85.21 hazards to the health, safety, and general well-being of the community;

85.22 (2) buildings in need of substantial rehabilitation or in substandard condition; or

85.23 (3) low values and damaged investments.

85.24 (d) "Authority" means a rural development financing authority established under sections
85.25 469.142 to 469.151; a housing and redevelopment authority established under sections
85.26 469.001 to 469.047; a port authority established under sections 469.048 to 469.068; an
85.27 economic development authority established under sections 469.090 to 469.108; a
85.28 redevelopment agency as defined in sections 469.152 to 469.165; the commissioner of Iron
85.29 Range resources and rehabilitation Board established under section 298.22; a municipality
85.30 that is administering a development district created under sections 469.124 to 469.133 or
85.31 any special law; a municipality that undertakes a project under sections 469.152 to 469.165,
85.32 except a town located outside the metropolitan area as defined in section 473.121, subdivision

86.1 2, or with a population of 5,000 persons or less; or a municipality that exercises the powers
86.2 of a port authority under any general or special law.

86.3 (e) "Municipality" means a city, however organized, and, with respect to a project
86.4 undertaken under sections 469.152 to 469.165, "municipality" has the meaning given in
86.5 sections 469.152 to 469.165, and, with respect to a project undertaken under sections 469.142
86.6 to 469.151 or a county or multicounty project undertaken under sections 469.004 to 469.008,
86.7 also includes any county.

86.8 Sec. 15. Minnesota Statutes 2016, section 216B.1694, subdivision 1, is amended to read:

86.9 Subdivision 1. **Definition.** For the purposes of this section, the term "innovative energy
86.10 project" means a proposed energy-generation facility or group of facilities which may be
86.11 located on up to three sites:

86.12 (1) that makes use of an innovative generation technology utilizing coal as a primary
86.13 fuel in a highly efficient combined-cycle configuration with significantly reduced sulfur
86.14 dioxide, nitrogen oxide, particulate, and mercury emissions from those of traditional
86.15 technologies;

86.16 (2) that the project developer or owner certifies is a project capable of offering a long-term
86.17 supply contract at a hedged, predictable cost; and

86.18 (3) that is designated by the commissioner of ~~the~~ Iron Range resources and rehabilitation
86.19 ~~Board~~ as a project that is located in the taconite tax relief area on a site that has substantial
86.20 real property with adequate infrastructure to support new or expanded development and
86.21 that has received prior financial and other support from the board.

86.22 Sec. 16. Minnesota Statutes 2016, section 276A.01, subdivision 8, is amended to read:

86.23 Subd. 8. **Municipality.** "Municipality" means a city, town, or township located in whole
86.24 or part within the area. If a municipality is located partly within and partly without the area,
86.25 the references in sections 276A.01 to 276A.09 to property or any portion thereof subject to
86.26 taxation or taxing jurisdiction within the municipality are to the property or portion thereof
86.27 that is located in that portion of the municipality within the area, except that the fiscal
86.28 capacity of the municipality must be computed upon the basis of the valuation and population
86.29 of the entire municipality. A municipality shall be excluded from the area if its municipal
86.30 comprehensive zoning and planning policies conscientiously exclude most
86.31 commercial-industrial development, for reasons other than preserving an agricultural use.
86.32 The commissioner of Iron Range resources and rehabilitation ~~Board~~ and the commissioner

87.1 of revenue shall jointly make this determination annually and shall notify those municipalities
87.2 that are ineligible to participate in the tax base sharing program provided in this chapter for
87.3 the following year. Before making the determination, the commissioner of Iron Range
87.4 resources and rehabilitation must consult the Legislative Commission on Iron Range
87.5 Resources and Rehabilitation.

87.6 Sec. 17. Minnesota Statutes 2016, section 276A.01, subdivision 17, is amended to read:

87.7 Subd. 17. **School fund allocation.** (a) "School fund allocation" means an amount up to
87.8 25 percent of the areawide levy certified by the commissioner of Iron Range resources and
87.9 rehabilitation Board, after consultation with the Legislative Commission on Iron Range
87.10 Resources and Rehabilitation, to be used for the purposes of the Iron Range school
87.11 consolidation and cooperatively operated school account under section 298.28, subdivision
87.12 7a.

87.13 (b) The allocation under paragraph (a) shall only be made after the commissioner of
87.14 Iron Range resources and rehabilitation Board, after consultation with the Legislative
87.15 Commission on Iron Range Resources and Rehabilitation, has certified by June 30 that the
87.16 Iron Range school consolidation and cooperatively operated account has insufficient funds
87.17 to make payments as authorized under section 298.28, subdivision 7a.

87.18 Sec. 18. Minnesota Statutes 2016, section 276A.06, subdivision 8, is amended to read:

87.19 Subd. 8. **Certification of values; payment.** The administrative auditor shall determine
87.20 for each county the difference between the total levy on distribution value pursuant to
87.21 subdivision 3, clause (1), including the school fund allocation within the county and the
87.22 total tax on contribution value pursuant to subdivision 7, within the county. On or before
87.23 May 16 of each year, the administrative auditor shall certify the differences so determined
87.24 and the county's portion of the school fund allocation to each county auditor. In addition,
87.25 the administrative auditor shall certify to those county auditors for whose county the total
87.26 tax on contribution value exceeds the total levy on distribution value the settlement the
87.27 county is to make to the other counties of the excess of the total tax on contribution value
87.28 over the total levy on distribution value in the county. On or before June 15 and November
87.29 15 of each year, each county treasurer in a county having a total tax on contribution value
87.30 in excess of the total levy on distribution value shall pay one-half of the excess to the other
87.31 counties in accordance with the administrative auditor's certification. On or before June 15
87.32 and November 15 of each year, each county treasurer shall pay to the administrative auditor
87.33 that county's share of the school fund allocation. On or before December 1 of each year,

88.1 the administrative auditor shall pay the school fund allocation to the commissioner of Iron
88.2 Range resources and rehabilitation Board for deposit in the Iron Range school consolidation
88.3 and cooperatively operated account.

88.4 Sec. 19. Minnesota Statutes 2016, section 282.38, subdivision 1, is amended to read:

88.5 Subdivision 1. **Development.** In any county where the county board by proper resolution
88.6 sets aside funds for forest development pursuant to section 282.08, clause (5), item (i), or
88.7 section 459.06, subdivision 2, the commissioner of Iron Range resources and rehabilitation
88.8 ~~with the approval of the board,~~ after consultation with the Legislative Commission on Iron
88.9 Range Resources and Rehabilitation, may upon request of the county board assist said
88.10 county in carrying out any project for the long range development of its forest resources
88.11 through matching of funds or otherwise.

88.12 Sec. 20. Minnesota Statutes 2016, section 282.38, subdivision 3, is amended to read:

88.13 Subd. 3. **Not to affect commissioner of Iron Range resources and rehabilitation.**
88.14 Nothing herein shall be construed to limit or abrogate the authority of the commissioner of
88.15 Iron Range resources and rehabilitation to give temporary assistance to any county in the
88.16 development of its land use program.

88.17 Sec. 21. Minnesota Statutes 2016, section 298.001, subdivision 8, is amended to read:

88.18 Subd. 8. **Commissioner.** "Commissioner" means the commissioner of revenue of the
88.19 state of Minnesota, except that when used in sections 298.22 to 298.227 and 298.291 to
88.20 298.298, "commissioner" means the commissioner of Iron Range resources and rehabilitation.

88.21 Sec. 22. Minnesota Statutes 2016, section 298.001, is amended by adding a subdivision
88.22 to read:

88.23 Subd. 11. **Commission.** "Commission" means the Legislative Commission on Iron
88.24 Range Resources and Rehabilitation, as established under section 298.22.

88.25 Sec. 23. Minnesota Statutes 2016, section 298.018, subdivision 1, is amended to read:

88.26 Subdivision 1. **Within taconite assistance area.** The proceeds of the tax paid under
88.27 sections 298.015 and 298.016 on ores, metals, or minerals mined or extracted within the
88.28 taconite assistance area defined in section 273.1341, shall be allocated as follows:

88.29 (1) five percent to the city or town within which the minerals or energy resources are
88.30 mined or extracted, or within which the concentrate was produced. If the mining and

89.1 concentration, or different steps in either process, are carried on in more than one taxing
89.2 district, the commissioner shall apportion equitably the proceeds among the cities and towns
89.3 by attributing 50 percent of the proceeds of the tax to the operation of mining or extraction,
89.4 and the remainder to the concentrating plant and to the processes of concentration, and with
89.5 respect to each thereof giving due consideration to the relative extent of the respective
89.6 operations performed in each taxing district;

89.7 (2) ten percent to the taconite municipal aid account to be distributed as provided in
89.8 section 298.282;

89.9 (3) ten percent to the school district within which the minerals or energy resources are
89.10 mined or extracted, or within which the concentrate was produced. If the mining and
89.11 concentration, or different steps in either process, are carried on in more than one school
89.12 district, distribution among the school districts must be based on the apportionment formula
89.13 prescribed in clause (1);

89.14 (4) 20 percent to a group of school districts comprised of those school districts wherein
89.15 the mineral or energy resource was mined or extracted or in which there is a qualifying
89.16 municipality as defined by section 273.134, paragraph (b), in direct proportion to school
89.17 district indexes as follows: for each school district, its pupil units determined under section
89.18 126C.05 for the prior school year shall be multiplied by the ratio of the average adjusted
89.19 net tax capacity per pupil unit for school districts receiving aid under this clause as calculated
89.20 pursuant to chapters 122A, 126C, and 127A for the school year ending prior to distribution
89.21 to the adjusted net tax capacity per pupil unit of the district. Each district shall receive that
89.22 portion of the distribution which its index bears to the sum of the indices for all school
89.23 districts that receive the distributions;

89.24 (5) 20 percent to the county within which the minerals or energy resources are mined
89.25 or extracted, or within which the concentrate was produced. If the mining and concentration,
89.26 or different steps in either process, are carried on in more than one county, distribution
89.27 among the counties must be based on the apportionment formula prescribed in clause (1),
89.28 provided that any county receiving distributions under this clause shall pay one percent of
89.29 its proceeds to the Range Association of Municipalities and Schools;

89.30 (6) 20 percent to St. Louis County acting as the counties' fiscal agent to be distributed
89.31 as provided in sections 273.134 to 273.136;

89.32 (7) five percent to the commissioner of Iron Range resources and rehabilitation Board
89.33 for the purposes of section 298.22;

89.34 (8) three percent to the Douglas J. Johnson economic protection trust fund; and

90.1 (9) seven percent to the taconite environmental protection fund.

90.2 The proceeds of the tax shall be distributed on July 15 each year.

90.3 Sec. 24. Minnesota Statutes 2016, section 298.17, is amended to read:

90.4 **298.17 OCCUPATION TAXES TO BE APPORTIONED.**

90.5 (a) All occupation taxes paid by persons, copartnerships, companies, joint stock
90.6 companies, corporations, and associations, however or for whatever purpose organized,
90.7 engaged in the business of mining or producing iron ore or other ores, when collected shall
90.8 be apportioned and distributed in accordance with the Constitution of the state of Minnesota,
90.9 article X, section 3, in the manner following: 90 percent shall be deposited in the state
90.10 treasury and credited to the general fund of which four-ninths shall be used for the support
90.11 of elementary and secondary schools; and ten percent of the proceeds of the tax imposed
90.12 by this section shall be deposited in the state treasury and credited to the general fund for
90.13 the general support of the university.

90.14 (b) Of the money apportioned to the general fund by this section: (1) there is annually
90.15 appropriated and credited to the mining environmental and regulatory account in the special
90.16 revenue fund an amount equal to that which would have been generated by a 2-1/2 cent tax
90.17 imposed by section 298.24 on each taxable ton produced in the preceding calendar year.
90.18 Money in the mining environmental and regulatory account is appropriated annually to the
90.19 commissioner of natural resources to fund agency staff to work on environmental issues
90.20 and provide regulatory services for ferrous and nonferrous mining operations in this state.
90.21 Payment to the mining environmental and regulatory account shall be made by July 1
90.22 annually. The commissioner of natural resources shall execute an interagency agreement
90.23 with the Pollution Control Agency to assist with the provision of environmental regulatory
90.24 services such as monitoring and permitting required for ferrous and nonferrous mining
90.25 operations; (2) there is annually appropriated and credited to the Iron Range resources and
90.26 rehabilitation ~~Board~~ account in the special revenue fund an amount equal to that which
90.27 would have been generated by a 1.5 cent tax imposed by section 298.24 on each taxable
90.28 ton produced in the preceding calendar year, to be expended for the purposes of section
90.29 298.22; and (3) there is annually appropriated and credited to the Iron Range resources and
90.30 rehabilitation ~~Board~~ account in the special revenue fund for transfer to the Iron Range school
90.31 consolidation and cooperatively operated school account under section 298.28, subdivision
90.32 7a, an amount equal to that which would have been generated by a six cent tax imposed by
90.33 section 298.24 on each taxable ton produced in the preceding calendar year. Payment to the
90.34 Iron Range resources and rehabilitation ~~Board~~ account shall be made by May 15 annually.

91.1 (c) The money appropriated pursuant to paragraph (b), clause (2), shall be used (i) to
 91.2 provide environmental development grants to local governments located within any county
 91.3 in region 3 as defined in governor's executive order number 60, issued on June 12, 1970,
 91.4 which does not contain a municipality qualifying pursuant to section 273.134, paragraph
 91.5 (b), or (ii) to provide economic development loans or grants to businesses located within
 91.6 any such county, provided that the county board or an advisory group appointed by the
 91.7 county board to provide recommendations on economic development shall make
 91.8 recommendations to the commissioner of Iron Range resources and rehabilitation Board
 91.9 regarding the loans. Payment to the Iron Range resources and rehabilitation ~~Board~~ account
 91.10 shall be made by May 15 annually.

91.11 (d) Of the money allocated to Koochiching County, one-third must be paid to the
 91.12 Koochiching County Economic Development Commission.

91.13 Sec. 25. Minnesota Statutes 2016, section 298.22, subdivision 1, is amended to read:

91.14 Subdivision 1. ~~The Office of Commissioner~~ Department of Iron Range Resources
 91.15 **and Rehabilitation.** (a) The ~~Office of the Commissioner~~ Department of Iron Range
 91.16 Resources and Rehabilitation is created as an agency in the executive branch of state
 91.17 government. The governor shall appoint the commissioner of Iron Range resources and
 91.18 rehabilitation under section 15.06.

91.19 (b) The commissioner may hold other positions or appointments that are not incompatible
 91.20 with duties as commissioner of Iron Range resources and rehabilitation. The commissioner
 91.21 may appoint a deputy commissioner. All expenses of the commissioner, including the
 91.22 payment of staff and other assistance as may be necessary, must be paid out of the amounts
 91.23 appropriated by section 298.28 or otherwise made available by law to the commissioner.
 91.24 Notwithstanding chapters 16A, 16B, and 16C, the commissioner may utilize contracting
 91.25 options available under section 471.345 when the commissioner determines it is in the best
 91.26 interest of the agency. The agency is not subject to sections 16E.016 and 16C.05.

91.27 (c) When the commissioner determines that distress and unemployment exists or may
 91.28 exist in the future in any county by reason of the removal of natural resources or a possibly
 91.29 limited use of natural resources in the future and any resulting decrease in employment, the
 91.30 commissioner may use whatever amounts of the appropriation made to the commissioner
 91.31 of revenue in section 298.28 that are determined to be necessary and proper in the
 91.32 development of the remaining resources of the county and in the vocational training and
 91.33 rehabilitation of its residents, ~~except that the amount needed to cover cost overruns awarded~~
 91.34 ~~to a contractor by an arbitrator in relation to a contract awarded by the commissioner or in~~

92.1 ~~effect after July 1, 1985, is appropriated from the general fund.~~ For the purposes of this
 92.2 section, "development of remaining resources" includes, but is not limited to, the promotion
 92.3 of tourism.

92.4 (d) The commissioner shall annually submit a budget proposal to the Legislative
 92.5 Commission on Iron Range Resources and Rehabilitation. The commission must review
 92.6 and make recommendations on the commissioner's budget proposal and the governor must
 92.7 approve the commissioner's budget proposal as provided in subdivisions 1b, 1c, and 11.
 92.8 This paragraph applies to transfers and expenditures from the following funds or accounts:

92.9 (1) the taconite area environmental protection fund under section 298.223, including
 92.10 grants under section 298.2961;

92.11 (2) the Douglas J. Johnson economic protection trust fund under sections 298.291 to
 92.12 298.298, including grants under section 298.2961;

92.13 (3) the Iron Range resources and rehabilitation account in the special revenue fund;

92.14 (4) the Iron Range school consolidation and cooperatively operated school account under
 92.15 section 298.28, subdivision 7a, except as provided under paragraph (f);

92.16 (5) the Minnesota 21st century fund match requirements under section 116J.424; and

92.17 (6) the Iron Range higher education account under section 298.28, subdivision 9d.

92.18 (e) Paragraph (d) does not apply to expenditures for:

92.19 (1) the commissioner's obligations under sections 298.221; 298.2211, subdivision 4;
 92.20 298.225, subdivision 2; and 298.292, subdivision 2, clause (3);

92.21 (2) payments of amounts authorized under section 298.28, subdivisions 2, 3, 4, 5, 6, 7a,
 92.22 clause (4), and 9a; or

92.23 (3) other expenditures required to pay bonds or binding contracts entered into prior to
 92.24 the effective date of this section.

92.25 Sec. 26. Minnesota Statutes 2016, section 298.22, subdivision 1a, is amended to read:

92.26 Subd. 1a. **Legislative Commission on Iron Range Resources and Rehabilitation**
 92.27 **Board.** (a) The Legislative Commission on Iron Range Resources and Rehabilitation Board
 92.28 is created in the legislative branch. The commissioner shall consult the commission before
 92.29 making expenditures or undertaking projects authorized under this chapter. The commission
 92.30 consists of the state senators and representatives elected from state senatorial or legislative
 92.31 districts in which one-third or more of the residents reside in a taconite assistance area as

93.1 defined in section 273.1341. One additional state senator shall also be appointed by the
 93.2 senate Subcommittee on Committees of the Committee on Rules and Administration. ~~All~~
 93.3 ~~expenditures and projects made by the commissioner shall first be submitted to the board~~
 93.4 ~~for approval. The expenses of the board shall be paid by the state from the funds raised~~
 93.5 ~~pursuant to this section.~~ Members of the board may be reimbursed for expenses in the
 93.6 manner provided in sections 3.099, subdivision 1, and 3.101, and may receive per diem
 93.7 payments during the interims between legislative sessions in the manner provided in section
 93.8 3.099, subdivision 1.

93.9 ~~The members shall be appointed in January of every odd-numbered year, and shall serve~~
 93.10 ~~until January of the next odd-numbered year. Vacancies on the board shall be filled in the~~
 93.11 ~~same manner as original members were chosen.~~

93.12 (b) The most senior legislator will serve as temporary chair for the purposes of convening
 93.13 the first meeting, at which members shall develop procedures to elect a chair. The chair
 93.14 shall preside and convene meetings as often as necessary to conduct duties prescribed by
 93.15 this chapter. The commission must meet at least quarterly to review the actions of the
 93.16 commissioner.

93.17 (c) The appointed legislative member shall serve on the commission for a two-year term,
 93.18 beginning January 1 of each odd-numbered year. The appointed legislative member serves
 93.19 until their successor is appointed and qualified.

93.20 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
 93.21 additional state senator shall be appointed under this section no later than July 1, 2018.

93.22 Sec. 27. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
 93.23 read:

93.24 Subd. 1b. **Evaluation of proposed budgets and projects.** (a) In evaluating budgets
 93.25 proposed by the commissioner, the commission must consider factors including but not
 93.26 limited to the extent to which the proposed budget:

93.27 (1) contributes to increasing the effectiveness of promoting or managing Iron Range
 93.28 economic and workforce development, community development, minerals and natural
 93.29 resources development, and any other issue as determined by the commission; and

93.30 (2) advances the strategic plan adopted under subdivision 1c.

93.31 (b) In evaluating projects proposed by the commissioner, the commission must consider
 93.32 factors including but not limited to:

94.1 (1) whether, and the extent to which, an applicant could complete the proposed project
94.2 without funding from the commissioner;

94.3 (2) job creation or retention goals for the proposed project, including but not limited to
94.4 wages and benefits; whether the jobs created are full time, part time, temporary, or permanent;
94.5 and whether the stated job creation or retention goals in the proposal can be adequately
94.6 measured using methods established by the commissioner;

94.7 (3) how and to what extent the proposed project is expected to impact the economic
94.8 climate of the Iron Range resources and rehabilitation services area;

94.9 (4) how the proposed project would meet match requirements, if any; and

94.10 (5) whether the proposed project meets the written objectives, priorities, and policies
94.11 established by the commissioner.

94.12 Sec. 28. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
94.13 read:

94.14 Subd. 1c. **Strategic plan required.** The commissioner, in consultation with the
94.15 commission, shall adopt a strategic plan for making expenditures including identifying the
94.16 priority areas for funding for the next six years. The strategic plan must be reviewed every
94.17 two years. The strategic plan must have clearly stated short- and long-term goals and
94.18 strategies for expenditures, provide measurable outcomes for expenditures, and determine
94.19 areas of emphasis for funding.

94.20 Sec. 29. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
94.21 read:

94.22 Subd. 1e. **Administrative and staff assistance.** The Legislative Coordinating
94.23 Commission shall provide administrative and staff support to the commission. The
94.24 commissioner shall provide additional information and research assistance to the commission,
94.25 as requested by the commission.

94.26 Sec. 30. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
94.27 read:

94.28 Subd. 1f. **Expenses of the commission.** All expenses of the commission, including the
94.29 payment of per diems and expenses under subdivision 1a must be paid out of the amounts
94.30 appropriated by section 298.28 or otherwise made available by law to the commissioner.

95.1 Sec. 31. Minnesota Statutes 2016, section 298.22, subdivision 5a, is amended to read:

95.2 Subd. 5a. **Forest trust.** The commissioner, ~~upon approval by the board~~ after consultation
95.3 with the commission, may purchase forest lands in the taconite assistance area defined ~~in~~
95.4 under section 273.1341 with funds specifically authorized for the purchase. The acquired
95.5 forest lands must be held in trust for the benefit of the citizens of the taconite assistance
95.6 area as the Iron Range Miners' Memorial Forest. The forest trust lands shall be managed
95.7 and developed for recreation and economic development purposes. The commissioner, ~~upon~~
95.8 ~~approval by the board~~ after consultation with the commission, may sell forest lands purchased
95.9 under this subdivision if the ~~board finds~~ commissioner determines that the sale advances
95.10 the purposes of the trust. Proceeds derived from the management or sale of the lands and
95.11 from the sale of timber or removal of gravel or other minerals from these forest lands shall
95.12 be deposited into an Iron Range Miners' Memorial Forest account that is established within
95.13 the state financial accounts. Funds may be expended from the account ~~upon approval by~~
95.14 ~~the board by the commissioner, after consultation with the commission~~, to purchase, manage,
95.15 administer, convey interests in, and improve the forest lands. ~~With approval by the board,~~
95.16 After consultation with the commission, the commissioner may transfer money in the Iron
95.17 Range Miners' Memorial Forest account may be transferred into the corpus of the Douglas
95.18 J. Johnson economic protection trust fund established under sections 298.291 to 298.294.
95.19 The property acquired under the authority granted by this subdivision and income derived
95.20 from the property or the operation or management of the property are exempt from taxation
95.21 by the state or its political subdivisions while held by the forest trust. The commissioner's
95.22 actions under this subdivision must at all times comply with the requirements for expenditures
95.23 under subdivisions 1, 1b, 1c, and 11.

95.24 Sec. 32. Minnesota Statutes 2016, section 298.22, subdivision 6, is amended to read:

95.25 Subd. 6. **Private entity participation.** The ~~board~~ commissioner, after consultation with
95.26 the commission, may acquire an equity interest in any project for which ~~the commissioner~~
95.27 provides funding. The commissioner may, after consultation with the commission, establish,
95.28 participate in the management of, and dispose of the assets of charitable foundations,
95.29 nonprofit limited liability companies, and nonprofit corporations associated with any project
95.30 for which ~~the commissioner~~ provides funding, including specifically, but without limitation,
95.31 a corporation within the meaning of section 317A.011, subdivision 6. The commissioner's
95.32 actions under this subdivision must at all times comply with the requirements for expenditures
95.33 under subdivisions 1, 1b, 1c, and 11.

96.1 Sec. 33. Minnesota Statutes 2016, section 298.22, subdivision 10, is amended to read:

96.2 Subd. 10. **Sale or privatization of functions.** The commissioner of ~~Iron Range resources~~
96.3 ~~and rehabilitation~~ may not sell or privatize the Ironworld Discovery Center or Giants Ridge
96.4 Golf and Ski Resort without ~~prior approval by the board~~ first seeking the recommendation
96.5 of the commission.

96.6 Sec. 34. Minnesota Statutes 2016, section 298.22, subdivision 11, is amended to read:

96.7 Subd. 11. **Budgeting.** The commissioner of Iron Range resources and rehabilitation
96.8 shall annually prepare a budget for operational expenditures, programs, and projects, and
96.9 submit it to the ~~Iron Range Resources and Rehabilitation Board~~ commission. After the
96.10 commission has been consulted, its recommendations and the commissioner's budget shall
96.11 be submitted to the governor. Once the budget is approved by ~~the board~~ and the governor,
96.12 the commissioner may spend money in accordance with the approved budget. If unanticipated
96.13 needs for funds arise outside of the annual budget process, the commissioner must consult
96.14 the commission and receive the governor's approval before spending the funds.

96.15 Sec. 35. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
96.16 read:

96.17 Subd. 13. **Grants and loans; requirements.** (a) Prior to awarding any grants or approving
96.18 loans from any fund or account from which the commissioner has the authority under law
96.19 to expend money, the commissioner must evaluate applications based on criteria including,
96.20 but not limited to:

96.21 (1) whether, and the extent to which, an applicant could complete a project without
96.22 funding from the commissioner;

96.23 (2) job creation or retention goals for the project, including but not limited to wages and
96.24 benefits, and whether the jobs created are full time, part time, temporary, or permanent;

96.25 (3) whether the applicant's stated job creation or retention goals can be adequately
96.26 measured using methods established by the commissioner;

96.27 (4) how and to what extent the project proposed by the applicant is expected to impact
96.28 the economic climate of the Iron Range resources and rehabilitation services area;

96.29 (5) how the applicant would meet match requirements, if any; and

96.30 (6) whether the project for which a grant or loan application has been submitted meets
96.31 the written objectives, priorities, and policies established by the commissioner.

97.1 (b) The commissioner, if appropriate, must include incentives in loan and grant award
97.2 agreements to promote and assist grant recipients in achieving the stated job creation and
97.3 retention objectives established by the commissioner.

97.4 (c) For all loans and grants awarded from funds under the commissioner's authority
97.5 pursuant to this chapter, the commissioner must:

97.6 (1) create and maintain a database for tracking loan and grant awards;

97.7 (2) create and maintain an objective mechanism for measuring job creation and retention;

97.8 (3) verify achievement of job creation and retention goals by grant and loan recipients;

97.9 (4) monitor grant and loan awards to ensure that projects comply with applicable Iron
97.10 Range resources and rehabilitation policies; and

97.11 (5) verify that grant or loan recipients have met applicable matching fund requirements.

97.12 Sec. 36. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
97.13 read:

97.14 Subd. 14. **Expenditures; taconite assistance area.** Expenditures subject to the
97.15 requirements of this section may be expended only within or for the benefit of the taconite
97.16 assistance area defined in section 273.1341.

97.17 Sec. 37. Minnesota Statutes 2016, section 298.22, is amended by adding a subdivision to
97.18 read:

97.19 Subd. 15. **Reports to the legislature.** The commissioner shall submit to the chairs and
97.20 ranking minority members of the senate and house of representatives committees with
97.21 primary jurisdiction over economic development policy an annual report of expenditures
97.22 under this section.

97.23 Sec. 38. Minnesota Statutes 2016, section 298.221, is amended to read:

97.24 **298.221 RECEIPTS FROM CONTRACTS; APPROPRIATION.**

97.25 (a) Except as provided in paragraph (c), all money paid to the state of Minnesota pursuant
97.26 to the terms of any contract entered into by the state under authority of section 298.22 and
97.27 any fees which may, in the discretion of the commissioner of Iron Range resources and
97.28 rehabilitation, be charged in connection with any project pursuant to that section as amended,
97.29 shall be deposited in the state treasury to the credit of the Iron Range resources and

98.1 rehabilitation ~~Board~~ account in the special revenue fund and are hereby appropriated for
98.2 the purposes of section 298.22.

98.3 (b) Notwithstanding section 16A.013, merchandise may be accepted by the commissioner
98.4 of the Iron Range resources and rehabilitation ~~Board~~ for payment of advertising contracts
98.5 if the commissioner determines that the merchandise can be used for special event prizes
98.6 or mementos at facilities operated by the ~~board~~ commissioner. Nothing in this paragraph
98.7 authorizes the commissioner or a member of the ~~board~~ commission to receive merchandise
98.8 for personal use.

98.9 (c) All fees charged by the commissioner in connection with public use of the state-owned
98.10 ski and golf facilities at the Giants Ridge Recreation Area and all other revenues derived
98.11 by the commissioner from the operation or lease of those facilities and from the lease, sale,
98.12 or other disposition of undeveloped lands at the Giants Ridge Recreation Area must be
98.13 deposited into an Iron Range resources and rehabilitation ~~Board~~ account that is created
98.14 within the state enterprise fund. All funds deposited in the enterprise fund account are
98.15 appropriated to the commissioner ~~to be expended, subject to approval by the board, and~~
98.16 may only be used, as follows:

98.17 (1) to pay costs associated with the construction, equipping, operation, repair, or
98.18 improvement of the Giants Ridge Recreation Area facilities or lands;

98.19 (2) to pay principal, interest and associated bond issuance, reserve, and servicing costs
98.20 associated with the financing of the facilities; and

98.21 (3) to pay the costs of any other project authorized under section 298.22.

98.22 Sec. 39. Minnesota Statutes 2016, section 298.2211, subdivision 3, is amended to read:

98.23 Subd. 3. **Project approval.** ~~All projects authorized by this section shall be submitted~~
98.24 ~~by the commissioner to the Iron Range Resources and Rehabilitation Board for approval~~
98.25 ~~by the board~~ To get approval of a project under this section, the commissioner must comply
98.26 with all the requirements for expenditures under section 298.22. Prior to the commencement
98.27 of a project involving the exercise by the commissioner of any authority of sections 469.174
98.28 to 469.179, the governing body of each municipality in which any part of the project is
98.29 located and the county board of any county containing portions of the project not located
98.30 in an incorporated area shall by majority vote approve or disapprove the project. ~~Any project~~
98.31 ~~approved by the board and the applicable governing bodies, if any, together with detailed~~
98.32 ~~information concerning the project, its costs, the sources of its funding, and the amount of~~
98.33 ~~any bonded indebtedness to be incurred in connection with the project, shall be transmitted~~

99.1 ~~to the governor, who shall approve, disapprove, or return the proposal for additional~~
99.2 ~~consideration within 30 days of receipt. No project authorized under this section shall be~~
99.3 ~~undertaken, and no obligations shall be issued and no tax increments shall be expended for~~
99.4 ~~a project authorized under this section until the project has been approved by the governor.~~

99.5 Sec. 40. Minnesota Statutes 2016, section 298.2211, subdivision 6, is amended to read:

99.6 Subd. 6. **Fee setting.** Fees for admission to or use of facilities operated by the
99.7 commissioner of Iron Range resources and rehabilitation Board that have been established
99.8 according to prevailing market conditions and to recover operating costs need not be set by
99.9 rule.

99.10 Sec. 41. Minnesota Statutes 2016, section 298.2212, is amended to read:

99.11 **298.2212 INVESTMENT OF FUNDS.**

99.12 All funds credited to the Iron Range resources and rehabilitation Board account in the
99.13 special revenue fund for the purposes of section 298.22 must be invested pursuant to law.
99.14 The net interest and dividends from the investments are included and become part of the
99.15 funds available for purposes of section 298.22.

99.16 Sec. 42. Minnesota Statutes 2016, section 298.2214, subdivision 2, is amended to read:

99.17 Subd. 2. **Iron Range Higher Education Committee; membership.** The members of
99.18 the committee shall consist of:

99.19 (1) one member appointed by the governor;

99.20 (2) one member appointed by the president of the University of Minnesota;

99.21 (3) four members of the Legislative Commission on Iron Range Resources and
99.22 Rehabilitation Board appointed by the chair;

99.23 (4) the commissioner of Iron Range resources and rehabilitation; and

99.24 (5) the president of the Northeast Higher Education District or its successor.

99.25 Sec. 43. Minnesota Statutes 2016, section 298.223, is amended to read:

99.26 **298.223 TACONITE AREA ENVIRONMENTAL PROTECTION FUND.**

99.27 Subdivision 1. **Creation; purposes.** A fund called the taconite environmental protection
99.28 fund is created for the purpose of reclaiming, restoring and enhancing those areas of northeast
99.29 Minnesota located within the taconite assistance area defined in section 273.1341, that are

100.1 adversely affected by the environmentally damaging operations involved in mining taconite
100.2 and iron ore and producing iron ore concentrate and for the purpose of promoting the
100.3 economic development of northeast Minnesota. The taconite environmental protection fund
100.4 shall be used for the following purposes:

100.5 (1) to initiate investigations into matters the commissioner of Iron Range resources and
100.6 ~~rehabilitation Board~~ determines are in need of study and which will determine the
100.7 environmental problems requiring remedial action;

100.8 (2) reclamation, restoration, or reforestation of mine lands not otherwise provided for
100.9 by state law;

100.10 (3) local economic development projects ~~but only if those projects are approved by the~~
100.11 ~~board~~, and public works, including construction of sewer and water systems located within
100.12 the taconite assistance area defined in section 273.1341;

100.13 (4) monitoring of mineral industry related health problems among mining employees;
100.14 and

100.15 (5) local public works projects under section 298.227, paragraph (c).

100.16 Subd. 2. **Administration.** ~~(a) The taconite area environmental protection fund shall be~~
100.17 ~~administered by the commissioner of the Iron Range resources and rehabilitation Board.~~
100.18 ~~The commissioner shall by September 1 of each year submit to the board a list of projects~~
100.19 ~~to be funded from the taconite area environmental protection fund, with such supporting~~
100.20 ~~information including description of the projects, plans, and cost estimates as may be~~
100.21 ~~necessary. in compliance with the requirements for expenditures under section 298.22.~~

100.22 ~~(b) Each year no less than one-half of the amounts deposited into the taconite~~
100.23 ~~environmental protection fund must be used for public works projects, including construction~~
100.24 ~~of sewer and water systems, as specified under subdivision 1, clause (3). The Iron Range~~
100.25 ~~Resources and Rehabilitation Board may waive the requirements of this paragraph.~~

100.26 ~~(c) Upon approval by the board, the list of projects approved under this subdivision shall~~
100.27 ~~be submitted to the governor by November 1 of each year. By December 1 of each year,~~
100.28 ~~the governor shall approve or disapprove, or return for further consideration, each project.~~
100.29 ~~Funds for a project may be expended only upon approval of the project by the board and~~
100.30 ~~the governor. The commissioner may submit supplemental projects to the board and governor~~
100.31 ~~for approval at any time.~~

100.32 Subd. 3. **Appropriation.** There is annually appropriated to the commissioner of Iron
100.33 Range resources and rehabilitation taconite area environmental protection funds necessary

101.1 to carry out approved projects and programs and the funds necessary for administration of
101.2 this section. Annual administrative costs, not including detailed engineering expenses for
101.3 the projects, shall not exceed five percent of the amount annually expended from the fund.

101.4 Funds for the purposes of this section are provided by section 298.28, subdivision 11,
101.5 relating to the taconite area environmental protection fund.

101.6 Sec. 44. Minnesota Statutes 2016, section 298.227, is amended to read:

101.7 **298.227 TACONITE ECONOMIC DEVELOPMENT FUND.**

101.8 (a) An amount equal to that distributed pursuant to each taconite producer's taxable
101.9 production and qualifying sales under section 298.28, subdivision 9a, shall be held by the
101.10 commissioner of Iron Range resources and rehabilitation Board in a separate taconite
101.11 economic development fund for each taconite and direct reduced ore producer. Money from
101.12 the fund for each producer shall be released by the commissioner after review by a joint
101.13 committee consisting of an equal number of representatives of the salaried employees and
101.14 the nonsalaried production and maintenance employees of that producer. The District 11
101.15 director of the United States Steelworkers of America, on advice of each local employee
101.16 president, shall select the employee members. In nonorganized operations, the employee
101.17 committee shall be elected by the nonsalaried production and maintenance employees. The
101.18 review must be completed no later than six months after the producer presents a proposal
101.19 for expenditure of the funds to the committee. The funds held pursuant to this section may
101.20 be released only for workforce development and associated public facility improvement,
101.21 or for acquisition of plant and stationary mining equipment and facilities for the producer
101.22 or for research and development in Minnesota on new mining, or taconite, iron, or steel
101.23 production technology, but only if the producer provides a matching expenditure equal to
101.24 the amount of the distribution to be used for the same purpose beginning with distributions
101.25 in 2014. Effective for proposals for expenditures of money from the fund beginning May
101.26 26, 2007, the commissioner may not release the funds before the next scheduled meeting
101.27 of the board. If a proposed expenditure is not approved ~~by the board~~ under the requirements
101.28 for expenditures under section 298.22, the funds must be deposited in the Taconite
101.29 Environmental Protection Fund under sections 298.222 to 298.225. ~~If a producer uses money~~
101.30 ~~which has been released from the fund prior to May 26, 2007 to procure haulage trucks,~~
101.31 ~~mobile equipment, or mining shovels, and the producer removes the piece of equipment~~
101.32 ~~from the taconite tax relief area defined in section 273.134 within ten years from the date~~
101.33 ~~of receipt of the money from the fund, a portion of the money granted from the fund must~~
101.34 ~~be repaid to the taconite economic development fund. The portion of the money to be repaid~~

102.1 ~~is 100 percent of the grant if the equipment is removed from the taconite tax relief area~~
102.2 ~~within 12 months after receipt of the money from the fund, declining by ten percent for~~
102.3 ~~each of the subsequent nine years during which the equipment remains within the taconite~~
102.4 ~~tax relief area.~~ If a taconite production facility is sold after operations at the facility had
102.5 ceased, any money remaining in the fund for the former producer may be released to the
102.6 purchaser of the facility on the terms otherwise applicable to the former producer under this
102.7 section. If a producer fails to provide matching funds for a proposed expenditure within six
102.8 months after the commissioner approves release of the funds, the funds are available for
102.9 release to another producer in proportion to the distribution provided and under the conditions
102.10 of this section. Any portion of the fund which is not released by the commissioner within
102.11 one year of its deposit in the fund shall be divided between the taconite environmental
102.12 protection fund created in section 298.223 and the Douglas J. Johnson economic protection
102.13 trust fund created in section 298.292 for placement in their respective special accounts.
102.14 Two-thirds of the unreleased funds shall be distributed to the taconite environmental
102.15 protection fund and one-third to the Douglas J. Johnson economic protection trust fund.

102.16 ~~(b)(i) Notwithstanding the requirements of paragraph (a), setting the amount of~~
102.17 ~~distributions and the review process, an amount equal to ten cents per taxable ton of~~
102.18 ~~production in 2007, for distribution in 2008 only, that would otherwise be distributed under~~
102.19 ~~paragraph (a), may be used for a loan or grant for the cost of providing for a value-added~~
102.20 ~~wood product facility located in the taconite tax relief area and in a county that contains a~~
102.21 ~~city of the first class. This amount must be deducted from the distribution under paragraph~~
102.22 ~~(a) for which a matching expenditure by the producer is not required. The granting of the~~
102.23 ~~loan or grant is subject to approval by the board. If the money is provided as a loan, interest~~
102.24 ~~must be payable on the loan at the rate prescribed in section 298.2213, subdivision 3. (ii)~~
102.25 ~~Repayments of the loan and interest, if any, must be deposited in the taconite environment~~
102.26 ~~protection fund under sections 298.222 to 298.225. If a loan or grant is not made under this~~
102.27 ~~paragraph by July 1, 2012, the amount that had been made available for the loan under this~~
102.28 ~~paragraph must be transferred to the taconite environment protection fund under sections~~
102.29 ~~298.222 to 298.225. (iii) Money distributed in 2008 to the fund established under this section~~
102.30 ~~that exceeds ten cents per ton is available to qualifying producers under paragraph (a) on a~~
102.31 ~~pro rata basis.~~

102.32 ~~(e) Repayment or transfer of money to the taconite environmental protection fund under~~
102.33 ~~paragraph (b), item (ii), must be allocated by the Iron Range resources and rehabilitation~~
102.34 ~~Board for public works projects in house legislative districts in the same proportion as~~
102.35 ~~taxable tonnage of production in 2007 in each house legislative district, for distribution in~~

103.1 ~~2008, bears to total taxable tonnage of production in 2007, for distribution in 2008.~~
103.2 ~~Notwithstanding any other law to the contrary, expenditures under this paragraph do not~~
103.3 ~~require approval by the governor. For purposes of this paragraph, "house legislative districts"~~
103.4 ~~means the legislative districts in existence on May 15, 2009.~~

103.5 Sec. 45. Minnesota Statutes 2016, section 298.27, is amended to read:

103.6 **298.27 COLLECTION AND PAYMENT OF TAX.**

103.7 The taxes provided by section 298.24 shall be paid directly to each eligible county and
103.8 the commissioner of Iron Range resources and rehabilitation Board. The commissioner of
103.9 revenue shall notify each producer of the amount to be paid each recipient prior to February
103.10 15. Every person subject to taxes imposed by section 298.24 shall file a correct report
103.11 covering the preceding year. The report must contain the information required by the
103.12 commissioner of revenue. The report shall be filed by each producer on or before February
103.13 1. A remittance equal to 50 percent of the total tax required to be paid hereunder shall be
103.14 paid on or before February 24. A remittance equal to the remaining total tax required to be
103.15 paid hereunder shall be paid on or before August 24. On or before February 25 and August
103.16 25, the county auditor shall make distribution of the payments previously received by the
103.17 county in the manner provided by section 298.28. Reports shall be made and hearings held
103.18 upon the determination of the tax in accordance with procedures established by the
103.19 commissioner of revenue. The commissioner of revenue shall have authority to make
103.20 reasonable rules as to the form and manner of filing reports necessary for the determination
103.21 of the tax hereunder, and by such rules may require the production of such information as
103.22 may be reasonably necessary or convenient for the determination and apportionment of the
103.23 tax. All the provisions of the occupation tax law with reference to the assessment and
103.24 determination of the occupation tax, including all provisions for appeals from or review of
103.25 the orders of the commissioner of revenue relative thereto, but not including provisions for
103.26 refunds, are applicable to the taxes imposed by section 298.24 except in so far as inconsistent
103.27 herewith. If any person subject to section 298.24 shall fail to make the report provided for
103.28 in this section at the time and in the manner herein provided, the commissioner of revenue
103.29 shall in such case, upon information possessed or obtained, ascertain the kind and amount
103.30 of ore mined or produced and thereon find and determine the amount of the tax due from
103.31 such person. There shall be added to the amount of tax due a penalty for failure to report
103.32 on or before February 1, which penalty shall equal ten percent of the tax imposed and be
103.33 treated as a part thereof.

104.1 If any person responsible for making a tax payment at the time and in the manner herein
104.2 provided fails to do so, there shall be imposed a penalty equal to ten percent of the amount
104.3 so due, which penalty shall be treated as part of the tax due.

104.4 In the case of any underpayment of the tax payment required herein, there may be added
104.5 and be treated as part of the tax due a penalty equal to ten percent of the amount so underpaid.

104.6 A person having a liability of \$120,000 or more during a calendar year must remit all
104.7 liabilities by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The
104.8 funds transfer payment date, as defined in section 336.4A-401, must be on or before the
104.9 date the tax is due. If the date the tax is due is not a funds transfer business day, as defined
104.10 in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the
104.11 funds transfer business day next following the date the tax is due.

104.12 Sec. 46. Minnesota Statutes 2016, section 298.28, subdivision 7, is amended to read:

104.13 Subd. 7. **Iron Range resources and rehabilitation ~~Board~~ account.** For the 1998
104.14 distribution, 6.5 cents per taxable ton shall be paid to the Iron Range resources and
104.15 rehabilitation ~~Board~~ account for the purposes of section 298.22. That amount shall be
104.16 increased for distribution years 1999 through 2014 and for distribution in 2018 and
104.17 subsequent years in the same proportion as the increase in the implicit price deflator as
104.18 provided in section 298.24, subdivision 1. The amount distributed pursuant to this subdivision
104.19 shall be expended within or for the benefit of the taconite assistance area defined in section
104.20 273.1341 and in compliance with the requirements for expenditures under section 298.22.
104.21 ~~No part of the fund provided in this subdivision may be used to provide loans for the~~
104.22 ~~operation of private business unless the loan is approved by the governor.~~

104.23 Sec. 47. Minnesota Statutes 2016, section 298.28, subdivision 7a, is amended to read:

104.24 Subd. 7a. **Iron Range school consolidation and cooperatively operated school account.**
104.25 (a) The following amounts must be allocated to the Iron Range resources and rehabilitation
104.26 ~~Board~~ account to be deposited in the Iron Range school consolidation and cooperatively
104.27 operated school account that is hereby created:

104.28 (1)(i) for distributions in 2015 through 2023, ten cents per taxable ton of the tax imposed
104.29 under section 298.24; and

104.30 (ii) for distributions beginning in 2024, five cents per taxable ton of the tax imposed
104.31 under section 298.24;

104.32 (2) the amount as determined under section 298.17, paragraph (b), clause (3);

105.1 (3)(i) for distributions in 2015, an amount equal to two-thirds of the increased tax
105.2 proceeds attributable to the increase in the implicit price deflator as provided in section
105.3 298.24, subdivision 1, with the remaining one-third to be distributed to the Douglas J.
105.4 Johnson economic protection trust fund;

105.5 (ii) for distributions in 2016, an amount equal to two-thirds of the sum of the increased
105.6 tax proceeds attributable to the increase in the implicit price deflator as provided in section
105.7 298.24, subdivision 1, for distribution years 2015 and 2016, with the remaining one-third
105.8 to be distributed to the Douglas J. Johnson economic protection trust fund; and

105.9 (iii) for distributions in 2017, an amount equal to two-thirds of the sum of the increased
105.10 tax proceeds attributable to the increase in the implicit price deflator as provided in section
105.11 298.24, subdivision 1, for distribution years 2015, 2016, and 2017, with the remaining
105.12 one-third to be distributed to the Douglas J. Johnson economic protection trust fund; and

105.13 (4) any other amount as provided by law.

105.14 (b) Expenditures from this account shall be made only to provide disbursements to assist
105.15 school districts with the payment of bonds that were issued for qualified school projects,
105.16 or for any other school disbursement as approved by the commissioner of Iron Range
105.17 resources and rehabilitation Board, after consultation with the commission. For purposes
105.18 of this section, "qualified school projects" means school projects within the taconite assistance
105.19 area as defined in section 273.1341, that were (1) approved, by referendum, after April 3,
105.20 2006; and (2) approved by the commissioner of education pursuant to section 123B.71.

105.21 (c) Beginning in fiscal year 2019, the disbursement to school districts for payments for
105.22 bonds issued under section 123A.482, subdivision 9, must be increased each year to offset
105.23 any reduction in debt service equalization aid that the school district qualifies for in that
105.24 year, under section 123B.53, subdivision 6, compared with the amount the school district
105.25 qualified for in fiscal year 2018.

105.26 (d) No expenditure under this section shall be made unless ~~approved by seven members~~
105.27 ~~of the Iron Range Resources and Rehabilitation Board~~ the commissioner has complied with
105.28 the requirements for expenditures under section 298.22.

105.29 Sec. 48. Minnesota Statutes 2016, section 298.28, subdivision 9c, is amended to read:

105.30 Subd. 9c. **Distribution; city of Eveleth.** 0.20 cent per taxable ton must be paid to the
105.31 city of Eveleth for distribution in 2013 and thereafter, to be used for the support of the
105.32 Hockey Hall of Fame, provided that it continues to operate in that city, and provided that
105.33 the city of Eveleth certifies to the St. Louis County auditor that it has received donations

106.1 for the support of the Hockey Hall of Fame from other donors. If the Hockey Hall of Fame
106.2 ceases to operate in the city of Eveleth prior to receipt of the distribution in any year, and
106.3 the governing body of the city determines that it is unlikely to resume operation there within
106.4 a six-month period, the distribution under this subdivision shall be made to the commissioner
106.5 of Iron Range resources and rehabilitation Board.

106.6 Sec. 49. Minnesota Statutes 2016, section 298.28, subdivision 9d, is amended to read:

106.7 Subd. 9d. **Iron Range higher education account.** Five cents per taxable ton must be
106.8 ~~allocated to the Iron Range Resources and Rehabilitation Board to be deposited in an Iron~~
106.9 Range higher education account that is hereby created, to be used for higher education
106.10 programs conducted at educational institutions in the taconite assistance area defined in
106.11 section 273.1341. The Iron Range Higher Education committee under section 298.2214,
106.12 and the commissioner of Iron Range resources and rehabilitation Board, after complying
106.13 with all the requirements for expenditures under section 298.22, must approve all
106.14 expenditures from the account.

106.15 Sec. 50. Minnesota Statutes 2016, section 298.28, subdivision 11, is amended to read:

106.16 Subd. 11. **Remainder.** (a) The proceeds of the tax imposed by section 298.24 which
106.17 remain after the distributions and payments in subdivisions 2 to 10a, as certified by the
106.18 commissioner of revenue, and paragraphs (b), (c), and (d) have been made, together with
106.19 interest earned on all money distributed under this section prior to distribution, shall be
106.20 divided between the taconite environmental protection fund created in section 298.223 and
106.21 the Douglas J. Johnson economic protection trust fund created in section 298.292 as follows:
106.22 Two-thirds to the taconite environmental protection fund and one-third to the Douglas J.
106.23 Johnson economic protection trust fund. The proceeds shall be placed in the respective
106.24 special accounts.

106.25 (b) There shall be distributed to each city, town, and county the amount that it received
106.26 under Minnesota Statutes 1978, section 294.26₂, in calendar year 1977; provided, however,
106.27 that the amount distributed in 1981 to the unorganized territory number 2 of Lake County
106.28 and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company
106.29 will be distributed in 1982 and subsequent years to the unorganized territory number 2 of
106.30 Lake County and the towns of Beaver Bay and Stony River based on the miles of track of
106.31 Erie Mining Company in each taxing district.

106.32 (c) There shall be distributed to the Iron Range resources and rehabilitation ~~Board~~ account
106.33 the amounts it received in 1977 under Minnesota Statutes 1978, section 298.22. The amount

107.1 distributed under this paragraph shall be expended within or for the benefit of the taconite
107.2 assistance area defined in section 273.1341.

107.3 (d) There shall be distributed to each school district 62 percent of the amount that it
107.4 received under Minnesota Statutes 1978, section 294.26, in calendar year 1977.

107.5 Sec. 51. Minnesota Statutes 2016, section 298.292, subdivision 2, is amended to read:

107.6 Subd. 2. **Use of money.** Money in the Douglas J. Johnson economic protection trust
107.7 fund may be used for the following purposes:

107.8 (1) to provide loans, loan guarantees, interest buy-downs and other forms of participation
107.9 with private sources of financing, but a loan to a private enterprise shall be for a principal
107.10 amount not to exceed one-half of the cost of the project for which financing is sought, and
107.11 the rate of interest on a loan to a private enterprise shall be no less than the lesser of eight
107.12 percent or an interest rate three percentage points less than a full faith and credit obligation
107.13 of the United States government of comparable maturity, at the time that the loan is approved;

107.14 (2) to fund reserve accounts established to secure the payment when due of the principal
107.15 of and interest on bonds issued pursuant to section 298.2211;

107.16 (3) to pay in periodic payments or in a lump-sum payment any or all of the interest on
107.17 bonds issued pursuant to chapter 474 for the purpose of constructing, converting, or
107.18 retrofitting heating facilities in connection with district heating systems or systems utilizing
107.19 alternative energy sources;

107.20 (4) to invest in a venture capital fund or enterprise that will provide capital to other
107.21 entities that are engaging in, or that will engage in, projects or programs that have the
107.22 purposes set forth in subdivision 1. No investments may be made in a venture capital fund
107.23 or enterprise unless at least two other unrelated investors make investments of at least
107.24 \$500,000 in the venture capital fund or enterprise, and the investment by the Douglas J.
107.25 Johnson economic protection trust fund may not exceed the amount of the largest investment
107.26 by an unrelated investor in the venture capital fund or enterprise. For purposes of this
107.27 subdivision, an "unrelated investor" is a person or entity that is not related to the entity in
107.28 which the investment is made or to any individual who owns more than 40 percent of the
107.29 value of the entity, in any of the following relationships: spouse, parent, child, sibling,
107.30 employee, or owner of an interest in the entity that exceeds ten percent of the value of all
107.31 interests in it. For purposes of determining the limitations under this clause, the amount of
107.32 investments made by an investor other than the Douglas J. Johnson economic protection
107.33 trust fund is the sum of all investments made in the venture capital fund or enterprise during

108.1 the period beginning one year before the date of the investment by the Douglas J. Johnson
108.2 economic protection trust fund; and

108.3 (5) to purchase forest land in the taconite assistance area defined in section 273.1341 to
108.4 be held and managed as a public trust for the benefit of the area for the purposes authorized
108.5 in section 298.22, subdivision 5a. Property purchased under this section may be sold by the
108.6 commissioner ~~upon approval by the board,~~ after consultation with the commission. The net
108.7 proceeds must be deposited in the trust fund for the purposes and uses of this section.

108.8 Money from the trust fund shall be expended only in or for the benefit of the taconite
108.9 assistance area defined in section 273.1341.

108.10 Sec. 52. Minnesota Statutes 2016, section 298.296, is amended to read:

108.11 **298.296 OPERATION OF FUND.**

108.12 Subdivision 1. **Project approval.** ~~The board and commissioner shall by August 1 of~~
108.13 ~~each year prepare a list of projects to be funded from the Douglas J. Johnson economic~~
108.14 ~~protection trust with necessary supporting information including description of the projects,~~
108.15 ~~plans, and cost estimates~~ must comply with the requirements for expenditures under section
108.16 298.22. ~~These~~ Projects shall be consistent with the priorities established in section 298.292
108.17 and shall not be ~~approved by the board unless it~~ proposed by the commissioner unless the
108.18 commissioner finds that:

108.19 (a) the project will materially assist, directly or indirectly, the creation of additional
108.20 long-term employment opportunities;

108.21 (b) the prospective benefits of the expenditure exceed the anticipated costs; and

108.22 (c) in the case of assistance to private enterprise, the project will serve a sound business
108.23 purpose.

108.24 ~~Each project must be approved by over one-half of all of the members of the board and~~
108.25 ~~the commissioner of Iron Range resources and rehabilitation. The list of projects shall be~~
108.26 ~~submitted to the governor, who shall, by November 15 of each year, approve or disapprove,~~
108.27 ~~or return for further consideration, each project. The money for a project may be expended~~
108.28 ~~only upon approval of the project by the governor. The board may submit supplemental~~
108.29 ~~projects for approval at any time.~~

108.30 Subd. 2. **Expenditure of funds.** (a) Before January 1, 2028, funds may be expended on
108.31 projects and for administration of the trust fund only from the net interest, earnings, and
108.32 dividends arising from the investment of the trust at any time, including net interest, earnings,

109.1 and dividends that have arisen prior to July 13, 1982, plus \$10,000,000 made available for
109.2 use in fiscal year 1983, except that any amount required to be paid out of the trust fund to
109.3 provide the property tax relief specified in Laws 1977, chapter 423, article X, section 4, and
109.4 to make school bond payments and payments to recipients of taconite production tax proceeds
109.5 pursuant to section 298.225, may be taken from the corpus of the trust.

109.6 (b) Additionally, ~~upon recommendation by the board,~~ the commissioner, after consulting
109.7 the commission, may choose to make up to \$13,000,000 from the corpus of the trust ~~may~~
109.8 ~~be made~~ available for use as provided in subdivision 4, and up to \$10,000,000 from the
109.9 corpus of the trust may be made available for use as provided in section 298.2961.

109.10 (c) Additionally, an amount equal to 20 percent of the value of the corpus of the trust
109.11 on May 18, 2002, not including the funds authorized in paragraph (b), plus the amounts
109.12 made available under section 298.28, subdivision 4, and Laws 2002, chapter 377, article 8,
109.13 section 17, may be expended on projects. ~~Funds~~ The commissioner may be expended expend
109.14 funds for projects under this paragraph only if ~~the project~~:

109.15 (1) the project is for the purposes established under section 298.292, subdivision 1,
109.16 clause (1) or (2); and

109.17 (2) ~~is approved by two-thirds of all of the members of the board~~ the commissioner
109.18 complied with the requirements for expenditures under section 298.22.

109.19 No money made available under this paragraph or paragraph (d) can be used for
109.20 administrative or operating expenses of the Department of Iron Range resources and
109.21 rehabilitation ~~Board~~ or expenses relating to any facilities owned or operated by the ~~board~~
109.22 commissioner on May 18, 2002.

109.23 (d) ~~Upon recommendation by a unanimous vote of all members of the board,~~ The
109.24 commissioner may spend amounts in addition to those authorized under paragraphs (a), (b),
109.25 and (c) ~~may be expended~~ on projects described in section 298.292, subdivision 1, if the
109.26 commissioner complies with the requirements for expenditures under section 298.22.

109.27 (e) Annual administrative costs, not including detailed engineering expenses for the
109.28 projects, shall not exceed five percent of the net interest, dividends, and earnings arising
109.29 from the trust in the preceding fiscal year.

109.30 (f) Principal and interest received in repayment of loans made pursuant to this section,
109.31 and earnings on other investments made under section 298.292, subdivision 2, clause (4),
109.32 shall be deposited in the state treasury and credited to the trust. These receipts are
109.33 appropriated to the board for the purposes of sections 298.291 to 298.298.

110.1 (g) Additionally, notwithstanding section 298.293, ~~upon the approval of the board~~ if the
110.2 commissioner complies with the requirements for expenditures under section 298.22, money
110.3 from the corpus of the trust may be expanded to purchase forest lands within the taconite
110.4 assistance area as provided in sections 298.22, subdivision 5a, and 298.292, subdivision 2,
110.5 clause (5).

110.6 Subd. 3. **Administration.** The commissioner ~~and staff of the~~ Iron Range resources and
110.7 rehabilitation ~~Board~~ shall administer the program under which funds are expended pursuant
110.8 to sections 298.292 to 298.298.

110.9 Subd. 4. **Temporary loan authority.** (a) ~~The board may recommend that~~ If the
110.10 commissioner complies with the requirements for expenditures under section 298.22, the
110.11 commissioner may use up to \$7,500,000 from the corpus of the trust ~~may be used~~ for loans,
110.12 loan guarantees, grants, or equity investments as provided in this subdivision. The money
110.13 would be available for loans for construction and equipping of facilities constituting (1) a
110.14 value added iron products plant, which may be either a new plant or a facility incorporated
110.15 into an existing plant that produces iron upgraded to a minimum of 75 percent iron content
110.16 or any iron alloy with a total minimum metallic content of 90 percent; or (2) a new mine or
110.17 minerals processing plant for any mineral subject to the net proceeds tax imposed under
110.18 section 298.015. A loan or loan guarantee under this paragraph may not exceed \$5,000,000
110.19 for any facility.

110.20 (b) Additionally, ~~the board must reserve~~ the first \$2,000,000 of the net interest, dividends,
110.21 and earnings arising from the investment of the trust after June 30, 1996, ~~to be used~~ must
110.22 be reserved for grants, loans, loan guarantees, or equity investments for the purposes set
110.23 forth in paragraph (a). This amount must be reserved until it is used as described in this
110.24 subdivision.

110.25 (c) Additionally, ~~the board may recommend that~~ up to \$5,500,000 from the corpus of
110.26 the trust may be used for additional grants, loans, loan guarantees, or equity investments
110.27 for the purposes set forth in paragraph (a).

110.28 (d) ~~The board~~ commissioner, after consultation with the commission, may require that
110.29 ~~the fund~~ receive an equity percentage in any project to which it contributes under this
110.30 section.

110.31 Sec. 53. Minnesota Statutes 2016, section 298.2961, is amended to read:

110.32 **298.2961 PRODUCER GRANTS.**

111.1 Subdivision 1. **Appropriation.** (a) \$10,000,000 is appropriated from the Douglas J.
111.2 Johnson economic protection trust fund to a special account in the taconite area environmental
111.3 protection fund for grants to producers on a project-by-project basis as provided in this
111.4 section.

111.5 (b) The proceeds of the tax designated under section 298.28, subdivision 9b, are
111.6 appropriated for grants to producers on a project-by-project basis as provided in this section.

111.7 Subd. 2. **Projects; approval.** (a) Projects funded must be for:

111.8 (1) environmentally unique reclamation projects; or

111.9 (2) pit or plant repairs, expansions, or modernizations other than for a value added iron
111.10 products plant.

111.11 (b) ~~To be proposed by the board, a project must be approved by the board. The money~~
111.12 ~~for a project may be spent only upon approval of the project by the governor. The board~~
111.13 ~~may submit supplemental projects for approval at any time~~ For all such projects, the
111.14 commissioner must comply with the requirements for expenditures under section 298.22.

111.15 (c) ~~The board~~ commissioner, after consultation with the commission, may require that
111.16 ~~the fund~~ receive an equity percentage in any project to which it contributes under this
111.17 section.

111.18 Subd. 3. **Redistribution.** (a) If a taconite production facility is sold after operations at
111.19 the facility had ceased, any money remaining in the taconite environmental fund for the
111.20 former producer may be released to the purchaser of the facility on the terms otherwise
111.21 applicable to the former producer under this section.

111.22 (b) Any portion of the taconite environmental fund that is not released by the
111.23 commissioner within three years of its deposit in the taconite environmental fund shall be
111.24 divided between the taconite environmental protection fund created in section 298.223 and
111.25 the Douglas J. Johnson economic protection trust fund created in section 298.292 for
111.26 placement in their respective special accounts. Two-thirds of the unreleased funds must be
111.27 distributed to the taconite environmental protection fund and one-third to the Douglas J.
111.28 Johnson economic protection trust fund.

111.29 Subd. 4. **Grant and loan fund.** (a) A fund is established to receive distributions under
111.30 section 298.28, subdivision 9b, and to make grants or loans as provided in this subdivision.
111.31 Any grant or loan made under this subdivision must ~~be approved by the board, established~~
111.32 ~~under section 298.22~~ comply with the requirements for expenditures under section 298.22.

112.1 (b) All distributions received in 2009 and subsequent years are allocated for projects
112.2 under section 298.223, subdivision 1.

112.3 Sec. 54. Minnesota Statutes 2016, section 298.297, is amended to read:

112.4 **298.297 ADVISORY COMMITTEES.**

112.5 Before submission of a project to the ~~board~~ commission, the commissioner of Iron Range
112.6 resources and rehabilitation shall appoint a technical advisory committee consisting of one
112.7 or more persons who are knowledgeable in areas related to the objectives of the proposal.
112.8 Members of the committees shall be compensated as provided in section 15.059, subdivision
112.9 3. The ~~board shall not act~~ commission shall not make recommendations on a proposal until
112.10 it has received the evaluation and recommendations of the technical advisory committee or
112.11 until 15 days have elapsed since the proposal was transmitted to the advisory committee,
112.12 whichever occurs first.

112.13 Sec. 55. Minnesota Statutes 2016, section 298.46, subdivision 2, is amended to read:

112.14 Subd. 2. **Unmined iron ore; valuation petition.** When in the opinion of the duly
112.15 constituted authorities of a taxing district there are in existence reserves of unmined iron
112.16 ore located in such district, these authorities may petition the commissioner of Iron Range
112.17 resources and rehabilitation ~~Board~~ for authority to petition the county assessor to verify the
112.18 existence of such reserves and to ascertain the value thereof by drilling in a manner consistent
112.19 with established engineering and geological exploration methods, in order that such taxing
112.20 district may be able to forecast in a proper manner its future economic and fiscal potentials.
112.21 The commissioner may grant the authority to petition only after consultation with the
112.22 commission.

112.23 Sec. 56. Minnesota Statutes 2016, section 298.46, subdivision 5, is amended to read:

112.24 Subd. 5. **Payment of costs; reimbursement.** The cost of such exploration or drilling
112.25 plus any damages to the property which may be assessed by the district court shall be paid
112.26 by the commissioner of Iron Range resources and rehabilitation ~~Board~~ from amounts
112.27 appropriated to ~~that board~~ the commissioner under section 298.22. The commissioner of
112.28 Iron Range resources and rehabilitation ~~Board~~ shall be reimbursed for one-half of the
112.29 amounts thus expended. Such reimbursement shall be made by the taxing districts in the
112.30 proportion that each such taxing district's levy on the property involved bears to the total
112.31 levy on such property. Such reimbursement shall be made to the commissioner of Iron
112.32 Range resources and rehabilitation ~~Board~~ in the manner provided by section 298.221.

113.1 Sec. 57. Minnesota Statutes 2016, section 298.46, subdivision 6, is amended to read:

113.2 Subd. 6. **Refusal to reimburse; reduction of other payments.** If any taxing district
113.3 refuses to pay its share of the reimbursement as provided in subdivision 5, the county auditor
113.4 is hereby authorized to reduce payments required to be made by the county to such taxing
113.5 district under other provisions of law. Thereafter the auditor shall draw a warrant, which
113.6 shall be deposited with the state treasury in accordance with section 298.221, to the credit
113.7 of the commissioner of Iron Range resources and rehabilitation Board.

113.8 Sec. 58. Minnesota Statutes 2016, section 466.03, subdivision 6c, is amended to read:

113.9 Subd. 6c. **Water access sites.** Any claim based upon the construction, operation, or
113.10 maintenance by a municipality of a water access site created by the commissioner of Iron
113.11 Range resources and rehabilitation Board. A water access site under this subdivision that
113.12 provides access to an idled, water filled mine pit also includes the entire water filled area
113.13 of the pit, and, further, claims related to a mine pit water access site under this subdivision
113.14 include those based upon the caving or slumping of mine pit walls.

113.15 Sec. 59. Minnesota Statutes 2016, section 469.310, subdivision 9, is amended to read:

113.16 Subd. 9. **Local government unit.** "Local government unit" means a statutory or home
113.17 rule charter city, county, town, the Department of Iron Range Resources and Rehabilitation
113.18 agency, regional development commission, or a federally designated economic development
113.19 district.

113.20 Sec. 60. Minnesota Statutes 2016, section 474A.02, subdivision 21, is amended to read:

113.21 Subd. 21. **Preliminary resolution.** "Preliminary resolution" means a resolution adopted
113.22 by the governing body or board of the issuer, or ~~in the case of the~~ by the commissioner of
113.23 Iron Range resources and rehabilitation Board by the commissioner. The resolution must
113.24 express a preliminary intention of the issuer to issue obligations for a specific project,
113.25 identify the proposed project, and disclose the proposed amount of qualified bonds to be
113.26 issued. Preliminary resolutions for mortgage bonds and student loan bonds need not identify
113.27 a specific project.

113.28 Sec. 61. Laws 2010, chapter 389, article 5, section 7, is amended to read:

113.29 **Sec. 7. GIANTS RIDGE RECREATION AREA TAXING AUTHORITY.**

113.30 Subdivision 1. **Additional taxes authorized.** Notwithstanding Minnesota Statutes,
113.31 section 477A.016, or any other law, ordinance, or charter provision to the contrary, the city

114.1 of Biwabik, upon approval both by its governing body and by the vote of at least seven
114.2 members of the Iron Range Resources and Rehabilitation Board, may impose any or all of
114.3 the taxes described in this section.

114.4 Subd. 2. **Use of proceeds.** The proceeds of any taxes imposed under this section, less
114.5 refunds and costs of collection, must be deposited into the Iron Range Resources and
114.6 Rehabilitation Board account enterprise fund created under the provisions of Minnesota
114.7 Statutes, section 298.221, paragraph (c), and must be dedicated and expended by the
114.8 commissioner of the Iron Range resources and rehabilitation Board, ~~upon approval by the~~
114.9 ~~vote of at least seven members of~~ after consultation with the Legislative Commission on
114.10 Iron Range Resources and Rehabilitation Board, to pay costs for the construction, renovation,
114.11 improvement, expansion, and maintenance of public recreational facilities located in those
114.12 portions of the city within the Giants Ridge Recreation Area as defined in Minnesota Statutes,
114.13 section 298.22, subdivision 7, or to pay any principal, interest, or premium on any bond
114.14 issued to finance the construction, renovation, improvement, or expansion of such public
114.15 recreational facilities.

114.16 Subd. 3. **Lodging tax.** (a) The city of Biwabik, upon approval both by its governing
114.17 body and by the vote of at least seven members of the Iron Range Resources and
114.18 Rehabilitation Board, may impose, by ordinance, a tax of not more than five percent on the
114.19 gross receipts subject to the lodging tax under Minnesota Statutes, section 469.190. This
114.20 tax is in addition to any tax imposed under Minnesota Statutes, section 469.190, and may
114.21 be imposed only on gross lodging receipts generated within the Giants Ridge Recreation
114.22 Area as defined in Minnesota Statutes, section 298.22, subdivision 7.

114.23 (b) If, after July 31, 2017, the city of Biwabik changes by ordinance the rate of the tax
114.24 imposed under paragraph (a), the change must be approved by both the governing body of
114.25 the city of Biwabik and the commissioner of Iron Range resources and rehabilitation, after
114.26 the commissioner consults with the Legislative Commission on Iron Range Resources and
114.27 Rehabilitation.

114.28 Subd. 4. **Admissions and recreation tax.** (a) The city of Biwabik, upon approval both
114.29 by its governing body and by the vote of at least seven members of the Iron Range Resources
114.30 and Rehabilitation Board, may impose, by ordinance, a tax of not more than five percent
114.31 on admission receipts to entertainment and recreational facilities and on receipts from the
114.32 rental of recreation equipment, at sites within the Giants Ridge Recreation Area as defined
114.33 in Minnesota Statutes, section 298.22, subdivision 7. The provisions of Minnesota Statutes,
114.34 section 297A.99, except for subdivisions 2 and 3, govern the imposition, administration,
114.35 collection, and enforcement of the tax authorized in this subdivision.

115.1 (b) If the city imposes the tax under paragraph (a), it must include in the ordinance an
115.2 exemption for purchases of season tickets or passes.

115.3 (c) If, after July 31, 2017, the city of Biwabik changes by ordinance the rate of the tax
115.4 imposed under paragraph (a), the change must be approved by both the governing body of
115.5 the city of Biwabik and the commissioner of Iron Range resources and rehabilitation, after
115.6 the commissioner consults with the Legislative Commission on Iron Range Resources and
115.7 Rehabilitation.

115.8 Subd. 5. **Food and beverage tax.** (a) The city of Biwabik, upon approval both by its
115.9 governing body and by the vote of at least seven members of the Iron Range Resources and
115.10 Rehabilitation Board, may impose, by ordinance, an additional sales tax of not more than
115.11 one percent on gross receipts of food and beverages sold whether it is consumed on or off
115.12 the premises by restaurants and places of refreshment as defined by resolution of the city
115.13 within the Giants Ridge Recreation Area as defined in Minnesota Statutes, section 298.22,
115.14 subdivision 7. The provisions of Minnesota Statutes, section 297A.99, except for subdivisions
115.15 2 and 3, govern the imposition, administration, collection, and enforcement of the tax
115.16 authorized in this subdivision.

115.17 (b) If, after July 31, 2017, the city of Biwabik changes by ordinance the rate of the tax
115.18 imposed under paragraph (a), the change must be approved by both the governing body of
115.19 the city of Biwabik and the commissioner of Iron Range resources and rehabilitation, after
115.20 the commissioner consults with the Legislative Commission on Iron Range Resources and
115.21 Rehabilitation.

115.22 **EFFECTIVE DATE.** This section is effective August 1, 2017, without local approval
115.23 pursuant to Minnesota Statutes, section 645.023, subdivision 1, paragraph (a).

115.24 Sec. 62. **REVISOR'S INSTRUCTION.**

115.25 The revisor of statutes, with cooperation from the House Research Department and the
115.26 Office of Senate Counsel, Research, and Fiscal Analysis, shall prepare legislation that makes
115.27 conforming changes in accordance with the provisions of this act. The revisor shall submit
115.28 the proposal, in a form ready for introduction, during the 2018 regular legislative session
115.29 to the chairs and ranking minority members of the senate and house of representatives
115.30 committees with jurisdiction over taxes.

116.1 Sec. 63. **REPEALER.**

116.2 Minnesota Statutes 2016, sections 298.22, subdivision 8; 298.2213; and 298.298, are
 116.3 repealed.

116.4 ARTICLE 5

116.5 UNEMPLOYMENT INSURANCE ADVISORY COUNCIL 116.6 POLICY

116.7 Section 1. Minnesota Statutes 2016, section 268.046, subdivision 3, is amended to read:

116.8 Subd. 3. **Penalties; application.** (a) Any person that violates the requirements of this
 116.9 section and any taxpaying employer that violates subdivision 1, paragraph (b), or any
 116.10 nonprofit or government employer that violates subdivision 2, paragraph (b), is subject to
 116.11 the penalties under section 268.184, subdivision 1a. Penalties are credited to the trust fund.

116.12 (b) Section 268.051, subdivision 4, does not apply to contracts under this section. This
 116.13 section does not limit or prevent the application of section 268.051, subdivision 4, to any
 116.14 other transactions or acquisitions involving the taxpaying employer. This section does not
 116.15 limit or prevent the application of section 268.051, subdivision 4a.

116.16 (c) An assignment of an account upon the execution of a contract under this section and
 116.17 a termination of a contract with the corresponding assignment of the account is not ~~considered~~
 116.18 a separation from employment of any worker covered by the contract. Nothing under this
 116.19 subdivision causes the person to be liable for any amounts past due under this chapter from
 116.20 the taxpaying employer or the nonprofit or government employer.

116.21 (d) ~~This section applies to, but is not limited to, persons registered under section 79.255,~~
 116.22 ~~but does not apply to persons that obtain~~ An exemption from registration under section
 116.23 79.255, subdivision 9, does not determine the application of this section.

116.24 Sec. 2. Minnesota Statutes 2016, section 268.065, subdivision 2, is amended to read:

116.25 Subd. 2. **Employee leasing company, professional employer organization, or similar**
 116.26 **person.** (a) A person whose work force consists of 50 percent or more of workers provided
 116.27 by an employee leasing company, professional employer organization, or similar person
 116.28 for a fee, is jointly and severally liable for the unpaid amounts that are due under this chapter
 116.29 or section 116L.20 on the wages paid on the contract with the employee leasing company,
 116.30 professional employer organization, or similar person.

116.31 (b) ~~This subdivision applies to, but is not limited to, persons registered under section~~
 116.32 ~~79.255, but does not apply to agreements with persons that obtain~~ An exemption from

117.1 registration under section 79.255, subdivision 9, does not determine the application of this
117.2 section.

117.3 Sec. 3. Minnesota Statutes 2016, section 268.085, subdivision 13, is amended to read:

117.4 Subd. 13. **Suspension from employment.** (a) An applicant who has been suspended
117.5 from employment without pay for 30 calendar days or less, as a result of employment
117.6 misconduct or aggravated employment misconduct as defined under section 268.095,
117.7 ~~subdivision 6~~, is ineligible for unemployment benefits beginning the Sunday of the week
117.8 that the applicant was suspended and continuing for the duration of the suspension.

117.9 (b) A suspension from employment without pay that is of indefinite duration or is for
117.10 more than 30 calendar days is considered, at the time the suspension begins, a discharge
117.11 from employment ~~under~~ subject to section 268.095, ~~subdivision 5~~.

117.12 (c) A suspension from employment with pay, regardless of duration, is not ~~considered~~
117.13 a separation from employment and the applicant is ineligible for unemployment benefits
117.14 for the duration of the suspension with pay.

117.15 Sec. 4. Minnesota Statutes 2016, section 268.095, subdivision 5, is amended to read:

117.16 Subd. 5. **Discharge defined.** (a) A discharge from employment occurs when any words
117.17 or actions by an employer would lead a reasonable employee to believe that the employer
117.18 will no longer allow the employee to work for the employer in any capacity. A layoff because
117.19 of lack of work is a discharge.

117.20 (b) A suspension from employment without pay that is of an indefinite duration or is
117.21 for more than 30 calendar days is considered a discharge at the time the suspension begins.

117.22 ~~(b)~~ (c) When determining if an applicant was discharged, the theory of a constructive
117.23 discharge does not apply.

117.24 ~~(e)~~ (d) An employee who gives notice of intention to quit the employment and is not
117.25 allowed by the employer to work the entire notice period is discharged from the employment
117.26 as of the date the employer will no longer allow the employee to work. If the discharge
117.27 occurs within 30 calendar days before the intended date of quitting, then, as of the intended
117.28 date of quitting, the separation from employment is a quit from employment subject to
117.29 subdivision 1.

117.30 ~~(d)~~ (e) The end of a job assignment with the client of a staffing service is a discharge
117.31 from employment with the staffing service unless subdivision 2, paragraph (e), applies.

118.1 Sec. 5. Minnesota Statutes 2016, section 268.101, subdivision 2, is amended to read:

118.2 Subd. 2. **Determination.** (a) The commissioner must determine any issue of ineligibility
118.3 raised by information required from an applicant under subdivision 1, paragraph (a) or (c),
118.4 and send to the applicant and any involved employer, by mail or electronic transmission, a
118.5 document titled a determination of eligibility or a determination of ineligibility, as is
118.6 appropriate. The determination on an issue of ineligibility as a result of a quit or a discharge
118.7 of the applicant must state the effect on the employer under section 268.047. A determination
118.8 must be made in accordance with this paragraph even if a notified employer has not raised
118.9 the issue of ineligibility.

118.10 (b) The commissioner must determine any issue of ineligibility raised by an employer
118.11 and send to the applicant and that employer, by mail or electronic transmission, a document
118.12 titled a determination of eligibility or a determination of ineligibility as is appropriate. The
118.13 determination on an issue of ineligibility as a result of a quit or discharge of the applicant
118.14 must state the effect on the employer under section 268.047.

118.15 If a base period employer:

118.16 (1) was not the applicant's most recent employer before the application for unemployment
118.17 benefits;

118.18 (2) did not employ the applicant during the six calendar months before the application
118.19 for unemployment benefits; and

118.20 (3) did not raise an issue of ineligibility as a result of a quit or discharge of the applicant
118.21 within ten calendar days of notification under subdivision 1, paragraph (b);

118.22 then any exception under section 268.047, subdivisions 2 and 3, begins the Sunday two
118.23 weeks following the week that the issue of ineligibility as a result of a quit or discharge of
118.24 the applicant was raised by the employer.

118.25 A communication from an employer must specifically set out why the applicant should
118.26 be determined ineligible for unemployment benefits for that communication to be considered
118.27 to have raised an issue of ineligibility for purposes of this section. A statement of "protest"
118.28 or a similar term without more information does not constitute raising an issue of ineligibility
118.29 for purposes of this section.

118.30 (c) Subject to section 268.031, an issue of ineligibility is determined based upon that
118.31 information required of an applicant, any information that may be obtained from an applicant
118.32 or employer, and information from any other source.

119.1 (d) Regardless of the requirements of this subdivision, the commissioner is not required
 119.2 to send to an applicant a copy of the determination where the applicant has satisfied a period
 119.3 of ineligibility because of a quit or a discharge under section 268.095, subdivision 10.

119.4 (e) ~~The commissioner may~~ department is authorized to issue a determination on an issue
 119.5 of ineligibility within 24 months from the establishment of a benefit account based upon
 119.6 information from any source, even if the issue of ineligibility was not raised by the applicant
 119.7 or an employer.

119.8 If an applicant obtained unemployment benefits through ~~fraud~~ misrepresentation under
 119.9 section 268.18, subdivision 2, the department is authorized to issue a determination of
 119.10 ineligibility ~~may be issued~~ within 48 months of the establishment of the benefit account.

119.11 If the department has filed an intervention in a worker's compensation matter under
 119.12 section 176.361, the department is authorized to issue a determination of ineligibility within
 119.13 48 months of the establishment of the benefit account.

119.14 (f) A determination of eligibility or determination of ineligibility is final unless an appeal
 119.15 is filed by the applicant or employer within 20 calendar days after sending. The determination
 119.16 must contain a prominent statement indicating the consequences of not appealing.
 119.17 Proceedings on the appeal are conducted in accordance with section 268.105.

119.18 (g) An issue of ineligibility required to be determined under this section includes any
 119.19 question regarding the denial or allowing of unemployment benefits under this chapter
 119.20 except for issues under section 268.07. An issue of ineligibility for purposes of this section
 119.21 includes any question of effect on an employer under section 268.047.

119.22 ARTICLE 6

119.23 UNEMPLOYMENT INSURANCE ADVISORY COUNCIL 119.24 HOUSEKEEPING

119.25 Section 1. Minnesota Statutes 2016, section 268.035, subdivision 20, is amended to read:

119.26 Subd. 20. **Noncovered employment.** "Noncovered employment" means:

119.27 (1) employment for the United States government or an instrumentality thereof, including
 119.28 military service;

119.29 (2) employment for a state, other than Minnesota, or a political subdivision or
 119.30 instrumentality thereof;

119.31 (3) employment for a foreign government;

119.32 (4) employment covered under the federal Railroad Unemployment Insurance Act;

120.1 (5) employment for a church or convention or association of churches, or a nonprofit
120.2 organization operated primarily for religious purposes that is operated, supervised, controlled,
120.3 or principally supported by a church or convention or association of churches;

120.4 (6) employment for an elementary or secondary school with a curriculum that includes
120.5 religious education that is operated by a church, a convention or association of churches,
120.6 or a nonprofit organization that is operated, supervised, controlled, or principally supported
120.7 by a church or convention or association of churches;

120.8 ~~(6)~~ (7) employment for Minnesota or a political subdivision, or a nonprofit organization,
120.9 of a duly ordained or licensed minister of a church in the exercise of a ministry or by a
120.10 member of a religious order in the exercise of duties required by the order;

120.11 ~~(7)~~ (8) employment for Minnesota or a political subdivision, or a nonprofit organization,
120.12 of an individual receiving rehabilitation of "sheltered" work in a facility conducted for the
120.13 purpose of carrying out a program of rehabilitation for individuals whose earning capacity
120.14 is impaired by age or physical or mental deficiency or injury or a program providing
120.15 "sheltered" work for individuals who because of an impaired physical or mental capacity
120.16 cannot be readily absorbed in the competitive labor market. This clause applies only to
120.17 services performed in a facility certified by the Rehabilitation Services Branch of the
120.18 department or in a day training or habilitation program licensed by the Department of Human
120.19 Services;

120.20 ~~(8)~~ (9) employment for Minnesota or a political subdivision, or a nonprofit organization,
120.21 of an individual receiving work relief or work training as part of an unemployment work
120.22 relief or work training program ~~assisted or~~ financed in whole or in part by any federal agency
120.23 or an agency of a state or political subdivision thereof. This clause does not apply to programs
120.24 that require unemployment benefit coverage for the participants;

120.25 ~~(9)~~ (10) employment for Minnesota or a political subdivision, as an elected official, a
120.26 member of a legislative body, or a member of the judiciary;

120.27 ~~(10)~~ (11) employment as a member of the Minnesota National Guard or Air National
120.28 Guard;

120.29 ~~(11)~~ (12) employment for Minnesota or a political subdivision, or instrumentality thereof,
120.30 of an individual serving on a temporary basis in case of fire, flood, tornado, or similar
120.31 emergency;

121.1 ~~(12)~~ (13) employment as an election official or election worker for Minnesota or a
121.2 political subdivision, if the compensation for that employment was less than \$1,000 in a
121.3 calendar year;

121.4 ~~(13)~~ (14) employment for Minnesota that is a major policy-making or advisory position
121.5 in the unclassified service;

121.6 ~~(14)~~ (15) employment for Minnesota in an unclassified position established under section
121.7 43A.08, subdivision 1a;

121.8 ~~(15)~~ (16) employment for a political subdivision of Minnesota that is a nontenured major
121.9 policy making or advisory position;

121.10 ~~(16)~~ (17) domestic employment in a private household, local college club, or local chapter
121.11 of a college fraternity or sorority, if the wages paid in any calendar quarter in either the
121.12 current or prior calendar year to all individuals in domestic employment totaled less than
121.13 \$1,000.

121.14 "Domestic employment" includes all service in the operation and maintenance of a
121.15 private household, for a local college club, or local chapter of a college fraternity or sorority
121.16 as distinguished from service as an employee in the pursuit of an employer's trade or business;

121.17 ~~(17)~~ (18) employment of an individual by a son, daughter, or spouse, and employment
121.18 of a child under the age of 18 by the child's father or mother;

121.19 ~~(18)~~ (19) employment of an inmate of a custodial or penal institution;

121.20 ~~(19)~~ (20) employment for a school, college, or university, by a student who is enrolled
121.21 and whose primary relation to the school, college, or university is as a student. This does
121.22 not include an individual whose primary relation to the school, college, or university is as
121.23 an employee who also takes courses;

121.24 ~~(20)~~ (21) employment of an individual who is enrolled as a student in a full-time program
121.25 at a nonprofit or public educational institution that maintains a regular faculty and curriculum
121.26 and has a regularly organized body of students in attendance at the place where its educational
121.27 activities are carried on, taken for credit at the institution, that combines academic instruction
121.28 with work experience, if the employment is an integral part of the program, and the institution
121.29 has so certified to the employer, except that this clause does not apply to employment in a
121.30 program established for or on behalf of an employer or group of employers;

121.31 ~~(21)~~ (22) employment of university, college, or professional school students in an
121.32 internship or other training program with the city of St. Paul or the city of Minneapolis
121.33 under Laws 1990, chapter 570, article 6, section 3;

122.1 ~~(22)~~ (23) employment for a hospital by a patient of the hospital. "Hospital" means an
122.2 institution that has been licensed by the Department of Health as a hospital;

122.3 ~~(23)~~ (24) employment as a student nurse for a hospital or a nurses' training school by
122.4 an individual who is enrolled and is regularly attending classes in an accredited nurses'
122.5 training school;

122.6 ~~(24)~~ (25) employment as an intern for a hospital by an individual who has completed a
122.7 four-year course in an accredited medical school;

122.8 ~~(25)~~ (26) employment as an insurance salesperson, by other than a corporate officer, if
122.9 all the wages from the employment is solely by way of commission. The word "insurance"
122.10 includes an annuity and an optional annuity;

122.11 ~~(26)~~ (27) employment as an officer of a township mutual insurance company or farmer's
122.12 mutual insurance company under chapter 67A;

122.13 ~~(27)~~ (28) employment of a corporate officer, if the officer directly or indirectly, including
122.14 through a subsidiary or holding company, owns 25 percent or more of the employer
122.15 corporation, and employment of a member of a limited liability company, if the member
122.16 directly or indirectly, including through a subsidiary or holding company, owns 25 percent
122.17 or more of the employer limited liability company;

122.18 ~~(28)~~ (29) employment as a real estate salesperson, other than a corporate officer, if all
122.19 the wages from the employment is solely by way of commission;

122.20 ~~(29)~~ (30) employment as a direct seller as defined in United States Code, title 26, section
122.21 3508;

122.22 ~~(30)~~ (31) employment of an individual under the age of 18 in the delivery or distribution
122.23 of newspapers or shopping news, not including delivery or distribution to any point for
122.24 subsequent delivery or distribution;

122.25 ~~(31)~~ (32) casual employment performed for an individual, other than domestic
122.26 employment under clause ~~(16)~~ (17), that does not promote or advance that employer's trade
122.27 or business;

122.28 ~~(32)~~ (33) employment in "agricultural employment" unless it is "covered agricultural
122.29 employment" under subdivision 11; or

122.30 ~~(33)~~ (34) if employment during one-half or more of any pay period was covered
122.31 employment, all the employment for the pay period is covered employment; but if during
122.32 more than one-half of any pay period the employment was noncovered employment, then

123.1 all of the employment for the pay period is noncovered employment. "Pay period" means
123.2 a period of not more than a calendar month for which a payment or compensation is ordinarily
123.3 made to the employee by the employer.

123.4 Sec. 2. Minnesota Statutes 2016, section 268.035, subdivision 21d, is amended to read:

123.5 Subd. 21d. **Staffing service.** A "staffing service" is an employer whose business involves
123.6 employing individuals directly for the purpose of furnishing temporary assignment workers
123.7 to ~~clients~~ support or supplement the workforce of the business that is a client of the staffing
123.8 service.

123.9 Sec. 3. Minnesota Statutes 2016, section 268.051, subdivision 9, is amended to read:

123.10 Subd. 9. **Assessments, fees, and surcharges; treatment.** ~~Any assessment, fee, or~~
123.11 ~~surcharge imposed under the Minnesota Unemployment Insurance Law is treated the same~~
123.12 ~~as, and considered as, a tax.~~ Any assessment, fee, or surcharge is subject to the same
123.13 collection procedures that apply to past due taxes.

123.14 Sec. 4. Minnesota Statutes 2016, section 268.07, subdivision 3b, is amended to read:

123.15 Subd. 3b. **Limitations on applications and benefit accounts.** (a) An application for
123.16 unemployment benefits is effective the Sunday of the calendar week that the application
123.17 was filed. An application for unemployment benefits may be backdated one calendar week
123.18 before the Sunday of the week the application was actually filed if the applicant requests
123.19 the backdating within seven calendar days of the date the application is filed. An application
123.20 may be backdated only if the applicant was unemployed during the period of the backdating.
123.21 If an individual attempted to file an application for unemployment benefits, but was prevented
123.22 from filing an application by the department, the application is effective the Sunday of the
123.23 calendar week the individual first attempted to file an application.

123.24 (b) A benefit account established under subdivision 2 is effective the date the application
123.25 for unemployment benefits was effective.

123.26 (c) A benefit account, once established, may later be withdrawn only if:

123.27 (1) the applicant has not been paid any unemployment benefits on that benefit account;
123.28 and

123.29 (2) a new application for unemployment benefits is filed and a new benefit account is
123.30 established at the time of the withdrawal.

124.1 A benefit account may be withdrawn after the expiration of the benefit year, and the
124.2 new work requirements of subdivision 2, paragraph (b), do not apply if the applicant was
124.3 not paid any unemployment benefits on the benefit account that is being withdrawn.

124.4 A determination or amended determination of eligibility or ineligibility issued under
124.5 section 268.101, that was sent before the withdrawal of the benefit account, remains in
124.6 effect and is not voided by the withdrawal of the benefit account.

124.7 (d) An application for unemployment benefits is not allowed before the Sunday following
124.8 the expiration of the benefit year on a prior benefit account. Except as allowed under
124.9 paragraph (c), an applicant may establish only one benefit account each 52 calendar weeks.
124.10 This paragraph applies to benefit accounts established under any federal law or the law of
124.11 any other state.

124.12 Sec. 5. Minnesota Statutes 2016, section 268.085, subdivision 1, is amended to read:

124.13 Subdivision 1. **Eligibility conditions.** An applicant may be eligible to receive
124.14 unemployment benefits for any week if:

124.15 (1) the applicant has filed a continued request for unemployment benefits for that week
124.16 under section 268.0865;

124.17 (2) the week for which unemployment benefits are requested is in the applicant's benefit
124.18 year;

124.19 (3) the applicant was unemployed as defined in section 268.035, subdivision 26;

124.20 (4) the applicant was available for suitable employment as defined in subdivision 15.

124.21 The applicant's weekly unemployment benefit amount is reduced one-fifth for each day the
124.22 applicant is unavailable for suitable employment. This clause does not apply to an applicant
124.23 who is in reemployment assistance training, or each day the applicant is on jury duty or
124.24 serving as an election judge;

124.25 (5) the applicant was actively seeking suitable employment as defined in subdivision
124.26 16. This clause does not apply to an applicant who is in reemployment assistance training
124.27 or who was on jury duty throughout the week;

124.28 (6) the applicant has served a nonpayable period of one week that the applicant is
124.29 otherwise eligible for some amount of unemployment benefits. This clause does not apply
124.30 if the applicant would have been eligible for federal disaster unemployment assistance
124.31 because of a disaster in Minnesota, but for the applicant's establishment of a benefit account
124.32 under section 268.07; and

125.1 (7) the applicant has been participating in reemployment assistance services, such as
125.2 development of, and adherence to, a work search plan, if the applicant has been directed to
125.3 participate by the commissioner. This clause does not apply if the applicant has good cause
125.4 for failing to participate. "Good cause" is a reason that would have prevented a reasonable
125.5 person acting with due diligence from participating.

125.6 Sec. 6. Minnesota Statutes 2016, section 268.085, subdivision 13a, is amended to read:

125.7 Subd. 13a. **Leave of absence.** (a) An applicant on a voluntary leave of absence is
125.8 ineligible for unemployment benefits for the duration of the leave of absence. An applicant
125.9 on an involuntary leave of absence is not ineligible under this subdivision.

125.10 A leave of absence is voluntary when work that the applicant can then perform is available
125.11 with the applicant's employer but the applicant chooses not to work. A medical leave of
125.12 absence is not presumed to be voluntary.

125.13 (b) A period of vacation requested by the applicant, paid or unpaid, is ~~considered~~ a
125.14 voluntary leave of absence. A vacation period assigned by an employer under: (1) a uniform
125.15 vacation shutdown; (2) a collective bargaining agreement; or (3) an established employer
125.16 policy, is ~~considered~~ an involuntary leave of absence.

125.17 (c) A leave of absence is a temporary stopping of work that has been approved by the
125.18 employer. A voluntary leave of absence is not ~~considered~~ a quit and an involuntary leave
125.19 of absence is not ~~considered~~ a discharge from employment for purposes of section 268.095.

125.20 (d) An applicant who is on a paid leave of absence, whether the leave of absence is
125.21 voluntary or involuntary, is ineligible for unemployment benefits for the duration of the
125.22 leave.

125.23 (e) This subdivision applies to a leave of absence from a base period employer, an
125.24 employer during the period between the end of the base period and the effective date of the
125.25 benefit account, or an employer during the benefit year.

125.26 Sec. 7. Minnesota Statutes 2016, section 268.105, subdivision 2, is amended to read:

125.27 Subd. 2. **Request for reconsideration.** (a) Any party, or the commissioner, may within
125.28 20 calendar days of the sending of the unemployment law judge's decision under subdivision
125.29 1a, file a request for reconsideration asking the judge to reconsider that decision.

125.30 (b) Upon a request for reconsideration having been filed, the chief unemployment law
125.31 judge must send a notice, by mail or electronic transmission, to all parties that a request for
125.32 reconsideration has been filed. The notice must inform the parties:

126.1 (1) that reconsideration is the procedure for the unemployment law judge to correct any
126.2 factual or legal mistake in the decision, or to order an additional hearing when appropriate;

126.3 (2) of the opportunity to provide comment on the request for reconsideration, and the
126.4 right under subdivision 5 to obtain a copy of any recorded testimony and exhibits offered
126.5 or received into evidence at the hearing;

126.6 (3) that providing specific comments as to a perceived factual or legal mistake in the
126.7 decision, or a perceived mistake in procedure during the hearing, will assist the
126.8 unemployment law judge in deciding the request for reconsideration;

126.9 (4) of the right to obtain any comments and submissions provided by any other party
126.10 regarding the request for reconsideration; and

126.11 (5) of the provisions of paragraph (c) regarding additional evidence.

126.12 This paragraph does not apply if paragraph (d) is applicable. Sending the notice does not
126.13 mean the unemployment law judge has decided the request for reconsideration was timely
126.14 filed.

126.15 (c) In deciding a request for reconsideration, the unemployment law judge must not
126.16 consider any evidence that was not submitted at the hearing, except for purposes of
126.17 determining whether to order an additional hearing.

126.18 The unemployment law judge must order an additional hearing if a party shows that
126.19 evidence which was not submitted at the hearing:

126.20 (1) would likely change the outcome of the decision and there was good cause for not
126.21 having previously submitted that evidence; or

126.22 (2) would show that the evidence that was submitted at the hearing was likely false and
126.23 that the likely false evidence had an effect on the outcome of the decision.

126.24 "Good cause" for purposes of this paragraph is a reason that would have prevented a
126.25 reasonable person acting with due diligence from submitting the evidence.

126.26 (d) If the party who filed the request for reconsideration failed to participate in the
126.27 hearing, the unemployment law judge must issue an order setting aside the decision and
126.28 ordering an additional hearing if the party who failed to participate had good cause for
126.29 failing to do so. The party who failed to participate in the hearing must be informed of the
126.30 requirement to show good cause for failing to participate. If the unemployment law judge
126.31 determines that good cause for failure to participate has not been shown, the judge must
126.32 state that in the decision issued under paragraph (f).

127.1 Submission of a written statement at the hearing does not constitute participation for
127.2 purposes of this paragraph.

127.3 "Good cause" for purposes of this paragraph is a reason that would have prevented a
127.4 reasonable person acting with due diligence from participating in the hearing.

127.5 (e) A request for reconsideration must be decided by the unemployment law judge who
127.6 issued the decision under subdivision 1a unless that judge:

127.7 (1) is no longer employed by the department;

127.8 (2) is on an extended or indefinite leave; or

127.9 (3) has been removed from the proceedings by the chief unemployment law judge.

127.10 (f) If a request for reconsideration is timely filed, the unemployment law judge must
127.11 issue:

127.12 (1) a decision affirming the findings of fact, reasons for decision, and decision issued
127.13 under subdivision 1a;

127.14 (2) a decision modifying the findings of fact, reasons for decision, and decision under
127.15 subdivision 1a; or

127.16 (3) an order setting aside the findings of fact, reasons for decision, and decision issued
127.17 under subdivision 1a, and ordering an additional hearing.

127.18 The unemployment law judge must issue a decision dismissing the request for
127.19 reconsideration as untimely if the judge decides the request for reconsideration was not
127.20 filed within 20 calendar days after the sending of the decision under subdivision 1a.

127.21 The unemployment law judge must send to all parties, by mail or electronic transmission,
127.22 the decision or order issued under this subdivision. A decision affirming or modifying the
127.23 previously issued findings of fact, reasons for decision, and decision, or a decision dismissing
127.24 the request for reconsideration as untimely, is the final decision on the matter and is binding
127.25 on the parties unless judicial review is sought under subdivision 7.

127.26

ARTICLE 7

127.27

UNEMPLOYMENT INSURANCE ADVISORY COUNCIL

127.28

TECHNICAL

127.29 Section 1. Minnesota Statutes 2016, section 268.031, subdivision 1, is amended to read:

127.30 Subdivision 1. **Standard of proof.** All issues of fact under the Minnesota Unemployment
127.31 Insurance Law are determined by a preponderance of the evidence.

128.1 Sec. 2. Minnesota Statutes 2016, section 268.035, subdivision 15, is amended to read:

128.2 Subd. 15. **Employment.** (a) "Employment" means service performed by:

128.3 (1) an individual who is ~~considered~~ an employee under the common law of
128.4 employer-employee and not ~~considered~~ an independent contractor;

128.5 (2) an officer of a corporation;

128.6 (3) a member of a limited liability company who is ~~considered~~ an employee under the
128.7 common law of employer-employee; or

128.8 (4) product demonstrators in retail stores or other locations to aid in the sale of products.
128.9 The person that pays the wages is ~~considered~~ the employer; ~~or~~.

128.10 ~~(5) an individual who performs services for a person for compensation, as:~~

128.11 ~~(i) an agent-driver or commission-driver engaged in distributing meat products, vegetable
128.12 products, fruit products, beverages, or laundry or dry cleaning services; or~~

128.13 ~~(ii) a traveling or city salesperson, other than as an agent-driver or commission-driver,
128.14 engaged full-time in the solicitation on behalf of the person, of orders from wholesalers,
128.15 retailers, contractors, or operators of hotels, restaurants, or other similar establishments for
128.16 merchandise for resale or supplies for use in their business operations.~~

128.17 ~~This clause applies only if the contract of service provides that substantially all of the
128.18 services are to be performed personally by the individual, and the services are part of a
128.19 continuing relationship with the person for whom the services are performed, and the
128.20 individual does not have a substantial investment in facilities used in connection with the
128.21 performance of the services, other than facilities for transportation.~~

128.22 (b) Employment does not include service as a juror.

128.23 (c) Construction industry employment is defined in subdivision 9a. Trucking and
128.24 messenger/courier industry employment is defined in subdivision 25b. Rules on determining
128.25 worker employment status are described under Minnesota Rules, chapter 3315.

128.26 Sec. 3. Minnesota Statutes 2016, section 268.035, subdivision 23, is amended to read:

128.27 Subd. 23. **State's average annual and average weekly wage.** (a) On or before June 30
128.28 of each year, the commissioner must calculate, from wage detail reports under section
128.29 268.044, the state's average annual wage and the state's average weekly wage in the following
128.30 manner:

129.1 (1) the sum of the total monthly covered employment reported by all employers for the
129.2 prior calendar year is divided by 12 to calculate the average monthly covered employment;

129.3 (2) the sum of the total wages paid for all covered employment reported by all employers
129.4 for the prior calendar year is divided by the average monthly covered employment to calculate
129.5 the state's average annual wage; and

129.6 (3) the state's average annual wage is divided by 52 to calculate the state's average weekly
129.7 wage.

129.8 (b) For purposes of calculating the amount of taxable wages under subdivision 24, the
129.9 state's average annual wage applies to the calendar year following the calculation.

129.10 (c) For purposes of calculating ~~(4)~~ the state's maximum weekly unemployment benefit
129.11 amount available on any benefit account under section 268.07, subdivision 2a, ~~and (2)~~ the
129.12 state's average weekly wage applies to the one-year period beginning the last Sunday in
129.13 October of the calendar year of the calculation.

129.14 (d) For purposes of calculating the wage credits necessary to establish a benefit account
129.15 under section 268.07, subdivision 2, the state's average weekly wage applies to the one-year
129.16 period beginning the last Sunday in October of the calendar year of the calculation.

129.17 Sec. 4. Minnesota Statutes 2016, section 268.035, subdivision 30, is amended to read:

129.18 Subd. 30. **Wages paid.** (a) "Wages paid" means the amount of wages:

129.19 (1) that have been actually paid; or

129.20 (2) that have been credited to or set apart so that payment and disposition is under the
129.21 control of the employee.

129.22 (b) Wage payments delayed beyond the regularly scheduled pay date are ~~considered~~
129.23 "wages paid" on the missed pay date. Back pay is ~~considered~~ "wages paid" on the date of
129.24 actual payment. Any wages earned but not paid with no scheduled date of payment is
129.25 ~~considered~~ are "wages paid" on the last day of employment.

129.26 (c) Wages paid does not include wages earned but not paid except as provided for in
129.27 this subdivision.

129.28 Sec. 5. Minnesota Statutes 2016, section 268.042, subdivision 1, is amended to read:

129.29 Subdivision 1. **Employer registration.** (a) Each employer must, upon or before the
129.30 submission of its first wage detail report under section 268.044, register with the
129.31 commissioner for a tax account or a reimbursable account, by electronic transmission in a

130.1 format prescribed by the commissioner. The employer must provide all required information
130.2 for registration, including the actual physical street and city address of the employer.

130.3 (b) Within 30 calendar days, each employer must notify the commissioner by electronic
130.4 transmission, in a format prescribed, of a change in legal entity, of the transfer, sale, or
130.5 acquisition of a business conducted in Minnesota, in whole or in part, if the transaction
130.6 results in the creation of a new or different employer or affects the establishment of employer
130.7 accounts, the assignment of tax rates, or the transfer of experience rating history.

130.8 (c) Except as provided in subdivision 3, any person that is or becomes an employer
130.9 ~~subject to the Minnesota Unemployment Insurance Law~~ with covered employment within
130.10 any calendar year is ~~considered to be~~ subject to this chapter the entire calendar year.

130.11 (d) Within 30 calendar days of the termination of business, an employer that has been
130.12 assigned a tax account or reimbursable account must notify the commissioner by electronic
130.13 transmission, in a format prescribed by the commissioner, if that employer does not intend
130.14 or expect to pay wages to any employees in covered employment during the current or the
130.15 next calendar year. Upon notification, the employer is no longer required to file wage detail
130.16 reports under section 268.044, subdivision 1, paragraph (d), and the employer's account
130.17 must be terminated.

130.18 (e) An employer that has its account terminated regains its previous tax account under
130.19 section 268.045, with the experience rating history of that account, if the employer again
130.20 commences business and again pays wages in covered employment if:

130.21 (1) less than 14 calendar quarters have elapsed in which no wages were paid for covered
130.22 employment;

130.23 (2) the experience rating history regained contains taxable wages; and

130.24 (3) the experience rating history has not been transferred to a successor under section
130.25 268.051, subdivision 4.

130.26 Sec. 6. Minnesota Statutes 2016, section 268.051, subdivision 1, is amended to read:

130.27 Subdivision 1. **Payments.** (a) Unemployment insurance taxes ~~and any special~~
130.28 ~~assessments, fees, or surcharges~~ accrue and become payable by each employer for each
130.29 calendar year on the taxable wages that the employer paid to employees in covered
130.30 employment, except for:

130.31 (1) nonprofit organizations that elect to make reimbursements as provided in section
130.32 268.053; and

131.1 (2) the state of Minnesota and political subdivisions that make reimbursements, unless
131.2 they elect to pay taxes as provided in section 268.052.

131.3 Each employer must pay taxes quarterly, at the employer's assigned tax rate under
131.4 subdivision 6, on the taxable wages paid to each employee. The commissioner must compute
131.5 the tax due from the wage detail report required under section 268.044 and notify the
131.6 employer of the tax due. The taxes ~~and any special assessments, fees, or surcharges~~ must
131.7 be paid to the trust fund and must be received by the department on or before the last day
131.8 of the month following the end of the calendar quarter.

131.9 (b) If for any reason the wages on the wage detail report under section 268.044 are
131.10 adjusted for any quarter, the commissioner must recompute the taxes due for that quarter
131.11 and assess the employer for any amount due or credit the employer as appropriate.

131.12 Sec. 7. Minnesota Statutes 2016, section 268.07, subdivision 2, is amended to read:

131.13 Subd. 2. **Benefit account requirements.** (a) Unless paragraph (b) applies, to establish
131.14 a benefit account an applicant must have ~~total~~ wage credits ~~in the applicant's four quarter~~
131.15 ~~base period~~ of at least 5.3 percent of the state's average annual wage rounded down to the
131.16 next lower \$100.

131.17 (b) To establish a new benefit account following the expiration of the benefit year on a
131.18 prior benefit account, an applicant must have performed actual work in subsequent covered
131.19 employment and have been paid wages in one or more completed calendar quarters that
131.20 started after the effective date of the prior benefit account. The wages paid for that
131.21 employment must be at least enough to meet the requirements of paragraph (a). A benefit
131.22 account under this paragraph may not be established effective earlier than the Sunday
131.23 following the end of the most recent completed calendar quarter in which the requirements
131.24 of paragraph (a) were met. An applicant may not establish a second benefit account as a
131.25 result of one loss of employment.

131.26 Sec. 8. Minnesota Statutes 2016, section 268.07, subdivision 3a, is amended to read:

131.27 Subd. 3a. **Right of appeal.** (a) A determination or amended determination of benefit
131.28 account is final unless an applicant or base period employer within 20 calendar days after
131.29 the sending of the determination or amended determination files an appeal. Every
131.30 determination or amended determination of benefit account must contain a prominent
131.31 statement indicating in clear language the consequences of not appealing. Proceedings on
131.32 the appeal are conducted in accordance with section 268.105.

132.1 (b) Any applicant or base period employer may appeal from a determination or amended
132.2 determination of benefit account on the issue of whether services performed constitute
132.3 employment, whether the employment is ~~considered~~ covered employment, and whether
132.4 money paid constitutes wages. ~~Proceedings on the appeal are conducted in accordance with~~
132.5 ~~section 268.105.~~

132.6 Sec. 9. Minnesota Statutes 2016, section 268.085, subdivision 6, is amended to read:

132.7 Subd. 6. **Receipt of back pay.** (a) Back pay received by an applicant within 24 months
132.8 of the establishment of the benefit account with respect to any week must be deducted from
132.9 unemployment benefits paid for that week, and the applicant is ~~considered to have been~~
132.10 overpaid the unemployment benefits under section 268.18, subdivision 1.

132.11 If the back pay is not paid with respect to a specific period, the back pay must be applied
132.12 to the period immediately following the last day of employment.

132.13 (b) If the back pay is reduced by the amount of unemployment benefits that have been
132.14 paid, the amount of back pay withheld and not paid the applicant must be:

132.15 (1) paid by the taxpaying or reimbursing employer to the trust fund within 30 calendar
132.16 days and is subject to the same collection procedures that apply to past due taxes and
132.17 reimbursements; and

132.18 (2) when received by the trust fund:

132.19 (i) an overpayment of unemployment benefits must be created which, under section
132.20 268.047, subdivision 2, clause (8), clears the employer's tax or reimbursable account of any
132.21 effect; and

132.22 (ii) the back pay must then be applied to the unemployment benefit overpayment,
132.23 eliminating any effect on the applicant.

132.24 (c) The following must result when applying paragraph (b):

132.25 (1) an employer neither overpays nor underpays the employer's proper portion of the
132.26 unemployment benefit costs; and

132.27 (2) the applicant is placed in the same position as never having been paid the
132.28 unemployment benefits.

132.29 (d) This subdivision applies to payments labeled front pay, settlement pay, and other
132.30 terms describing or dealing with wage loss.

133.1 Sec. 10. Minnesota Statutes 2016, section 268.085, subdivision 7, is amended to read:

133.2 Subd. 7. **School employees; between terms denial.** (a) ~~No~~ Wage credits ~~in any amount~~
133.3 from ~~any~~ employment with any an educational institution or institutions ~~earned in any~~
133.4 ~~capacity~~ may not be used for unemployment benefit purposes for any week during the period
133.5 between two successive academic years or terms if:

133.6 (1) the applicant had employment for any an educational institution or institutions in the
133.7 prior academic year or term; and

133.8 (2) there is a reasonable assurance that the applicant will have employment for any an
133.9 educational institution or institutions in the following academic year or term, ~~unless that~~.

133.10 This paragraph applies to a vacation period or holiday recess if the applicant was
133.11 employed immediately before the vacation period or holiday recess, and there is a reasonable
133.12 assurance that the applicant will be employed immediately following the vacation period
133.13 or holiday recess. This paragraph also applies to the period between two regular but not
133.14 successive terms if there is an agreement for that schedule between the applicant and the
133.15 educational institution.

133.16 This paragraph does not apply if the subsequent employment is substantially less
133.17 favorable than the employment of the prior academic year or term, or the employment prior
133.18 to the vacation period or holiday recess.

133.19 (b) Paragraph (a) does not apply to an applicant who, at the end of the prior academic
133.20 year or term, had an agreement for a definite period of employment between academic years
133.21 or terms in other than an instructional, research, or principal administrative capacity and
133.22 the educational institution or institutions failed to provide that employment.

133.23 (c) If unemployment benefits are denied to any applicant under paragraph (a) who was
133.24 employed in the prior academic year or term in other than an instructional, research, or
133.25 principal administrative capacity and who was not offered an opportunity to perform the
133.26 employment in the following academic year or term, the applicant is entitled to retroactive
133.27 unemployment benefits for each week during the period between academic years or terms
133.28 that the applicant filed a timely continued request for unemployment benefits, but
133.29 unemployment benefits were denied solely because of paragraph (a).

133.30 ~~(d) An educational assistant is not considered to be in an instructional, research, or~~
133.31 ~~principal administrative capacity.~~

133.32 ~~(e) Paragraph (a) applies to any vacation period or holiday recess if the applicant was~~
133.33 ~~employed immediately before the vacation period or holiday recess, and there is a reasonable~~

134.1 ~~assurance that the applicant will be employed immediately following the vacation period~~
 134.2 ~~or holiday recess.~~

134.3 ~~(f)~~ (d) This subdivision applies to employment with an educational service agency if the
 134.4 applicant performed the services at an educational institution or institutions. "Educational
 134.5 service agency" means a governmental agency or entity established and operated ~~exclusively~~
 134.6 for the purpose of providing services to one or more educational institutions.

134.7 (e) This subdivision ~~also~~ applies to employment with Minnesota ~~or~~ a political
 134.8 subdivision, or a nonprofit organization, if the services are provided to or on behalf of an
 134.9 educational institution or institutions.

134.10 ~~(g) Paragraphs (a) and (e) apply~~ (f) Paragraph (a) applies beginning the Sunday of the
 134.11 week that there is a reasonable assurance of employment.

134.12 ~~(h)~~ (g) Employment and a reasonable assurance with multiple education institutions
 134.13 must be aggregated for purposes of application of this subdivision.

134.14 ~~(i)~~ (h) If all of the applicant's employment with any educational institution or institutions
 134.15 during the prior academic year or term consisted of on-call employment, and the applicant
 134.16 has a reasonable assurance of any on-call employment with any educational institution or
 134.17 institutions for the following academic year or term, it is not considered substantially less
 134.18 favorable employment.

134.19 ~~(j) Paragraph (a) also applies to the period between two regular but not successive terms.~~

134.20 ~~(k)~~ (i) A "reasonable assurance" may be written, oral, implied, or established by custom
 134.21 or practice.

134.22 ~~(l)~~ (j) An "educational institution" is ~~an~~ a school, college, university, or other educational
 134.23 entity operated by Minnesota or a political subdivision or an instrumentality thereof, or an
 134.24 ~~educational~~ a nonprofit organization described in United States Code, title 26, section
 134.25 ~~501(c)(3) of the federal Internal Revenue Code, and exempt from income tax under section~~
 134.26 ~~501(a).~~

134.27 (k) An "instructional, research, or principal administrative capacity" does not include
 134.28 an educational assistant.

134.29 Sec. 11. Minnesota Statutes 2016, section 268.085, subdivision 12, is amended to read:

134.30 Subd. 12. **Aliens.** (a) An alien is ineligible for unemployment benefits for any week the
 134.31 alien is not authorized to work in the United States under federal law. Information from the
 134.32 Bureau of Citizenship and Immigration Services is ~~considered~~ conclusive, absent specific

135.1 evidence that the information was erroneous. Under the existing agreement between the
135.2 United States and Canada, this paragraph does not apply to an applicant who is a Canadian
135.3 citizen and has returned to and is living in Canada each week unemployment benefits are
135.4 requested.

135.5 (b) ~~Unemployment benefits must not be paid on the basis of~~ An alien's wage credits
135.6 ~~earned by an alien~~ may not be used for unemployment benefit purposes unless the alien
135.7 was:

135.8 (1) ~~was~~ lawfully admitted for permanent residence at the time of the employment;₂

135.9 (2) ~~was~~ lawfully present for the purposes of the employment;₂ or

135.10 (3) ~~was~~ permanently residing in the United States under color of law at the time of the
135.11 employment.

135.12 (c) ~~Any~~ Information required of applicants applying for unemployment benefits to
135.13 determine eligibility because of their alien status must be required ~~from~~ of all applicants.

135.14 Sec. 12. Minnesota Statutes 2016, section 268.0865, subdivision 5, is amended to read:

135.15 Subd. 5. **Good cause defined.** (a) "Good cause" for purposes of this section is a
135.16 ~~compelling substantial~~ reason that would have prevented a reasonable person acting with
135.17 due diligence from filing a continued request for unemployment benefits within the time
135.18 periods required.

135.19 (b) "Good cause" does not include forgetfulness, loss of the continued request form if
135.20 filing by mail, having returned to work, having an appeal pending, or inability to file a
135.21 continued request for unemployment benefits by the method designated if the applicant was
135.22 aware of the inability and did not make diligent effort to have the method of filing a continued
135.23 request changed by the commissioner. "Good cause" does not include having previously
135.24 made an attempt to file a continued request for unemployment benefits but where the
135.25 communication was not considered a continued request because the applicant failed to
135.26 submit all required information.

135.27 Sec. 13. Minnesota Statutes 2016, section 268.095, subdivision 1, is amended to read:

135.28 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
135.29 unemployment benefits according to subdivision 10 except when:

135.30 (1) the applicant quit the employment because of a good reason caused by the employer
135.31 as defined in subdivision 3;

136.1 (2) the applicant quit the employment to accept other covered employment that provided
136.2 equal to or better terms and conditions of employment, but the applicant did not work long
136.3 enough at the second employment to have sufficient subsequent wages paid to satisfy the
136.4 period of ineligibility that would otherwise be imposed under subdivision 10 for quitting
136.5 the first employment;

136.6 (3) the applicant quit the employment within 30 calendar days of beginning the
136.7 employment and the employment was unsuitable;

136.8 (4) the employment was unsuitable and the applicant quit to enter reemployment
136.9 assistance training;

136.10 (5) the employment was part time and the applicant also had full-time employment in
136.11 the base period, from which full-time employment the applicant separated because of reasons
136.12 for which the applicant is would not be ineligible, and the wage credits from the full-time
136.13 employment are sufficient to meet the minimum requirements to establish a benefit account
136.14 under section 268.07;

136.15 (6) the applicant quit because the employer notified the applicant that the applicant was
136.16 going to be laid off because of lack of work within 30 calendar days. An applicant who quit
136.17 employment within 30 calendar days of a notified date of layoff because of lack of work is
136.18 ineligible for unemployment benefits through the end of the week that includes the scheduled
136.19 date of layoff;

136.20 (7) the applicant quit the employment (i) because the applicant's serious illness or injury
136.21 made it medically necessary that the applicant quit; or (ii) in order to provide necessary care
136.22 because of the illness, injury, or disability of an immediate family member of the applicant.
136.23 This exception only applies if the applicant informs the employer of the medical problem
136.24 and requests accommodation and no reasonable accommodation is made available.

136.25 If the applicant's serious illness is chemical dependency, this exception does not apply
136.26 if the applicant was previously diagnosed as chemically dependent or had treatment for
136.27 chemical dependency, and since that diagnosis or treatment has failed to make consistent
136.28 efforts to control the chemical dependency.

136.29 This exception raises an issue of the applicant's being available for suitable employment
136.30 under section 268.085, subdivision 1, that the commissioner must determine;

136.31 (8) the applicant's loss of child care for the applicant's minor child caused the applicant
136.32 to quit the employment, provided the applicant made reasonable effort to obtain other child

137.1 care and requested time off or other accommodation from the employer and no reasonable
137.2 accommodation is available.

137.3 This exception raises an issue of the applicant's being available for suitable employment
137.4 under section 268.085, subdivision 1, that the commissioner must determine;

137.5 (9) the applicant quit because domestic abuse, sexual assault, or stalking of the applicant
137.6 or an immediate family member of the applicant, necessitated the applicant's quitting the
137.7 employment.

137.8 For purposes of this subdivision:

137.9 (i) "domestic abuse" has the meaning given in section 518B.01;

137.10 (ii) "sexual assault" means an act that would constitute a violation of sections 609.342
137.11 to 609.3453 or 609.352; and

137.12 (iii) "stalking" means an act that would constitute a violation of section 609.749; or

137.13 (10) the applicant quit in order to relocate to accompany a spouse:

137.14 (1) who is in the military; or

137.15 (2) whose job was transferred by the spouse's employer to a new location making it
137.16 impractical for the applicant to commute.

137.17 Sec. 14. Minnesota Statutes 2016, section 268.095, subdivision 2, is amended to read:

137.18 Subd. 2. **Quit defined.** (a) A quit from employment occurs when the decision to end
137.19 the employment was, at the time the employment ended, the employee's.

137.20 (b) When determining if an applicant quit, the theory of a constructive quit does not
137.21 apply.

137.22 (c) An employee who has been notified that the employee will be discharged in the
137.23 future, who chooses to end the employment while employment in any capacity is still
137.24 available, has quit the employment.

137.25 (d) A notice of quitting in the future does not constitute a quit at the time the notice is
137.26 given. An employee who seeks to withdraw a previously submitted notice of quitting in the
137.27 future has quit the employment, as of the intended date of quitting, if the employer does not
137.28 agree that the notice may be withdrawn.

137.29 (e) An applicant has quit employment with a staffing service if, within five calendar
137.30 days after completion of a suitable job assignment from a staffing service, the applicant:

- 138.1 (1) fails without good cause to affirmatively request an additional suitable job assignment;
- 138.2 (2) refuses without good cause an additional suitable job assignment offered; or
- 138.3 (3) accepts employment with the client of the staffing service. Accepting employment
- 138.4 with the client of the staffing service meets the requirements of the exception to ineligibility
- 138.5 under subdivision 1, clause (2).

138.6 This paragraph applies only if, at the time of beginning of employment with the staffing

138.7 service, the applicant signed and was provided a copy of a separate document written in

138.8 clear and concise language that informed the applicant of this paragraph and that

138.9 unemployment benefits may be affected.

138.10 For purposes of this paragraph, "good cause" is a reason that would compel an average,

138.11 reasonable worker, who would otherwise want an additional suitable job assignment with

138.12 the staffing service (1) to fail to contact the staffing service, or (2) to refuse an offered

138.13 assignment.

138.14 Sec. 15. Minnesota Statutes 2016, section 268.131, is amended to read:

138.15 **268.131 RECIPROCAL UNEMPLOYMENT BENEFIT COMBINED WAGE**

138.16 **ARRANGEMENTS FOR WORK IN MULTIPLE STATES.**

138.17 ~~Subdivision 1. Cooperation with other states on combining wages.~~ (a) In accordance

138.18 with the requirements of ~~United States Code, title 26, section 3304(a)(9)(B),~~ the Federal

138.19 Unemployment Tax Act, the commissioner must participate in reciprocal arrangements with

138.20 other states for the payment of unemployment benefits on the basis of combining an

138.21 applicant's wages from multiple states for the purposes of collecting unemployment benefits

138.22 from a single state. ~~The reciprocal agreement must include provisions for applying the base~~

138.23 ~~period of a single state law to a benefit account involving the combining of an applicant's~~

138.24 ~~wages and employment and avoiding the duplicate use of wages by reason of such combining.~~

138.25 The commissioner may not enter into any reciprocal arrangement unless it contains provisions

138.26 for only pay unemployment benefits from the trust fund under this section if:

138.27 (1) there are reimbursements to the trust fund, by the other state, for unemployment

138.28 benefits paid from the trust fund to applicants based upon wages and employment covered

138.29 under the laws of the other state; and

138.30 ~~(b) The commissioner is authorized to pay unemployment benefits based upon an~~

138.31 ~~applicant's wages paid in covered employment in another state only if (2) the applicant is~~

138.32 ~~combining Minnesota wage credits with the wages paid in covered employment from another~~

138.33 ~~state or states.~~

139.1 ~~(e) Section 268.23 does not apply to this subdivision.~~

139.2 ~~(d) On any reciprocal arrangement,~~ (b) Under this section, the wages paid an applicant
139.3 from employment covered under an unemployment insurance program of another state are
139.4 considered wages from covered employment for the purpose of determining the applicant's
139.5 rights to unemployment benefits under the Minnesota Unemployment Insurance Law.

139.6 ~~Subd. 2. **Cooperation with foreign governments.** The commissioner is authorized to~~
139.7 ~~enter into or cooperate in arrangements whereby facilities and services provided under the~~
139.8 ~~Minnesota Unemployment Insurance Law and facilities and services provided under the~~
139.9 ~~unemployment insurance program of any foreign government, may be used for the taking~~
139.10 ~~of applications for unemployment benefits and continued requests and the payment of~~
139.11 ~~unemployment benefits under this law or under a similar law of a foreign government.~~

139.12 Sec. 16. Minnesota Statutes 2016, section 268.18, subdivision 2, is amended to read:

139.13 Subd. 2. **Overpayment because of fraud misrepresentation.** (a) An applicant has
139.14 committed fraud misrepresentation if the applicant is overpaid unemployment benefits by:

139.15 ~~(1) knowingly misrepresenting, misstating, or failing to disclose any material fact; or~~

139.16 ~~(2) making a false statement or representation without a good faith belief as to the~~
139.17 correctness of the statement or representation.

139.18 After the discovery of facts indicating fraud misrepresentation, the commissioner must
139.19 issue a determination of overpayment penalty assessing a penalty equal to 40 percent of the
139.20 amount overpaid. This penalty is in addition to penalties under section 268.182.

139.21 (b) Unless the applicant files an appeal within 20 calendar days after the sending of a
139.22 determination of overpayment penalty to the applicant by mail or electronic transmission,
139.23 the determination is final. Proceedings on the appeal are conducted in accordance with
139.24 section 268.105.

139.25 (c) A determination of overpayment penalty must state the methods of collection the
139.26 commissioner may use to recover the overpayment, penalty, and interest assessed. Money
139.27 received in repayment of overpaid unemployment benefits, penalties, and interest is first
139.28 applied to the benefits overpaid, then to the penalty amount due, then to any interest due.
139.29 62.5 percent of the payments made toward the penalty are credited to the contingent account
139.30 and 37.5 percent credited to the trust fund.

140.1 (d) The department is authorized to issue a determination of overpayment penalty under
 140.2 this subdivision ~~may be issued~~ within 48 months of the establishment of the benefit account
 140.3 upon which the unemployment benefits were obtained through ~~fraud~~ misrepresentation.

140.4 Sec. 17. Minnesota Statutes 2016, section 268.18, subdivision 2b, is amended to read:

140.5 Subd. 2b. **Interest.** On any unemployment benefits ~~fraudulently~~ obtained by
 140.6 misrepresentation, and any penalty amounts assessed under subdivision 2, the commissioner
 140.7 must assess interest at the rate of one percent per month on any amount that remains unpaid
 140.8 beginning 30 calendar days after the date of a determination of overpayment penalty. A
 140.9 determination of overpayment penalty must state that interest will be assessed. Interest is
 140.10 assessed in the same manner as on employer debt under section 268.057, subdivision 5.
 140.11 Interest payments collected under this subdivision are credited to the trust fund.

140.12 Sec. 18. Minnesota Statutes 2016, section 268.18, subdivision 5, is amended to read:

140.13 Subd. 5. **Remedies.** (a) Any method undertaken to recover an overpayment of
 140.14 unemployment benefits, including any penalties and interest, is not ~~considered~~
 140.15 of a method of recovery.

140.16 (b) Intervention or lack thereof, in whole or in part, in a workers' compensation matter
 140.17 under section 176.361 is not ~~considered~~ an election of a remedy and does not prevent the
 140.18 commissioner from determining any an applicant ineligible for unemployment benefits
 140.19 ~~overpaid under subdivision 1 or 2~~ or taking action under section 268.182.

140.20 Sec. 19. Minnesota Statutes 2016, section 268.182, is amended to read:

140.21 **268.182 APPLICANT'S FALSE REPRESENTATIONS; CONCEALMENT OF**
 140.22 **FACTS FRAUD; CRIMINAL PENALTY.**

140.23 Subdivision 1. **Criminal penalties.** ~~Whoever~~ An individual has committed fraud and is
 140.24 guilty of theft and must be sentenced under section 609.52 if the individual obtains, or
 140.25 attempts to obtain, or aids or abets any other individual to obtain, by means of an intentional
 140.26 false statement or representation, by intentional concealment of a material fact, or by
 140.27 impersonation or other fraudulent means, unemployment benefits that the individual is not
 140.28 entitled or unemployment benefits greater than the individual is entitled to under this chapter,
 140.29 or under the federal law of any state or of the federal government, either personally or for
 140.30 any other individual, is guilty of theft and must be sentenced under section 609.52.

140.31 Subd. 2. **Administrative penalties.** (a) Any applicant who ~~knowingly makes a false~~
 140.32 ~~statement or representation, who knowingly fails to disclose a material fact, or who makes~~

141.1 a false statement or representation without a good faith belief as to the correctness of the
 141.2 statement or representation, in order to obtain or in an attempt to obtain unemployment
 141.3 benefits may be assessed, in addition to any other penalties, an administrative penalty of
 141.4 being ineligible for unemployment benefits for 13 to 104 weeks.

141.5 (b) A determination of ineligibility setting out the weeks the applicant is ineligible must
 141.6 be sent to the applicant by mail or electronic transmission. The department is authorized to
 141.7 issue a determination of ineligibility under this subdivision ~~may be issued~~ within 48 months
 141.8 of the establishment of the benefit account upon which the unemployment benefits were
 141.9 obtained, or attempted to be obtained. Unless an appeal is filed within 20 calendar days of
 141.10 sending, the determination is final. Proceedings on the appeal are conducted in accordance
 141.11 with section 268.105.

141.12 Sec. 20. Minnesota Statutes 2016, section 268.184, is amended to read:

141.13 **268.184 EMPLOYER MISCONDUCT; PENALTY MISREPRESENTATION AND**
 141.14 **MISREPORTING; ADMINISTRATIVE PENALTIES.**

141.15 Subdivision 1. **Misrepresentation; administrative penalties.** (a) The commissioner
 141.16 must penalize an employer if that employer or any employee, officer, or agent of that
 141.17 employer, ~~is in collusion with any applicant for the purpose of assisting the applicant to~~
 141.18 ~~receive unemployment benefits fraudulently. The penalty is \$500 or the amount of~~
 141.19 ~~unemployment benefits determined to be overpaid, whichever is greater.~~

141.20 ~~(b) The commissioner must penalize an employer if that employer or any employee,~~
 141.21 ~~officer, or agent of that employer: (1) made a false statement or representation knowing it~~
 141.22 ~~to be false; (2) made a false statement or representation without a good faith belief as to~~
 141.23 ~~correctness of the statement or representation; (3) or knowingly failed to disclose a material~~
 141.24 ~~fact; or (4) made an offer of employment to an applicant when, in fact, the employer had~~
 141.25 ~~no employment available.~~ in order to:

141.26 (1) assist an applicant to receive unemployment benefits to which the applicant is not
 141.27 entitled;

141.28 (2) prevent or reduce the payment of unemployment benefits to an applicant; or

141.29 (3) avoid or reduce any payment required from an employer under this chapter or section
 141.30 116L.20.

141.31 The penalty is the greater of \$500 or 50 percent of the following resulting from the employer's
 141.32 action:

- 142.1 (i) the amount of any overpaid unemployment benefits to an applicant;
- 142.2 (ii) the amount of unemployment benefits not paid to an applicant that would otherwise
142.3 have been paid; or
- 142.4 (iii) the amount of any payment required from the employer under this chapter or section
142.5 116L.20 that was not paid.
- 142.6 ~~(e)~~ (b) The commissioner must penalize an employer if that employer failed or refused
142.7 to honor a subpoena issued under section 268.188. The penalty is \$500 and any costs of
142.8 enforcing the subpoena, including attorney fees.
- 142.9 ~~(d)~~ (c) Penalties under this subdivision and under section 268.047, subdivision 4,
142.10 paragraph (b), are in addition to any other penalties and subject to the same collection
142.11 procedures that apply to past due taxes. Penalties must be paid within 30 calendar days of
142.12 issuance of the determination of penalty and credited to the trust fund.
- 142.13 ~~(e)~~ (d) The determination of penalty is final unless the employer files an appeal within
142.14 20 calendar days after the sending of the determination of penalty to the employer by mail
142.15 or electronic transmission. Proceedings on the appeal are conducted in accordance with
142.16 section 268.105.
- 142.17 Subd. 1a. **Notification and misreporting penalties.** (a) If the commissioner finds that
142.18 any employer or agent of an employer failed to meet the notification requirements of section
142.19 268.051, subdivision 4, the employer must be assessed a penalty of \$5,000 or two percent
142.20 of the first full quarterly payroll acquired, whichever is higher. Payroll is wages paid as
142.21 defined in section 268.035, subdivision 30. The penalty under this paragraph must be
142.22 canceled if the commissioner determines that the failure occurred because of ignorance or
142.23 inadvertence.
- 142.24 (b) If the commissioner finds that any individual advised an employer to violate the
142.25 employer's notification requirements under section 268.051, subdivision 4, the individual,
142.26 and that individual's employer, must each be assessed the penalty in paragraph (a).
- 142.27 (c) If the commissioner finds that any person or agent of a person violated the reporting
142.28 requirements of section 268.046, the person must be assessed a penalty of \$5,000 or two
142.29 percent of the quarterly payroll reported in violation of section 268.046, whichever is higher.
142.30 Payroll is wages paid as defined in section 268.035, subdivision 30.
- 142.31 (d) Penalties under this subdivision are in addition to any other penalties and subject to
142.32 the same collection procedures that apply to past due amounts from an employer. Penalties

143.1 must be paid within 30 calendar days after sending of the determination of penalty and
 143.2 credited to the trust fund.

143.3 (e) The determination of penalty is final unless the person assessed files an appeal within
 143.4 20 calendar days after sending of the determination of penalty by mail or electronic
 143.5 transmission. Proceedings on the appeal are conducted in accordance with section 268.105.

143.6 Subd. 2. **Criminal penalties.** Any employer or any officer or agent of an employer or
 143.7 any other individual ~~who~~ has committed fraud and is guilty of a crime, if in order to avoid
 143.8 or reduce any payment required from an employer under this chapter or section 116L.20,
 143.9 or to prevent or reduce the payment of unemployment benefits to an applicant:

143.10 (1) makes a false statement or representation knowing it to be false;

143.11 (2) knowingly fails to disclose a material fact, including notification required under
 143.12 section 268.051, subdivision 4; or

143.13 (3) knowingly advises or assists an employer in violating clause (1) or (2), ~~to avoid or~~
 143.14 ~~reduce any payment required from an employer under this chapter or section 116L.20, or~~
 143.15 ~~to prevent or reduce the payment of unemployment benefits to any applicant,~~

143.16 The individual is guilty of a gross misdemeanor unless if the underpayment exceeds is \$500,
 143.17 in that case or less. The individual is guilty of a felony if the underpayment exceeds \$500.

143.18 Sec. 21. Minnesota Statutes 2016, section 268.194, subdivision 1, is amended to read:

143.19 Subdivision 1. **Establishment.** There is established as a special state trust fund, separate
 143.20 and apart from all other public money or funds of this state, an unemployment insurance
 143.21 trust fund, that is administered by the commissioner exclusively for the payment of
 143.22 unemployment benefits. This trust fund consists of:

143.23 (1) all taxes collected;

143.24 (2) interest earned upon any money in the trust fund;

143.25 (3) reimbursements paid by nonprofit organizations, and the state and political
 143.26 subdivisions;

143.27 (4) tax rate buydown payments under section 268.051, subdivision 7;

143.28 (5) ~~any~~ money received as a loan from the federal unemployment trust fund in accordance
 143.29 with United States Code, title 42, section 1321, of the Social Security Act;

143.30 (6) ~~any other~~ money received under a reciprocal unemployment benefit combined wage
 143.31 arrangement with the federal government or any other state;

144.1 (7) money received from the federal government for unemployment benefits paid under
144.2 a federal program;

144.3 ~~(7)~~ (8) money recovered on overpaid unemployment benefits;

144.4 ~~(8)~~ (9) all money credited to the account under this chapter;

144.5 ~~(9)~~ (10) all money credited to the account of Minnesota in the federal unemployment
144.6 trust fund under United States Code, title 42, section 1103, of the Social Security Act, also
144.7 known as the Reed Act; and

144.8 ~~(10)~~ (11) all money received for the trust fund from any other source.

144.9 Sec. 22. Minnesota Statutes 2016, section 268.194, subdivision 4, is amended to read:

144.10 Subd. 4. **Reimbursements.** The commissioner is authorized to make to other state or
144.11 federal agencies and to receive from other state or federal agencies, reimbursements from
144.12 or to the trust fund, in accordance with ~~reciprocal~~ combined wage arrangements entered
144.13 into under section 268.131.

144.14 Money received under a ~~reciprocal agreement~~ combined wage arrangement must be
144.15 placed directly in the unemployment benefit payment account of the trust fund.

144.16 Sec. 23. **REVISOR'S INSTRUCTION.**

144.17 In the following sections of Minnesota Statutes, the revisor of statutes shall delete the
144.18 term "considered": Minnesota Statutes, sections 268.035, subdivisions 21c and 26; 268.07,
144.19 subdivision 1; 268.085, subdivisions 4a, 13c, 15, and 16; 268.095, subdivision 3; 268.101,
144.20 subdivision 6; and 268.105, subdivisions 3a and 7.

144.21 Sec. 24. **REVISOR'S INSTRUCTION.**

144.22 (a) In Minnesota Statutes, section 268.18, the revisor of statutes shall change the term
144.23 "fraud" to "misrepresentation" and "nonfraud" to "nonmisrepresentation."

144.24 (b) The revisor of statutes shall renumber Minnesota Statutes, section 268.184,
144.25 subdivision 2, as Minnesota Statutes, section 268.182, paragraph (b).

144.26 (c) The revisor of statutes shall renumber Minnesota Statutes, section 268.182, subdivision
144.27 2, as Minnesota Statutes, section 268.183.

144.28 (d) The revisor of statutes shall make cross-reference changes needed arising out of the
144.29 renumbering in article 2, section 1.

145.1 Sec. 25. **REPEALER.**

145.2 Laws 2005, chapter 112, article 1, section 14, is repealed.

145.3 **ARTICLE 8**

145.4 **COMMERCE POLICY**

145.5 Section 1. Minnesota Statutes 2016, section 45.013, is amended to read:

145.6 **45.013 POWER TO APPOINT STAFF.**

145.7 The commissioner of commerce may appoint ~~four~~ one deputy ~~commissioners~~
145.8 commissioner, four assistant commissioners, and an assistant to the commissioner. Those
145.9 positions, as well as that of a confidential secretary, are unclassified. The commissioner
145.10 may appoint other employees necessary to carry out the duties and responsibilities entrusted
145.11 to the commissioner.

145.12 Sec. 2. Minnesota Statutes 2016, section 45.0135, subdivision 6, is amended to read:

145.13 Subd. 6. **Insurance fraud prevention account.** The insurance fraud prevention account
145.14 is created in the state treasury. Money received from assessments under subdivision 7 and
145.15 transferred from the automobile theft prevention account in ~~section~~ sections 65B.84,
145.16 subdivision 1, and 297I.11, subdivision 2, is deposited in the account. Money in this fund
145.17 is appropriated to the commissioner of commerce for the purposes specified in this section
145.18 and sections 60A.951 to 60A.956.

145.19 Sec. 3. Minnesota Statutes 2016, section 65B.84, subdivision 1, is amended to read:

145.20 Subdivision 1. **Program described; commissioner's duties; appropriation.** (a) The
145.21 commissioner of commerce shall:

145.22 (1) develop and sponsor the implementation of statewide plans, programs, and strategies
145.23 to combat automobile theft, improve the administration of the automobile theft laws, and
145.24 provide a forum for identification of critical problems for those persons dealing with
145.25 automobile theft;

145.26 (2) coordinate the development, adoption, and implementation of plans, programs, and
145.27 strategies relating to interagency and intergovernmental cooperation with respect to
145.28 automobile theft enforcement;

145.29 (3) annually audit the plans and programs that have been funded in whole or in part to
145.30 evaluate the effectiveness of the plans and programs and withdraw funding should the

146.1 commissioner determine that a plan or program is ineffective or is no longer in need of
146.2 further financial support from the fund;

146.3 (4) develop a plan of operation including:

146.4 (i) an assessment of the scope of the problem of automobile theft, including areas of the
146.5 state where the problem is greatest;

146.6 (ii) an analysis of various methods of combating the problem of automobile theft;

146.7 (iii) a plan for providing financial support to combat automobile theft;

146.8 (iv) a plan for eliminating car hijacking; and

146.9 (v) an estimate of the funds required to implement the plan; and

146.10 (5) distribute money, in consultation with the commissioner of public safety, pursuant
146.11 to subdivision 3 from the automobile theft prevention special revenue account for automobile
146.12 theft prevention activities, including:

146.13 (i) paying the administrative costs of the program;

146.14 (ii) providing financial support to the State Patrol and local law enforcement agencies
146.15 for automobile theft enforcement teams;

146.16 (iii) providing financial support to state or local law enforcement agencies for programs
146.17 designed to reduce the incidence of automobile theft and for improved equipment and
146.18 techniques for responding to automobile thefts;

146.19 (iv) providing financial support to local prosecutors for programs designed to reduce
146.20 the incidence of automobile theft;

146.21 (v) providing financial support to judicial agencies for programs designed to reduce the
146.22 incidence of automobile theft;

146.23 (vi) providing financial support for neighborhood or community organizations or business
146.24 organizations for programs designed to reduce the incidence of automobile theft and to
146.25 educate people about the common methods of automobile theft, the models of automobiles
146.26 most likely to be stolen, and the times and places automobile theft is most likely to occur;
146.27 and

146.28 (vii) providing financial support for automobile theft educational and training programs
146.29 for state and local law enforcement officials, driver and vehicle services exam and inspections
146.30 staff, and members of the judiciary.

147.1 (b) The commissioner may not spend in any fiscal year more than ten percent of the
147.2 money in the fund for the program's administrative and operating costs. The commissioner
147.3 is annually appropriated and must distribute the amount of the proceeds credited to the
147.4 automobile theft prevention special revenue account each year, less the transfer of \$1,300,000
147.5 each year to the ~~general fund~~ insurance fraud prevention account described in section 297I.11,
147.6 subdivision 2.

147.7 (c) At the end of each fiscal year, the commissioner may transfer any unobligated balances
147.8 in the auto theft prevention account to the insurance fraud prevention account under section
147.9 45.0135, subdivision 6.

147.10 Sec. 4. Minnesota Statutes 2016, section 72B.03, subdivision 1, is amended to read:

147.11 Subdivision 1. **Requirement; exceptions.** (a) A person shall not act or hold out as an
147.12 independent adjuster or public adjuster unless the person is licensed as an independent
147.13 adjuster or public adjuster in accordance with this chapter, or is exempt from licensure as
147.14 an independent adjuster or public adjuster under this chapter.

147.15 (b) The definition of adjuster does not include, and a license as an adjuster is not required
147.16 of, the following:

147.17 (1) attorneys-at-law admitted to practice in this state, when acting in the attorney's
147.18 professional capacity as an attorney;

147.19 (2) a person employed solely to obtain facts surrounding a claim, such as recording a
147.20 policyholder's first notice of loss, or to furnish technical assistance to a licensed adjuster;

147.21 (3) an individual who is employed to investigate suspected fraudulent insurance claims
147.22 but who does not adjust losses or determine claims payments;

147.23 (4) a person who solely performs executive, administrative, managerial, or clerical duties
147.24 or any combination of these duties and who does not investigate, negotiate, or settle claims
147.25 with policyholders, claimants, or their legal representative;

147.26 (5) a licensed health care provider or its employee who provides managed care services
147.27 so long as the services do not include the determination of compensability;

147.28 (6) a managed care organization or any of its employees or an employee of any
147.29 organization providing managed care services so long as the services do not include the
147.30 determination of compensability;

147.31 (7) a person who settles only reinsurance or subrogation claims;

148.1 (8) an officer, director, manager, or employee of an authorized insurer, a surplus lines
148.2 insurer, a risk retention group, or an attorney-in-fact of a reciprocal insurer;

148.3 (9) a United States manager of the United States branch of an alien insurer;

148.4 (10) a person who investigates, negotiates, or settles life, accident and health, annuity,
148.5 or disability insurance claims;

148.6 (11) an individual employee, under a self-insured arrangement, who adjusts claims on
148.7 behalf of the employee's employer;

148.8 (12) a licensed insurance producer, attorney-in-fact of a reciprocal insurer, or managing
148.9 general agent of the insurer to whom claim authority has been granted by the insurer;

148.10 (13) a person authorized to adjust workers' compensation or disability claims under the
148.11 authority of a third-party administrator license pursuant to section 60A.23, subdivision 8;

148.12 ~~or~~

148.13 (14) an individual who:

148.14 (i) collects claim information from, or furnishes claim information to, insureds or
148.15 claimants; and

148.16 (ii) conducts data entry including entering data into an automated claims adjudication
148.17 system, provided that the individual is an employee of a licensed independent adjuster or
148.18 its affiliate where no more than 25 such persons are under the supervision of one licensed
148.19 independent adjuster or licensed insurance producer who is exempt from licensure under
148.20 clause (12); or

148.21 (15) a person who:

148.22 (i) reports claims information to a policyholder on behalf of and at the direction of an
148.23 insurer;

148.24 (ii) disburses claims payments on behalf of an insurer to a policyholder or a policyholder's
148.25 vendor; or

148.26 (iii) provides claims or market data to insurers.

148.27 **Sec. 5. [239.7511] GAS TAX SIGN ON PETROLEUM DISPENSER.**

148.28 (a) The director must ensure that signs having 12-point font or greater are affixed on
148.29 retail petroleum dispensers as follows:

148.30 (1) for regular or premium gasoline, a sign that reads: "The price for each gallon of
148.31 gasoline includes the current state and federal gasoline taxes totaling 46.9 cents per gallon.

149.1 Revenue from the fuel tax may be used only for roads and bridges, according to the
149.2 Minnesota Constitution."; and

149.3 (2) for diesel fuel, a sign that reads: "The price for each gallon of diesel fuel includes
149.4 the current state and federal gasoline taxes totaling 52.9 cents per gallon. Revenue from the
149.5 fuel tax may be used only for roads and bridges, according to the Minnesota Constitution."

149.6 (b) The director must distribute the signs under this section to the owner or operator of
149.7 retail petroleum dispensers. To the extent possible, the director must coordinate the
149.8 distribution of signs with other duties the director may have involving retail petroleum
149.9 dispensers.

149.10 (c) If the amount of the gasoline tax described in paragraph (a), clauses (1) and (2),
149.11 changes, the director must distribute revised signs to reflect the updated gasoline tax amounts
149.12 within 12 calendar months of the change.

149.13 (d) The director is prohibited from assessing any penalty, fine, or fee on the owner or
149.14 operator of a retail petroleum dispenser that has a missing, destroyed, defaced, or otherwise
149.15 damaged gas tax sign.

149.16 Sec. 6. Minnesota Statutes 2016, section 297I.11, subdivision 2, is amended to read:

149.17 Subd. 2. **Automobile theft prevention account.** A special revenue account in the state
149.18 treasury shall be credited with the proceeds of the surcharge imposed under subdivision 1.
149.19 Of the revenue in the account, \$1,300,000 each year must be transferred to the ~~general fund~~
149.20 insurance fraud prevention account under section 45.0135, subdivision 6. Revenues in excess
149.21 of \$1,300,000 each year may be used only for the automobile theft prevention program
149.22 described in section 65B.84.

149.23 Sec. 7. Minnesota Statutes 2016, section 325J.06, is amended to read:

149.24 **325J.06 EFFECT OF NONREDEMPTION.**

149.25 (a) A pledgor shall have no obligation to redeem pledged goods or make any payment
149.26 on a pawn transaction. Pledged goods not redeemed within at least 60 days of the date of
149.27 the pawn transaction, ~~renewal, or extension~~ shall automatically be forfeited to the
149.28 pawnbroker, and qualified right, title, and interest in and to the goods shall automatically
149.29 vest in the pawnbroker.

149.30 (b) The pawnbroker's right, title, and interest in the pledged goods under paragraph (a)
149.31 is qualified only by the pledgor's right, while the pledged goods remain in possession of the

150.1 pawnbroker and not sold to a third party, to redeem the goods by paying the loan plus fees
150.2 and/or interest accrued up to the date of redemption.

150.3 (c) A pawn transaction that involves holding only the title to property is subject to chapter
150.4 168A or 336.

150.5 Sec. 8. Minnesota Statutes 2016, section 345.42, subdivision 1, is amended to read:

150.6 Subdivision 1. **Commissioner's duty.** Within the calendar year next following the year
150.7 in which abandoned property has been paid or delivered to the commissioner, the
150.8 commissioner shall provide public notice of the abandoned property in the manner described
150.9 in subdivision 1a and frequency otherwise as the commissioner determines to be most
150.10 effective and efficient in communicating to the persons appearing to be owners of this
150.11 property. ~~Public notice may include the use of print, broadcast, or electronic media.~~ The
150.12 commissioner shall, at a minimum, expend 15 percent of the funds allocated by the legislature
150.13 to the operations of the unclaimed property division, to comply with the public notice
150.14 requirements of this ~~subdivision~~ section and shall report to the legislature annually on how
150.15 those funds are expended. Public notice must include public outreach efforts including the
150.16 use of newspapers and other mass media, but must not include costs incurred by the
150.17 commissioner to develop, maintain, or improve the Department of Commerce Web site.

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

150.19 Sec. 9. Minnesota Statutes 2016, section 345.42, is amended by adding a subdivision to
150.20 read:

150.21 Subd. 1a. **Public notice.** (a) Public notice provided by the commissioner shall include
150.22 the following:

150.23 (1) posting on the Department of Commerce Web site a list of all persons appearing to
150.24 be owners of abandoned property. The list shall be arranged in alphabetical order by the
150.25 last name of the person and further organized by county. The list of persons must be updated
150.26 at least three times per year and must remain on the Department of Commerce Web site at
150.27 all times;

150.28 (2) publication in a qualified newspaper of a list of persons appearing to be owners of
150.29 abandoned property having a value of \$500 or more. The list must be published in a qualified
150.30 newspaper of general circulation in each county, and must include the names of all persons
150.31 whose last known address is within the county. The list must be published at least once per
150.32 year. The commissioner may stagger publication of the entire list of owners by publishing

151.1 a partial list at least twice, but no more than three times per year. Each qualified newspaper
151.2 that publishes the list shall, at no additional charge to the commissioner, also post the list
151.3 on its Web site or on a central Web site that can be accessed directly from the qualified
151.4 newspaper's Web site. The list must be accessible on the Web site for not less than 180 days
151.5 and at no cost to the public. The qualified newspaper must include in its publication of the
151.6 list a reference to its Web site or a central Web site; and

151.7 (3) dissemination of information to persons appearing to be owners of abandoned property
151.8 through other means and media, including broadcast media, the Internet, and social media.

151.9 (b) Beginning July 1, 2017, and annually thereafter, the commissioner shall provide to
151.10 each member of the legislature a list of all persons appearing to be owners of abandoned
151.11 property whose last known address is located in the legislator's respective legislative district.

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

151.13 Sec. 10. **[471.9998] MERCHANT BAGS.**

151.14 Subdivision 1. **Merchant option.** All merchants, itinerant vendors, and peddlers doing
151.15 business in this state shall have the option to provide customers a paper, plastic, or reusable
151.16 bag for the packaging of any item or good purchased, provided such purchase is of a size
151.17 and manner commensurate with the use of paper, plastic, or reusable bags.

151.18 Subd. 2. **Prohibition; bag ban.** Notwithstanding any other provision of law, no political
151.19 subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for
151.20 packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

151.21 **EFFECTIVE DATE.** This section is effective May 31, 2017. Ordinances existing on
151.22 the effective date of this section that would be prohibited under this section are invalid as
151.23 of the effective date of this section.

151.24 Sec. 11. **EXISTING DEPUTY COMMISSIONERS MAY SERVE UNTIL JANUARY**
151.25 **1, 2019.**

151.26 All existing deputy commissioners under Minnesota Statutes, section 45.013, may serve
151.27 until January 1, 2019. Vacancies that occur in these positions before January 1, 2019, may
151.28 not be filled.

151.29 Sec. 12. **REPORT ON UNCLAIMED PROPERTY DIVISION.**

151.30 The commissioner shall report by February 15, 2018, to the chairs and ranking minority
151.31 members of the standing committees of the house of representatives and senate having

152.1 jurisdiction over commerce regarding the process owners of abandoned property must
152.2 comply with in order to file an allowed claim under Minnesota Statutes, chapter 345. The
152.3 report shall include information regarding the documentation and identification necessary
152.4 for owners of each type of abandoned property under Minnesota Statutes, chapter 345, to
152.5 file an allowed claim.

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

152.7 **ARTICLE 9**

152.8 **TELECOMMUNICATIONS POLICY**

152.9 Section 1. Minnesota Statutes 2016, section 237.01, is amended by adding a subdivision
152.10 to read:

152.11 Subd. 10. **Voice-over-Internet protocol service.** "Voice-over-Internet protocol service"
152.12 or "VoIP service" means any service that (1) enables real-time two-way voice
152.13 communications that originate from or terminate at the user's location in Internet protocol
152.14 or any successor protocol, and (2) permits users generally to receive calls that originate on
152.15 the public switched telephone network and terminate calls to the public switched telephone
152.16 network.

152.17 Sec. 2. Minnesota Statutes 2016, section 237.01, is amended by adding a subdivision to
152.18 read:

152.19 Subd. 11. **Internet protocol-enabled service.** "Internet protocol-enabled service" or
152.20 "IP-enabled service" means any service, capability, functionality, or application provided
152.21 using Internet protocol, or any successor protocol, that enables an end user to send or receive
152.22 a communication in Internet protocol format or any successor format, regardless of whether
152.23 that communication is voice, data, or video.

152.24 Sec. 3. **[237.037] VOICE-OVER-INTERNET PROTOCOL SERVICE AND**
152.25 **INTERNET PROTOCOL-ENABLED SERVICE.**

152.26 Subdivision 1. **Regulation prohibited.** Except as provided in this section, no state
152.27 agency, including the commission and the Department of Commerce, or political subdivision
152.28 of this state shall by rule, order, or other means directly or indirectly regulate the entry,
152.29 rates, terms, quality of service, availability, classification, or any other aspect of VoIP service
152.30 or IP-enabled service.

153.1 Subd. 2. VoIP regulation. (a) To the extent permitted by federal law, VoIP service is
153.2 subject to the requirements of sections 237.49, 237.52, 237.70, and 403.11 with regard to
153.3 the collection and remittance of the surcharges governed by those sections.

153.4 (b) A provider of VoIP service must comply with the requirements of chapter 403
153.5 applicable to the provision of access to 911 service by service providers, except to the extent
153.6 those requirements conflict with federal requirements for the provision of 911 service by
153.7 VoIP providers under Code of Federal Regulations, title 47, part 9. A VoIP provider is
153.8 entitled to the benefit of the limitation of liability provisions of section 403.07, subdivision
153.9 5. Beginning June 1, 2017, and continuing each June 1 thereafter, each VoIP provider shall
153.10 file a plan with the commission describing how it will comply with the requirements of this
153.11 paragraph. After its initial filing under this paragraph, a VoIP provider shall file with the
153.12 commission either an update of the plan or a statement certifying that the plan and personnel
153.13 contact information previously filed is still current.

153.14 Subd. 3. Relation to other law. Nothing in this section restricts, creates, expands, or
153.15 otherwise affects or modifies:

153.16 (1) the commission's authority under the Federal Communications Act of 1934, United
153.17 States Code, title 47, sections 251 and 252;

153.18 (2) any applicable wholesale tariff or any commission authority related to wholesale
153.19 services;

153.20 (3) any commission jurisdiction over (i) intrastate switched access rates, terms, and
153.21 conditions, including the implementation of federal law with respect to intercarrier
153.22 compensation, or (ii) existing commission authority to address or affect the resolution of
153.23 disputes regarding intercarrier compensation;

153.24 (4) the rights of any entity, or the authority of the commission and local government
153.25 authorities, with respect to the use and regulation of public rights-of-way under sections
153.26 237.162 and 237.163;

153.27 (5) the establishment or enforcement of standards, requirements or procedures in
153.28 procurement policies, internal operational policies, or work rules of any state agency or
153.29 political subdivision of the state relating to the protection of intellectual property; or

153.30 (6) the authority of the attorney general to apply and enforce chapters 325C to 325G,
153.31 325K to 325M, and other laws of general applicability governing consumer protection and
153.32 trade practices.

154.1 Subd. 4. **Exemption.** The following services delivered by IP-enabled service are not
 154.2 regulated under this chapter:

154.3 (1) video services provided by a cable communications system, as defined in section
 154.4 238.02, subdivision 3;

154.5 (2) cable service, as defined in United States Code, title 47, section 522, clause (6); or

154.6 (3) any other IP-enabled video service.

154.7 Subd. 5. **Preservation of existing landline telephone service.** Nothing in this section
 154.8 restricts, creates, expands, or otherwise affects or modifies the obligations of a telephone
 154.9 company under this chapter to offer landline telephone service that is not Voice-over-Internet
 154.10 protocol service.

154.11 Sec. 4. Minnesota Statutes 2016, section 237.162, subdivision 2, is amended to read:

154.12 Subd. 2. **Local government unit.** "Local government unit" means a county, home rule
 154.13 charter or statutory city, ~~or~~ town, or the Metropolitan Council.

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

154.15 Sec. 5. Minnesota Statutes 2016, section 237.162, subdivision 4, is amended to read:

154.16 Subd. 4. **Telecommunications right-of-way user.** (a) "Telecommunications right-of-way
 154.17 user" means a person owning or controlling a facility in the public right-of-way, or seeking
 154.18 to own or control a facility in the public right-of-way, that is used or is intended to be used
 154.19 for transporting telecommunications or other voice or data information.

154.20 (b) A provider of wireless services using a small wireless facility authorized by a
 154.21 collocation permit approved under section 237.163, subdivision 3c, is a telecommunications
 154.22 right-of-way user for the purposes of this section and section 237.163.

154.23 (c) Neither a cable communication system defined and regulated under chapter 238, ~~and~~
 154.24 nor, with respect to the provision of telecommunications activities related to providing
 154.25 natural gas or electric energy services ~~whether provided by,~~ a public utility as defined in
 154.26 section 216B.02, a municipality, a municipal gas or power agency organized under chapter
 154.27 453 or 453A, or a cooperative electric association organized under chapter 308A, ~~are not~~
 154.28 is a telecommunications right-of-way ~~users~~ user for the purposes of this section and section
 154.29 237.163, unless these entities are providing wireless services using a small wireless facility
 154.30 authorized by a collocation permit approved under section 237.163, subdivision 3c.

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

155.1 Sec. 6. Minnesota Statutes 2016, section 237.162, subdivision 9, is amended to read:

155.2 Subd. 9. **Management costs or rights-of-way management costs.** (a) "Management
155.3 costs" or "rights-of-way management costs" means the actual costs a local government unit
155.4 incurs in managing its public rights-of-way, and includes such costs, if incurred, as those
155.5 associated with registering applicants; issuing, processing, and verifying right-of-way or
155.6 collocation permit applications; inspecting job sites and restoration projects; maintaining,
155.7 supporting, protecting, or moving user equipment during public right-of-way work;
155.8 determining the adequacy of right-of-way restoration; restoring work inadequately performed
155.9 after providing notice and the opportunity to correct the work; and revoking right-of-way
155.10 or collocation permits.

155.11 (b) For an application for approval of a collocation permit under section 237.163,
155.12 subdivision 3c, management costs do not include a fee charged by a third-party contractor
155.13 of the local government unit for performance of any of the management activities in
155.14 paragraph (a). Management costs do not include payment by a telecommunications
155.15 right-of-way user for the use of the public right-of-way, any fee based on a
155.16 telecommunications right-of-way user's revenues or number of customers, subscribers,
155.17 access lines, or other performance measure, the fees and cost of litigation relating to the
155.18 interpretation of this section or section 237.163 or any ordinance enacted under those
155.19 sections, or the local unit of government's fees and costs related to appeals taken pursuant
155.20 to section 237.163, subdivision 5.

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

155.22 Sec. 7. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
155.23 read:

155.24 Subd. 10. **Collocate.** "Collocate" or "collocation" means to install, mount, maintain,
155.25 modify, operate, or replace a small wireless facility on, under, within, or adjacent to an
155.26 existing wireless support structure that is owned privately or by a local government unit.

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

155.28 Sec. 8. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
155.29 read:

155.30 Subd. 11. **Small wireless facility.** "Small wireless facility" means a wireless facility
155.31 that meets both of the following qualifications:

156.1 (1) each antenna is located inside an enclosure of no more than six cubic feet in volume
156.2 or, in the case of an antenna that has exposed elements, the antenna and all its exposed
156.3 elements could fit within an enclosure of no more than six cubic feet; and

156.4 (2) all other wireless equipment associated with the facility, excluding electric meters,
156.5 concealment elements, telecommunications demarcation boxes, battery backup power
156.6 systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit,
156.7 vertical cable runs for the connection of power and other services, and any equipment
156.8 concealed from public view within or behind an existing structure or concealment, is in
156.9 aggregate no more than 28 cubic feet in volume.

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

156.11 Sec. 9. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
156.12 read:

156.13 Subd. 12. **Utility pole.** "Utility pole" means a pole that is used in whole or in part to
156.14 facilitate telecommunications or electric service.

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

156.16 Sec. 10. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision
156.17 to read:

156.18 Subd. 13. **Wireless facility.** "Wireless facility" means an antenna, accessory equipment,
156.19 or other wireless device or equipment used to provide wireless service.

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

156.21 Sec. 11. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision
156.22 to read:

156.23 Subd. 14. **Wireless service.** "Wireless service" means any service using licensed or
156.24 unlicensed wireless spectrum, whether at a fixed location or by means of a mobile device,
156.25 that is provided using wireless facilities.

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

157.1 Sec. 12. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision
157.2 to read:

157.3 Subd. 15. **Wireless support structure.** "Wireless support structure" means a pole,
157.4 including but not limited to a monopole, light pole, traffic signal, arch, sign pole, kiosk,
157.5 post, or utility pole, that is capable of supporting wireless facilities.

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

157.7 Sec. 13. Minnesota Statutes 2016, section 237.163, subdivision 2, is amended to read:

157.8 Subd. 2. **Generally.** (a) Subject to this section, a telecommunications right-of-way user
157.9 authorized to do business under the laws of this state or by license of the Federal
157.10 Communications Commission may construct, maintain, and operate small wireless facilities,
157.11 conduit, cable, switches, and related appurtenances and facilities along, across, upon, above,
157.12 and under any public right-of-way.

157.13 (b) Subject to this section, a local government unit has the authority to manage its public
157.14 rights-of-way and to recover its rights-of-way management costs. Except as provided in
157.15 subdivisions 3a, 3b, and 3c, the authority defined in this section may be exercised at the
157.16 option of the local government unit. ~~The exercise of this authority and~~ is not mandated under
157.17 this section. A local government unit may, by ordinance:

157.18 (1) require a telecommunications right-of-way user seeking to excavate or obstruct a
157.19 public right-of-way for the purpose of providing telecommunications services to obtain a
157.20 right-of-way permit to do so and to impose permit conditions consistent with the local
157.21 government unit's management of the right-of-way;

157.22 (2) require a telecommunications right-of-way user using, occupying, or seeking to use
157.23 or occupy a public right-of-way for the purpose of providing telecommunications services
157.24 to register with the local government unit by providing the local government unit with the
157.25 following information:

157.26 (i) the applicant's name, gopher state one-call registration number under section 216D.03,
157.27 address, and telephone and facsimile numbers;

157.28 (ii) the name, address, and telephone and facsimile numbers of the applicant's local
157.29 representative;

157.30 (iii) proof of adequate insurance; and

157.31 (iv) other information deemed reasonably necessary by the local government unit for
157.32 the efficient administration of the public right-of-way; and

158.1 (3) require telecommunications right-of-way users to submit to the local government
158.2 unit plans for construction and major maintenance that provide reasonable notice to the
158.3 local government unit of projects that the telecommunications right-of-way user expects to
158.4 undertake that may require excavation and obstruction of public rights-of-way.

158.5 (c) A local government unit may also require a telecommunications right-of-way user
158.6 that is registered with the local government unit pursuant to paragraph (b), clause (2), to
158.7 periodically update the information in its registration application.

158.8 (d) Notwithstanding sections 394.34 and 462.355, or any other law, a local government
158.9 unit must not establish a moratorium with respect to:

158.10 (1) filing, receiving, or processing applications for right-of-way or collocation permits;
158.11 or

158.12 (2) issuing or approving right-of-way or collocation permits.

158.13 (e) A telecommunications right-of-way user may collocate small wireless facilities on
158.14 wireless support structures located within a public right-of-way, subject to the approval
158.15 procedures under this section and, for collocation on wireless support structures owned by
158.16 a local government unit, the reasonable terms, conditions, and rates set forth under this
158.17 chapter. A local government unit may prohibit, regulate, or charge a fee to install wireless
158.18 support structures or to collocate small wireless facilities only as provided in this chapter.

158.19 (f) A local government unit's zoning, land use, or other official controls must classify
158.20 wireless support structures or small wireless facilities located in a public right-of-way as a
158.21 permitted use. A telecommunications right-of-way user must not be required to obtain
158.22 zoning approval to install, collocate, maintain, or repair a small wireless facility or a wireless
158.23 support structure in a public right-of-way. This paragraph does not apply to areas outside
158.24 a public right-of-way that are zoned and used for single family residential use.

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

158.26 Sec. 14. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
158.27 to read:

158.28 **Subd. 3a. Collocation permits; general.** (a) A local government unit:

158.29 (1) may require a telecommunications right-of-way user to obtain a permit or permits
158.30 under this section to collocate a small wireless facility in a public right-of-way managed
158.31 by the local government unit;

159.1 (2) must not require an applicant for a collocation permit to provide any information
159.2 that: (i) has previously been provided to the local government unit in prior permits or
159.3 otherwise; and (ii) is different from or in addition to the information the local government
159.4 unit requires from a provider of nonwireless telecommunications services, except for
159.5 information related to demonstrating compliance with applicable Federal Communications
159.6 Commission regulations governing radio frequency exposure or other information required
159.7 by this section;

159.8 (3) must not require an applicant for a collocation permit to perform services unrelated
159.9 to the collocation or collocations for which approval is sought;

159.10 (4) must ensure that any application for a collocation permit is processed on a
159.11 nondiscriminatory basis; and

159.12 (5) must specify that the term of the collocation permit is equal to the length of time that
159.13 the small wireless facility is in use, unless the permit is revoked under this section.

159.14 (b) An applicant may file a consolidated permit application to collocate up to 35 separate
159.15 small wireless facilities. If a local government unit receives within a seven-day period
159.16 applications from one or more wireless service providers seeking approval of more than 75
159.17 small wireless facilities in aggregate, the local government unit may, upon written notice
159.18 to the applicants seeking collocation permits for the small wireless facilities exceeding the
159.19 first 75 received, extend the review period specified in subdivision 3c by an additional 20
159.20 days with respect to those incremental small wireless facilities. An extension obtained under
159.21 this paragraph does not prevent a further extension allowed under subdivision 3c, if mutually
159.22 agreed to in writing by the applicant and the local government unit.

159.23 (c) A local government unit is prohibited from requiring a collocation permit for routine
159.24 maintenance of a small wireless facility or for replacement of a small wireless facility with
159.25 a new facility that is substantially similar or smaller in size, weight, height, and wind or
159.26 structural loading than the small wireless facility being replaced. A local government unit
159.27 may require a right-of-way permit if the maintenance or replacement work will obstruct a
159.28 public right-of-way.

159.29 (d) Nothing in this subdivision affects the need for an entity seeking to place a small
159.30 wireless facility on a wireless support structure that is not owned by a local government
159.31 unit to obtain from the owner of the wireless support structure any necessary authority to
159.32 place the small wireless facility, nor shall any provision of this chapter be deemed to affect
159.33 the rates, terms, and conditions for access to or placement of a small wireless facility on a
159.34 wireless support structure not owned by a local government unit. This subdivision shall not

160.1 affect any existing arrangement between a local government unit and an entity concerning
160.2 the placement of small wireless facilities on local government unit-owned wireless support
160.3 structures.

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

160.5 Sec. 15. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
160.6 to read:

160.7 Subd. 3b. **Collocation permits; placement.** (a) A local government unit may not require
160.8 the placement of small wireless facilities on any specific utility pole or type of pole, or
160.9 require multiple small wireless facilities to be placed on a single pole.

160.10 (b) A local government unit must not limit the placement of small wireless facilities,
160.11 either by minimum separation distances or maximum height limitations, except that each
160.12 wireless support structure installed in the right-of-way after the effective date of this act
160.13 must not exceed the greater of:

160.14 (1) ten feet in height above the tallest existing utility pole in place that is located within
160.15 500 feet of the new wireless support structure in the same right-of-way as of the effective
160.16 date of this act; or

160.17 (2) 50 feet above ground level.

160.18 (c) Wireless facilities constructed in the right-of-way after the effective date of this act
160.19 may not extend more than ten feet above an existing wireless support structure in place as
160.20 of the effective date of this act.

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

160.22 Sec. 16. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
160.23 to read:

160.24 Subd. 3c. **Collocation permits; approval.** (a) Except as provided in subdivision 4, a
160.25 local government unit shall issue a collocation permit to a telecommunications right-of-way
160.26 user seeking to install a new or replacement wireless support structure for a small wireless
160.27 facility, or to collocate a small wireless facility on a wireless support structure in a public
160.28 right-of-way. In processing and approving a collocation permit, a local government unit
160.29 may condition its approval on compliance with:

160.30 (1) generally applicable health, safety, and welfare conditions consistent with the local
160.31 government unit's public right-of-way management;

161.1 (2) reasonable accommodations for decorative utility poles or signs; and

161.2 (3) any reasonable restocking, replacement, or relocation requirements when a new
161.3 wireless support structure is placed in a public right-of-way.

161.4 (b) A local government unit has 90 days after the date a collocation permit is filed to
161.5 issue or deny the permit, or the permit is automatically issued. To toll the 90-day clock, the
161.6 local government unit must provide a written notice of incompleteness to the applicant
161.7 within 30 days of receipt of the application, clearly and specifically delineating all missing
161.8 documents or information. Information delineated in the notice is limited to documents or
161.9 information publicly required as of the date of application and reasonably related to a local
161.10 government unit's determination whether the proposed equipment falls within the definition
161.11 of a small wireless facility and whether the proposed deployment satisfies all health, safety,
161.12 and welfare regulations applicable to the collocation permit request. Upon an applicant's
161.13 submittal of additional documents or information in response to a notice of incompleteness,
161.14 the local government unit has ten days to notify the applicant in writing of any information
161.15 requested in the initial notice of incompleteness that is still missing. Second or subsequent
161.16 notices of incompleteness may not specify documents or information that were not delineated
161.17 in the original notice of incompleteness. Requests for information not requested in the initial
161.18 notice of incompleteness do not toll the 90-day clock. Parties can mutually agree in writing
161.19 to toll the 90-day clock at any time.

161.20 For the purposes of this subdivision, "toll the 90-day clock" means to halt the progression
161.21 of days that count towards the 90-day deadline.

161.22 (c) Except as provided in subdivision 3a, paragraph (b), a collocation permit and any
161.23 associated encroachment or building permit required by a local government unit, are deemed
161.24 approved if the local government unit fails to approve or deny the application within 90
161.25 days after the permit application has been filed, unless the applicant and the local government
161.26 unit have mutually agreed in writing to extend the 90-day deadline.

161.27 (d) Nothing in this subdivision precludes a local government unit from applying generally
161.28 applicable health, safety, and welfare regulations in connection with evaluating a collocation
161.29 permit application and its decision to approve or deny a collocation permit. For purposes
161.30 of this subdivision, "generally applicable health, safety, and welfare regulations" mean
161.31 uniform building, fire, electrical, plumbing, or mechanical codes that are adopted under
161.32 Minnesota law or any structural analysis standard adopted by the American National
161.33 Standards Institute.

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

162.1 Sec. 17. Minnesota Statutes 2016, section 237.163, subdivision 4, is amended to read:

162.2 Subd. 4. **Permit denial or revocation.** (a) A local government unit may deny any
162.3 application for a right-of-way or collocation permit if the telecommunications right-of-way
162.4 user does not comply with a provision of this section.

162.5 (b) A local government unit may deny an application for a right-of-way permit if the
162.6 local government unit determines that the denial is necessary to protect the health, safety,
162.7 and welfare or when necessary to protect the public right-of-way and its current use.

162.8 (c) A local government unit may revoke a right-of-way or collocation permit granted to
162.9 a telecommunications right-of-way user, with or without fee refund, in the event of a
162.10 substantial breach of the terms and conditions of statute, ordinance, rule, or regulation or
162.11 any material condition of the permit. A substantial breach by a permittee includes, but is
162.12 not limited to, the following:

162.13 (1) a material violation of a provision of the right-of-way or collocation permit;

162.14 (2) an evasion or attempt to evade any material provision of the right-of-way or
162.15 collocation permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the
162.16 local government unit or its citizens;

162.17 (3) a material misrepresentation of fact in the right-of-way or collocation permit
162.18 application;

162.19 (4) a failure to complete work in a timely manner, unless a permit extension is obtained
162.20 or unless the failure to complete work is due to reasons beyond the permittee's control; and

162.21 (5) a failure to correct, in a timely manner, work that does not conform to applicable
162.22 standards, conditions, or codes, upon inspection and notification by the local government
162.23 unit of the faulty condition.

162.24 (d) Subject to this subdivision, a local government unit may not deny an application for
162.25 a right-of-way or collocation permit for failure to include a project in a plan submitted to
162.26 the local government unit under subdivision 2, paragraph (b), clause (3), when the
162.27 telecommunications right-of-way user has used commercially reasonable efforts to anticipate
162.28 and plan for the project.

162.29 (e) In no event may a local government unit unreasonably withhold approval of an
162.30 application for a right-of-way permit, or unreasonably revoke a permit.

162.31 (f) Any denial or revocation of a right-of-way or collocation permit must be made in
162.32 writing and must document the basis for the denial, including the specific regulations, codes,

163.1 or standards supporting or requiring the denial. The local government unit must notify the
163.2 telecommunications right-of-way user in writing within three days of the decision to deny
163.3 or revoke a permit. If a permit application is denied, the telecommunications right-of-way
163.4 user may cure the deficiencies identified by the local government unit and resubmit its
163.5 application. If the telecommunications right-of-way user resubmits the application within
163.6 30 days of receiving written notice of the denial, it may not be charged an additional filing
163.7 or processing fee. The local government unit must approve or deny the revised application
163.8 within 30 days after the revised application is submitted.

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

163.10 Sec. 18. Minnesota Statutes 2016, section 237.163, subdivision 6, is amended to read:

163.11 Subd. 6. **Fees.** (a) A local government unit may recover its right-of-way management
163.12 costs by imposing a fee for registration, a fee for each right-of-way permit, or, when
163.13 appropriate, a fee applicable to a particular telecommunications right-of-way user when
163.14 that user causes the local government unit to incur costs as a result of actions or inactions
163.15 of that user. A local government unit may not recover from a telecommunications
163.16 right-of-way user costs caused by another entity's activity in the right-of-way.

163.17 (b) Fees, or other right-of-way obligations, imposed by a local government unit on
163.18 telecommunications right-of-way users under this section must be:

163.19 (1) based on the actual costs incurred by the local government unit in managing the
163.20 public right-of-way;

163.21 (2) based on an allocation among all users of the public right-of-way, including the local
163.22 government unit itself, which shall reflect the proportionate costs imposed on the local
163.23 government unit by each of the various types of uses of the public rights-of-way;

163.24 (3) imposed on a competitively neutral basis; and

163.25 (4) imposed in a manner so that aboveground uses of public rights-of-way do not bear
163.26 costs incurred by the local government unit to regulate underground uses of public
163.27 rights-of-way.

163.28 (c) The rights, duties, and obligations regarding the use of the public right-of-way
163.29 imposed under this section must be applied to all users of the public right-of-way, including
163.30 the local government unit while recognizing regulation must reflect the distinct engineering,
163.31 construction, operation, maintenance and public and worker safety requirements, and
163.32 standards applicable to various users of the public rights-of-way. For users subject to the
163.33 franchising authority of a local government unit, to the extent those rights, duties, and

164.1 obligations are addressed in the terms of an applicable franchise agreement, the terms of
164.2 the franchise shall prevail over any conflicting provision in an ordinance.

164.3 (d) Total application fees for a collocation permit shall not exceed the lesser of the
164.4 amount charged by the local government unit for a building permit for any similar commercial
164.5 construction, activity, or land use development, or \$100 each for up to five small wireless
164.6 facilities included in a consolidated application, and \$50 for each additional small wireless
164.7 facility included in the application. The application fees for a collocation permit calculated
164.8 under this paragraph shall be deemed to cover all rights-of-way management costs incurred
164.9 by a local government unit that are related to the collocation permit, as specified in section
164.10 237.162, subdivision 9.

164.11 (e) A wireless provider may collocate small wireless facilities on wireless support
164.12 structures owned or controlled by a local government unit and located within the public
164.13 roads or rights-of-way without being required to apply for or enter into any individual
164.14 license, franchise, or other agreement with the local government unit or any other entity.

164.15 (f) Any initial engineering survey and preparatory construction work associated with
164.16 collocation must be paid by the cost causer in the form of a onetime, nonrecurring,
164.17 commercially reasonable, nondiscriminatory, and competitively neutral charge to recover
164.18 the costs associated with a proposed attachment.

164.19 (g) If a local government unit elects to charge rent for occupying space on a wireless
164.20 support structure that it owns, the total rent, excluding any applicable preparatory charge,
164.21 shall not exceed the actual, direct, and reasonable costs related to the use of space on the
164.22 wireless support structure. In any dispute concerning the appropriateness of the rent charged,
164.23 the local government unit owning or controlling the wireless support structure shall have
164.24 the burden of proving that the rent amount is reasonably related to the actual, direct, and
164.25 reasonable costs incurred for use of space on the wireless support structure for the applicable
164.26 period of time.

164.27 (h) The terms and conditions of collocation under paragraphs (e) to (g) must be:

164.28 (1) set forth in the permit;

164.29 (2) nondiscriminatory, competitively neutral, and commercially reasonable; and

164.30 (3) compliant with this section, section 237.162, and federal pole attachment requirements
164.31 under United States Code, title 47, section 224, and related implementing regulations
164.32 governing the costs and process for any necessary engineering survey and preparatory

165.1 construction work associated with preparing utility poles for collocation, including, as
 165.2 applicable, relocating existing attachments, and upgrading or replacing a utility pole.

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

165.4 Sec. 19. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
 165.5 to read:

165.6 Subd. 9. **Authorized contractors.** (a) Nothing in this section precludes a
 165.7 telecommunications right-of-way user from authorizing another entity or individual to act
 165.8 on its behalf to install, construct, maintain, or repair a facility or facilities owned or controlled
 165.9 by the telecommunications right-of-way user.

165.10 (b) A local government unit is prohibited from imposing fees or requirements on an
 165.11 authorized entity or individual for actions on behalf of a telecommunications right-of-way
 165.12 user that are in addition to or different from the fees and requirements it is authorized to
 165.13 impose on the telecommunications right-of-way user under this section.

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

165.15

ARTICLE 10

165.16

ENERGY POLICY

165.17 Section 1. Minnesota Statutes 2016, section 3.8851, subdivision 1, is amended to read:

165.18 Subdivision 1. **Establishment.** (a) There is established a Legislative Energy Commission
 165.19 to study and to make recommendations for legislation concerning issues related to its duties
 165.20 under subdivision 3.

165.21 (b) The commission consists of:

165.22 (1) ~~ten~~ five members of the house of representatives, three of whom are appointed by
 165.23 the speaker of the house, ~~four and two~~ of whom must be from are appointed by the leader
 165.24 of the minority caucus, and including the chair of the committee with primary jurisdiction
 165.25 over energy policy; the chair or another member of each of the committees with primary
 165.26 jurisdiction over environmental policy, agricultural policy, and transportation policy; and

165.27 (2) ~~ten~~ five members of the senate ~~to be~~, three of whom are appointed by the
 165.28 Subcommittee on Committees leader of the majority caucus, four and two of whom must
 165.29 be from are appointed by the leader of the minority caucus, and including the chair of the
 165.30 committee with primary jurisdiction over energy policy; and the chair or another member

166.1 ~~of each of the committees with primary jurisdiction over environmental policy, agricultural~~
166.2 ~~policy, and transportation policy.~~

166.3 (c) The commission may employ full-time and part-time staff, contract for consulting
166.4 services, and may reimburse the expenses of persons requested to assist it in its duties. The
166.5 director of the Legislative Coordinating Commission shall assist the commission in
166.6 administrative matters. The commission shall elect cochairs, one member of the house of
166.7 representatives and one member of the senate from among the committee and subcommittee
166.8 chairs named to the commission. The commission members from the house of representatives
166.9 shall elect the house of representatives cochair, and the commission members from the
166.10 senate shall elect the senate cochair.

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

166.12 Sec. 2. Minnesota Statutes 2016, section 16B.323, is amended to read:

166.13 **16B.323 SOLAR ENERGY IN STATE BUILDINGS.**

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

166.16 ~~(b) "Made in Minnesota" means the manufacture in this state of:~~

166.17 ~~(1) components of a solar thermal system certified by the Solar Rating and Certification~~
166.18 ~~Corporation; or~~

166.19 ~~(2) solar photovoltaic modules that:~~

166.20 ~~(i) are manufactured at a manufacturing facility in Minnesota that is registered and~~
166.21 ~~authorized to manufacture those solar photovoltaic modules by Underwriters Laboratory,~~
166.22 ~~CSA International, Intertek, or an equivalent independent testing agency;~~

166.23 ~~(ii) bear certification marks from Underwriters Laboratory, CSA International, Intertek,~~
166.24 ~~or an equivalent independent testing agency; and~~

166.25 ~~(iii) meet the requirements of section 116C.7791, subdivision 3, paragraph (a), clauses~~
166.26 ~~(1), (5), and (6).~~

166.27 ~~For the purposes of clause (2), "manufactured" has the meaning given in section~~
166.28 ~~116C.7791, subdivision 1, paragraph (b), clauses (1) and (2).~~

166.29 ~~(e) (b) "Major renovation" means a substantial addition to an existing building, or a~~
166.30 ~~substantial change to the interior configuration or the energy system of an existing building.~~

167.1 ~~(d)~~ (c) "Solar energy system" means solar photovoltaic ~~modules~~ devices alone or installed
167.2 in conjunction with a solar thermal system.

167.3 ~~(e)~~ "Solar Photovoltaic module" ~~(d)~~ "Photovoltaic device" has the meaning given in
167.4 section ~~116C.7791, subdivision 1, paragraph (e)~~ 216C.06, subdivision 16.

167.5 ~~(f)~~ (e) "Solar thermal system" has the meaning given "qualifying solar thermal project"
167.6 in section 216B.2411, subdivision 2, paragraph (e).

167.7 ~~(g)~~ (f) "State building" means a building whose construction or renovation is paid wholly
167.8 or in part by the state from the bond proceeds fund.

167.9 Subd. 2. **Solar energy system.** (a) As provided in paragraphs (b) and (c), a project for
167.10 the construction or major renovation of a state building, after the completion of a cost-benefit
167.11 analysis, may include installation of ~~"Made in Minnesota"~~ solar energy systems of up to 40
167.12 kilowatts capacity on, adjacent, or in proximity to the state building.

167.13 (b) The capacity of a solar energy system must be less than 40 kilowatts to the extent
167.14 necessary to match the electrical load of the building or to the extent necessary to keep the
167.15 costs for the installation below the five percent maximum set by paragraph (c).

167.16 (c) The cost of the solar energy system must not exceed five percent of the appropriations
167.17 from the bond proceeds fund for the construction or renovation of the state building. Purchase
167.18 and installation of a solar thermal system may account for no more than 25 percent of the
167.19 cost of a solar energy system installation.

167.20 (d) A project subject to this section is ineligible to receive a rebate for the installation
167.21 of a solar energy system under section 116C.7791 or from any utility.

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

167.23 Sec. 3. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision to
167.24 read:

167.25 Subd. 7. **Clean Air Act settlement money.** "Clean Air Act settlement money" means
167.26 money received by or required to be paid to the state as a result of litigation or settlements
167.27 of alleged violations of the federal Clean Air Act, United States Code, title 42, section 7401,
167.28 et seq., or rules adopted thereunder, by an automobile manufacturer. Clean Air Act settlement
167.29 money may not be spent until it is specifically appropriated by law.

168.1 Sec. 4. Minnesota Statutes 2016, section 116C.779, subdivision 1, is amended to read:

168.2 Subdivision 1. ~~Renewable development~~ Energy fund account. (a) The energy fund
168.3 account is established as a separate account in the special revenue fund in the state treasury.
168.4 Appropriations and transfers to the account are credited to the account. Earnings, such as
168.5 interest, dividends, and any other earnings arising from assets of the account, are credited
168.6 to the account. Funds remaining in the account at the end of a fiscal year do not cancel to
168.7 the general fund, but remain in the account until expended.

168.8 (b) On July 1, 2017, the public utility that owns the Prairie Island nuclear generating
168.9 plant must transfer all funds in the renewable development account previously established
168.10 under this subdivision and managed by the public utility to the energy fund account
168.11 established in paragraph (a). Funds awarded to grantees in previous grant cycles that have
168.12 not yet been expended and unencumbered funds required to be paid in calendar year 2017
168.13 under sections 116C.7791, 116C.7792, and 216C.41 are not subject to transfer under this
168.14 paragraph.

168.15 (c) Except as provided in subdivision 1a, beginning January 15, 2018, and continuing
168.16 each January 15 thereafter, the public utility that owns the Prairie Island nuclear generating
168.17 plant must transfer to a ~~renewable development~~ the energy fund account \$500,000 each
168.18 year for each dry cask containing spent fuel that is located at the Prairie Island power plant
168.19 for each year the plant is in operation, and \$7,500,000 each year the plant is not in operation
168.20 if ordered by the commission pursuant to paragraph (e) (f). The fund transfer must be made
168.21 if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at Prairie
168.22 Island for any part of a year.

168.23 ~~(b)~~ (d) Except as provided in subdivision 1a, beginning January 15, 2018, and continuing
168.24 each January 15 thereafter, the public utility that owns the Monticello nuclear generating
168.25 plant must transfer to the ~~renewable development~~ energy fund account \$350,000 each year
168.26 for each dry cask containing spent fuel that is located at the Monticello nuclear power plant
168.27 for each year the plant is in operation, and \$5,250,000 each year the plant is not in operation
168.28 if ordered by the commission pursuant to paragraph (e) (f). The fund transfer must be made
168.29 if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at
168.30 Monticello for any part of a year.

168.31 (e) Each year, the public utility must withhold from the funds transferred to the energy
168.32 fund account under paragraphs (c) and (d) the amount necessary to pay its obligations under
168.33 sections 116C.7791, 116C.7792, and 216C.41 for that calendar year.

169.1 ~~(e)~~ (f) After discontinuation of operation of the Prairie Island nuclear plant or the
 169.2 Monticello nuclear plant and each year spent nuclear fuel is stored in dry cask at the
 169.3 discontinued facility, the commission shall require the public utility to pay \$7,500,000 for
 169.4 the discontinued Prairie Island facility and \$5,250,000 for the discontinued Monticello
 169.5 facility for any year in which the commission finds, by the preponderance of the evidence,
 169.6 that the public utility did not make a good faith effort to remove the spent nuclear fuel stored
 169.7 at the facility to a permanent or interim storage site out of the state. This determination shall
 169.8 be made at least every two years.

169.9 (g) Funds in the account may only be expended to support the expansion of:

169.10 (1) electric energy generated from solar, wind, or biomass resources;

169.11 (2) heat energy from solar thermal or geothermal projects;

169.12 (3) energy efficiency; or

169.13 (4) energy storage.

169.14 Except as provided in section 116C.7793, subdivision 7, expenditures from the fund must
 169.15 only benefit Minnesota ratepayers receiving electric service from the utility that owns a
 169.16 nuclear powered electric generating plant in this state.

169.17 ~~(d) Funds in the account may be expended only for any of the following purposes:~~

169.18 ~~(1) to increase the market penetration within the state of renewable electric energy~~
 169.19 ~~resources at reasonable costs;~~

169.20 ~~(2) to promote the start-up, expansion, and attraction of renewable electric energy projects~~
 169.21 ~~and companies within the state;~~

169.22 ~~(3) to stimulate research and development within the state into renewable electric energy~~
 169.23 ~~technologies; and~~

169.24 ~~(4) to develop near-commercial and demonstration scale renewable electric projects or~~
 169.25 ~~near-commercial and demonstration scale electric infrastructure delivery projects if those~~
 169.26 ~~delivery projects enhance the delivery of renewable electric energy.~~

169.27 ~~The utility that owns a nuclear generating plant is eligible to apply for renewable development~~
 169.28 ~~account grants.~~

169.29 ~~(e) Expenditures authorized by this subdivision from the account may be made only~~
 169.30 ~~after approval by order of the Public Utilities Commission upon a petition by the public~~
 169.31 ~~utility. The commission may approve proposed expenditures, may disapprove proposed~~
 169.32 ~~expenditures that it finds to be not in compliance with this subdivision or otherwise not in~~

170.1 ~~the public interest, and may, if agreed to by the public utility, modify proposed expenditures.~~
170.2 ~~The commission may approve reasonable and necessary expenditures for administering the~~
170.3 ~~account in an amount not to exceed five percent of expenditures. Commission approval is~~
170.4 ~~not required for expenditures required under subdivisions 2 and 3, section 116C.7791, or~~
170.5 ~~other law.~~

170.6 ~~(f) The account shall be managed by the public utility but the public utility must consult~~
170.7 ~~about account expenditures with an advisory group that includes, among others,~~
170.8 ~~representatives of its ratepayers. The commission may require that other interests be~~
170.9 ~~represented on the advisory group. The advisory group must be consulted with respect to~~
170.10 ~~the general scope of expenditures in designing a request for proposal and in evaluating~~
170.11 ~~projects submitted in response to a request for proposals. In addition to consulting with the~~
170.12 ~~advisory group, the public utility must utilize an independent third-party expert to evaluate~~
170.13 ~~proposals submitted in response to a request for proposal, including all proposals made by~~
170.14 ~~the public utility. A request for proposal for research and development under paragraph (d),~~
170.15 ~~clause (3), may be limited to or include a request to higher education institutions located in~~
170.16 ~~Minnesota for multiple projects authorized under paragraph (d), clause (3). The request for~~
170.17 ~~multiple projects may include a provision that exempts the projects from the third-party~~
170.18 ~~expert review and instead provides for project evaluation and selection by a merit peer~~
170.19 ~~review grant system. The utility should attempt to reach agreement with the advisory group~~
170.20 ~~after consulting with it but the utility has full and sole authority to determine which~~
170.21 ~~expenditures shall be submitted to the commission for commission approval. In the process~~
170.22 ~~of determining request for proposal scope and subject and in evaluating responses to request~~
170.23 ~~for proposals, the public utility must strongly consider, where reasonable, potential benefit~~
170.24 ~~to Minnesota citizens and businesses and the utility's ratepayers.~~

170.25 ~~(g) Funds in the account may not be directly appropriated by the legislature by a law~~
170.26 ~~enacted after January 1, 2012, and unless appropriated by a law enacted prior to that date~~
170.27 ~~may be expended only pursuant to an order of the commission according to this subdivision.~~

170.28 ~~(h) A request for proposal for renewable energy generation projects must, when feasible~~
170.29 ~~and reasonable, give preference to projects that are most cost-effective for a particular energy~~
170.30 ~~source.~~

170.31 ~~(i) The public utility must annually, by February 15, report to the chairs and ranking~~
170.32 ~~minority members of the legislative committees with jurisdiction over energy policy on~~
170.33 ~~projects funded by the account for the prior year and all previous years. The report must,~~
170.34 ~~to the extent possible and reasonable, itemize the actual and projected financial benefit to~~
170.35 ~~the public utility's ratepayers of each project.~~

171.1 ~~(j) A project receiving funds from the account must produce a written final report that~~
 171.2 ~~includes sufficient detail for technical readers and a clearly written summary for nontechnical~~
 171.3 ~~readers. The report must include an evaluation of the project's financial, environmental, and~~
 171.4 ~~other benefits to the state and the public utility's ratepayers.~~

171.5 ~~(k) Final reports, any mid-project status reports, and renewable development account~~
 171.6 ~~financial reports must be posted online on a public Web site designated by the commission.~~

171.7 ~~(l) All final reports must acknowledge that the project was made possible in whole or~~
 171.8 ~~part by the Minnesota renewable development fund, noting that the fund is financed by the~~
 171.9 ~~public utility's ratepayers.~~

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

171.11 Sec. 5. Minnesota Statutes 2016, section 116C.779, is amended by adding a subdivision
 171.12 to read:

171.13 Subd. 1a. **Payment termination.** (a) The commissioner shall track the cumulative
 171.14 transfers made to the account and its predecessor, the renewable development account, each
 171.15 year since 1999 for each dry cask containing spent fuel that is stored at an independent
 171.16 spent-fuel storage facility at Prairie Island or Monticello. During the time when state law
 171.17 required the public utility to transfer a specific amount of funds to the account for all the
 171.18 casks stored, the per-cask allocation shall be calculated by dividing the total amount
 171.19 transferred by the number of casks stored that year.

171.20 (b) When the commissioner determines that the cumulative transfers calculated under
 171.21 paragraph (a) for a specific cask reach \$10,000,000, the commissioner shall notify the public
 171.22 utility that no additional transfers to the account for that cask shall be made.

171.23 (c) This subdivision does not affect any provisions of subdivision 1, paragraph (c) or
 171.24 (d), with respect to transfers to the account made after a plant has ceased operation.

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

171.26 Sec. 6. Minnesota Statutes 2016, section 116C.7792, is amended to read:

171.27 **116C.7792 SOLAR ENERGY INCENTIVE PROGRAM.**

171.28 The utility subject to section 116C.779 shall operate a program to provide solar energy
 171.29 production incentives for solar energy systems of no more than a total nameplate capacity
 171.30 of 20 kilowatts direct current. The program shall be operated for five consecutive calendar
 171.31 years commencing in 2014. \$5,000,000 shall be allocated for each of the five years from

172.1 the ~~renewable development~~ energy fund account established in section 116C.779 to a separate
172.2 account for the purpose of the solar production incentive program. The solar system must
172.3 be sized to less than 120 percent of the customer's on-site annual energy consumption. The
172.4 production incentive must be paid for ten years commencing with the commissioning of
172.5 the system. The utility must file a plan to operate the program with the commissioner of
172.6 commerce. The utility may not operate the program until it is approved by the commissioner.

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

172.8 Sec. 7. [116C.7793] LEGISLATIVE RENEWABLE ENERGY COUNCIL.

172.9 Subdivision 1. Establishment. (a) The Legislative Renewable Energy Council of 11
172.10 members is established in the legislative branch, consisting of:

172.11 (1) five members of the house of representatives appointed by the speaker of the house,
172.12 three of whom are from the majority caucus and two of whom are from the minority caucus;
172.13 and

172.14 (2) five members of the senate appointed by the Subcommittee on Committees of the
172.15 Committee on Rules and Administration, three of whom are from the majority caucus and
172.16 two of whom are from the minority caucus; and

172.17 (3) one representative of the Prairie Island Indian Community appointed by that
172.18 community's tribal council.

172.19 (b) Eight legislative members appointed to the council must represent legislative districts
172.20 in which at least 60 percent of residents receive electric service from the utility that owns
172.21 a nuclear powered electric generating plant in this state. No member may be appointed to
172.22 the council from a legislative district that does not contain any electric retail customers of
172.23 the utility that owns a nuclear powered electric generating plant in this state. Council
172.24 members must be geographically balanced to represent the entire electric service area of
172.25 that utility.

172.26 (c) Council members shall elect a chair, a vice-chair, and other officers as determined
172.27 by the council. The chair may convene meetings as necessary to conduct the duties prescribed
172.28 by this section.

172.29 (d) The Legislative Coordinating Commission may appoint nonpartisan staff and contract
172.30 with consultants as necessary to support the functions of the council. The council has final
172.31 approval authority to hire an executive director. Up to one-half of one percent of the money
172.32 appropriated from the fund may be used to pay for the council's administrative expenses.

173.1 Subd. 2. **Council recommendations.** (a) The council must make recommendations to
173.2 the legislature on appropriations from the energy fund account established under section
173.3 116C.779 that are consistent with that section and state law. The council's recommendations
173.4 must be submitted no later than December 15 each year. The council must present its
173.5 recommendations to the senate and house of representatives committees with jurisdiction
173.6 over energy policy and finance by February 15 in odd-numbered years, and within the first
173.7 four weeks of the legislative session in even-numbered years.

173.8 (b) Recommendations of the council, including approval of recommendations for
173.9 expenditures from the energy fund account, require an affirmative vote of at least eight
173.10 members of the council.

173.11 (c) The council must develop and implement a decision-making process that ensures
173.12 citizens and potential recipients of funds are included at each stage of the process. The
173.13 process must include a fair, equitable, and thorough method to review funding requests,
173.14 and a clear and easily understood process to rank projects.

173.15 Subd. 3. **Conflict of interest.** (a) A council member may not be an advocate for or
173.16 against a council action or vote on any action that may be a conflict of interest. A conflict
173.17 of interest must be disclosed as soon as it is discovered. The council must follow the policies
173.18 and requirements related to conflicts of interest developed by the Office of Grants
173.19 Management under section 16B.98.

173.20 (b) For the purposes of this section, a conflict of interest exists when a person has an
173.21 organizational conflict of interest or a direct financial conflict of interest, and the conflict
173.22 of interest presents the appearance that it will be difficult for the person to impartially fulfill
173.23 the person's duties as a member of the council. An organizational conflict of interest exists
173.24 when a person has an affiliation with an organization subject to council activities that presents
173.25 the appearance of a conflict between organizational interests and the council member's
173.26 duties under this section. An organizational conflict of interest does not exist if the person's
173.27 only affiliation with an organization is being a member of the organization.

173.28 Subd. 4. **Audit.** The legislative auditor must audit energy fund account expenditures
173.29 recommended by the council, including administrative and staffing expenditures, to ensure
173.30 the money is spent in compliance with all applicable laws.

173.31 Subd. 5. **Recipient requirements.** (a) A recipient of a direct appropriation from the
173.32 energy fund account recommended by the council must compile and submit all information
173.33 for funded projects or programs, including proposed measurable outcomes required by the
173.34 council.

174.1 (b) A recipient's future eligibility to receive funds from the energy fund account is
174.2 contingent upon the recipient satisfying all applicable requirements under this section, as
174.3 well as any additional requirements contained in applicable law. If the Office of the
174.4 Legislative Auditor, in the course of an audit or investigation, publicly reports that a recipient
174.5 of funds from the energy fund account has not complied with the laws, rules, or regulations
174.6 under this section or other laws applicable to the recipient, the recipient is not eligible for
174.7 future funding from the energy fund account until the recipient demonstrates compliance
174.8 to the legislative auditor.

174.9 (c) A recipient of a direct appropriation from the energy fund account pursuant to a
174.10 recommendation by the council may not receive funds from another direct appropriation
174.11 from the council until four years after completion of the project funded by the prior direct
174.12 appropriation.

174.13 Subd. 6. **Accomplishment plans.** As a condition of accepting funds appropriated from
174.14 the energy fund account on the council's recommendation, a recipient must agree to submit
174.15 an accomplishment plan and periodic accomplishment reports to the council in the form
174.16 determined by the council. The accomplishment plan must identify the project manager
174.17 responsible for expending the appropriation and the final product. The accomplishment plan
174.18 must account for the use of the appropriation, identify outcomes of the expenditure, and
174.19 include an evaluation of results.

174.20 Subd. 7. **Expenditures.** (a) The council's recommendations regarding expenditures from
174.21 the energy fund account may include but are not limited to research and development
174.22 projects, demonstration projects, and statewide programs and financial incentives.

174.23 (b) If general fund money is transferred to the energy fund account, the council may
174.24 recommend the expenditure of, and the legislature may appropriate, funds from the account
174.25 up to the amount of general fund money present in the account for purposes that do not
174.26 exclusively benefit Minnesota ratepayers receiving electric service from the utility that owns
174.27 a nuclear powered generating plant in this state.

174.28 Subd. 8. **Administration.** The council shall develop administrative procedures for the
174.29 submission and review of proposals seeking funding from the council.

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

174.31 Sec. 8. Minnesota Statutes 2016, section 216A.03, subdivision 1, is amended to read:

174.32 Subdivision 1. **Members.** (a) The Public Utilities Commission shall consist of five
174.33 members. The terms of members shall be six years and until their successors have been

175.1 appointed and qualified. ~~Each commissioner shall be appointed by the governor by and with~~
175.2 ~~the advice and consent of the senate.~~ Not more than three commissioners shall belong to
175.3 the same political party. At least one commissioner must have been domiciled at the time
175.4 of appointment outside the seven-county metropolitan area. If the membership of the
175.5 commission after July 31, 1986, does not consist of at least one member domiciled at the
175.6 time of appointment outside the seven-county metropolitan area, the membership shall
175.7 conform to this requirement following normal attrition of the present commissioners. ~~The~~
175.8 ~~governor~~ When selecting commissioners, those making appointments shall give consideration
175.9 to persons learned in the law or persons who have engaged in the profession of engineering,
175.10 public accounting, property and utility valuation, finance, physical or natural sciences,
175.11 production agriculture, or natural resources as well as being representative of the general
175.12 public.

175.13 (b) For purposes of this subdivision, "seven-county metropolitan area" means Anoka,
175.14 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.

175.15 (c) The legislature and the governor shall appoint members of the commission, as follows:

175.16 (1) the speaker of the house of representatives shall appoint one member;

175.17 (2) the leader of the majority caucus in the senate shall appoint one member;

175.18 (3) the leader of the minority caucus in the house of representatives shall appoint one
175.19 member;

175.20 (4) the leader of the minority caucus in the senate shall appoint one member; and

175.21 (5) the governor shall appoint one member.

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

175.23 Sec. 9. Minnesota Statutes 2016, section 216A.03, is amended by adding a subdivision to
175.24 read:

175.25 Subd. 1c. **Transition.** (a) This subdivision governs the membership of the commission
175.26 between July 1, 2017, and July 1, 2019.

175.27 (b) On or before July 1, 2017, the leaders of the senate majority and minority caucuses
175.28 shall each appoint one commissioner to serve a term ending July 1, 2023, to replace
175.29 commissioners whose terms expire in 2022 and 2023.

175.30 (c) On or before February 1, 2019, the governor shall appoint a commissioner to serve
175.31 a term ending July 1, 2025, to replace a commissioner whose term ends in 2021.

176.1 (d) On or before July 1, 2019, the leaders of the house majority and minority caucuses
176.2 shall each appoint one commissioner to serve a term ending July 1, 2025, to replace
176.3 commissioners whose terms expire in 2019 and 2020.

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

176.5 Sec. 10. Minnesota Statutes 2016, section 216B.03, is amended to read:

176.6 **216B.03 REASONABLE RATE.**

176.7 Every rate made, demanded, or received by any public utility, or by any two or more
176.8 public utilities jointly, shall be just and reasonable. Rates shall not be unreasonably
176.9 preferential, unreasonably prejudicial, or discriminatory, but shall be sufficient, equitable,
176.10 and consistent in application to a class of consumers. To the maximum reasonable extent,
176.11 the commission shall set rates to encourage economic growth, job retention, energy
176.12 conservation and₂ renewable energy use₂ and to further the goals of sections 216B.164,
176.13 216B.1691, 216B.241, and 216C.05. Any doubt as to reasonableness should be resolved in
176.14 favor of the consumer. For rate-making purposes a public utility may treat two or more
176.15 municipalities served by it as a single class wherever the populations are comparable in size
176.16 or the conditions of service are similar.

176.17 **EFFECTIVE DATE.** This section is effective the day following final enactment and
176.18 applies immediately to all proceedings pending before the commission.

176.19 Sec. 11. Minnesota Statutes 2016, section 216B.16, subdivision 1a, is amended to read:

176.20 Subd. 1a. **Settlement.** (a) When a public utility submits a general rate filing, the Office
176.21 of Administrative Hearings, before conducting a contested case hearing, shall convene a
176.22 settlement conference including all of the parties for the purpose of encouraging settlement
176.23 of any or all of the issues in the contested case. If a stipulated settlement is not reached
176.24 before the contested case hearing, the Office of Administrative Hearings may reconvene
176.25 the settlement conference during or after completion of the contested case hearing at its
176.26 discretion or a party's request. The Office of Administrative Hearings or the commission
176.27 may, upon the request of any party and the public utility, extend the procedural schedule
176.28 of the contested case in order to permit the parties to engage in settlement discussions. An
176.29 extension must be for a definite period of time not to exceed 60 days.

176.30 (b) If the applicant and all intervening parties agree to a stipulated settlement of the case
176.31 or parts of the case, the settlement must be submitted to the commission. The commission
176.32 shall accept or reject the settlement in its entirety and, at any time until its final order is

177.1 issued in the case, may require the Office of Administrative Hearings to conduct a contested
177.2 case hearing. The commission may accept the settlement on finding that ~~to do so~~ the
177.3 settlement is supported by substantial evidence and approving the settlement is in the public
177.4 interest ~~and is supported by substantial evidence~~. The analysis must consider the impact of
177.5 the proposed settlement on the economy, job growth, and job retention. If the commission
177.6 does not accept the settlement, it may issue an order modifying the settlement subject to
177.7 the approval of the parties. Each party shall have ten days in which to reject the proposed
177.8 modification. If no party rejects the proposed modification, the commission's order becomes
177.9 final. If the commission rejects the settlement, or a party rejects the commission's proposed
177.10 modification, a contested case hearing must be completed.

177.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
177.12 applies immediately to all proceedings pending before the commission.

177.13 Sec. 12. Minnesota Statutes 2016, section 216B.16, subdivision 6, is amended to read:

177.14 Subd. 6. **Factors considered, generally.** The commission, in the exercise of its powers
177.15 under this chapter to determine just and reasonable rates for public utilities, shall give due
177.16 consideration to the public need for adequate, efficient, and reasonable service, as well as
177.17 the need for competitive electric rates, job preservation, and economic growth, and to the
177.18 need of the public utility for revenue sufficient to enable it to meet the cost of furnishing
177.19 the service, including adequate provision for depreciation of its utility property used and
177.20 useful in rendering service to the public, and to earn a fair and reasonable return upon the
177.21 investment in such property. In determining the rate base upon which the utility is to be
177.22 allowed to earn a fair rate of return, the commission shall give due consideration to evidence
177.23 of the cost of the property when first devoted to public use, to prudent acquisition cost to
177.24 the public utility less appropriate depreciation on each, to construction work in progress, to
177.25 offsets in the nature of capital provided by sources other than the investors, and to other
177.26 expenses of a capital nature. For purposes of determining rate base, the commission shall
177.27 consider the original cost of utility property included in the base and shall make no allowance
177.28 for its estimated current replacement value. If the commission orders a generating facility
177.29 to terminate its operations before the end of the facility's physical life in order to comply
177.30 with a specific state or federal energy statute or policy, the commission may allow the public
177.31 utility to recover any positive net book value of the facility as determined by the commission.

177.32 **EFFECTIVE DATE.** This section is effective the day following final enactment and
177.33 applies immediately to all proceedings pending before the commission.

178.1 Sec. 13. Minnesota Statutes 2016, section 216B.1691, subdivision 2f, is amended to read:

178.2 Subd. 2f. **Solar energy standard.** (a) In addition to the requirements of subdivisions 2a
178.3 and 2b, each public utility shall generate or procure sufficient electricity generated by solar
178.4 energy to serve its retail electricity customers in Minnesota so that by the end of 2020, at
178.5 least 1.5 percent of the utility's total retail electric sales to retail customers in Minnesota is
178.6 generated by solar energy.

178.7 (b) For a public utility with more than 200,000 retail electric customers, at least ten
178.8 percent of the 1.5 percent goal must be met by solar energy generated by or procured from
178.9 solar photovoltaic devices with a nameplate capacity of 20 kilowatts or less.

178.10 (c) A public utility with between 50,000 and 200,000 retail electric customers:

178.11 (1) must meet at least ten percent of the 1.5 percent goal with solar energy generated by
178.12 or procured from solar photovoltaic devices with a nameplate capacity of 40 kilowatts or
178.13 less; and

178.14 (2) may apply toward the ten percent goal in clause (1) individual customer subscriptions
178.15 of 40 kilowatts or less to a community solar garden program operated by the public utility
178.16 that has been approved by the commission.

178.17 ~~(b)~~ (d) The solar energy standard established in this subdivision is subject to all the
178.18 provisions of this section governing a utility's standard obligation under subdivision 2a.

178.19 ~~(e)~~ (e) It is an energy goal of the state of Minnesota that, by 2030, ten percent of the
178.20 retail electric sales in Minnesota be generated by solar energy.

178.21 ~~(d)~~ (f) For the purposes of calculating the total retail electric sales of a public utility
178.22 under this subdivision, there shall be excluded retail electric sales to customers that are:

178.23 (1) an iron mining extraction and processing facility, including a scam mining facility
178.24 as defined in Minnesota Rules, part 6130.0100, subpart 16; or

178.25 (2) a paper mill, wood products manufacturer, sawmill, or oriented strand board
178.26 manufacturer.

178.27 Those customers may not have included in the rates charged to them by the public utility
178.28 any costs of satisfying the solar standard specified by this subdivision.

178.29 ~~(e)~~ (g) A public utility may not use energy used to satisfy the solar energy standard under
178.30 this subdivision to satisfy its standard obligation under subdivision 2a. A public utility may
178.31 not use energy used to satisfy the standard obligation under subdivision 2a to satisfy the
178.32 solar standard under this subdivision.

179.1 ~~(f)~~ (h) Notwithstanding any law to the contrary, a solar renewable energy credit associated
179.2 with a solar photovoltaic device installed and generating electricity in Minnesota after
179.3 August 1, 2013, but before 2020 may be used to meet the solar energy standard established
179.4 under this subdivision.

179.5 ~~(g)~~ (i) Beginning July 1, 2014, and each July 1 through 2020, each public utility shall
179.6 file a report with the commission reporting its progress in achieving the solar energy standard
179.7 established under this subdivision.

179.8 **EFFECTIVE DATE.** This section is effective July 1, 2017.

179.9 Sec. 14. Minnesota Statutes 2016, section 216B.241, subdivision 1b, is amended to read:

179.10 Subd. 1b. **Conservation improvement by cooperative association or municipality.**

179.11 (a) This subdivision applies to:

179.12 (1) a cooperative electric association that provides retail service to ~~its~~ more than 5,000
179.13 members;

179.14 (2) a municipality that provides electric service to more than 1,000 retail customers; and

179.15 (3) a municipality with more than 1,000,000,000 cubic feet in annual throughput sales
179.16 to natural gas ~~to~~ retail customers.

179.17 (b) Each cooperative electric association and municipality subject to this subdivision
179.18 shall spend and invest for energy conservation improvements under this subdivision the
179.19 following amounts:

179.20 (1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas
179.21 and 1.5 percent of its gross operating revenues from the sale of electricity, excluding gross
179.22 operating revenues from electric and gas service provided in the state to large electric
179.23 customer facilities; and

179.24 (2) for a cooperative electric association, 1.5 percent of its gross operating revenues
179.25 from service provided in the state, excluding gross operating revenues from service provided
179.26 in the state to large electric customer facilities indirectly through a distribution cooperative
179.27 electric association.

179.28 (c) Each municipality and cooperative electric association subject to this subdivision
179.29 shall identify and implement energy conservation improvement spending and investments
179.30 that are appropriate for the municipality or association, except that a municipality or
179.31 association may not spend or invest for energy conservation improvements that directly

180.1 benefit a large energy facility or a large electric customer facility for which the commissioner
180.2 has issued an exemption under subdivision 1a, paragraph (b).

180.3 (d) Each municipality and cooperative electric association subject to this subdivision
180.4 may spend and invest annually up to ten percent of the total amount required to be spent
180.5 and invested on energy conservation improvements under this subdivision on research and
180.6 development projects that meet the definition of energy conservation improvement in
180.7 subdivision 1 and that are funded directly by the municipality or cooperative electric
180.8 association.

180.9 (e) Load-management activities may be used to meet 50 percent of the conservation
180.10 investment and spending requirements of this subdivision.

180.11 (f) A generation and transmission cooperative electric association that provides energy
180.12 services to cooperative electric associations that provide electric service at retail to consumers
180.13 may invest in energy conservation improvements on behalf of the associations it serves and
180.14 may fulfill the conservation, spending, reporting, and energy-savings goals on an aggregate
180.15 basis. A municipal power agency or other not-for-profit entity that provides energy service
180.16 to municipal utilities that provide electric service at retail may invest in energy conservation
180.17 improvements on behalf of the municipal utilities it serves and may fulfill the conservation,
180.18 spending, reporting, and energy-savings goals on an aggregate basis, under an agreement
180.19 between the municipal power agency or not-for-profit entity and each municipal utility for
180.20 funding the investments.

180.21 (g) Each municipality or cooperative shall file energy conservation improvement plans
180.22 by June 1 on a schedule determined by order of the commissioner, but at least every three
180.23 years. Plans received by June 1 must be approved or approved as modified by the
180.24 commissioner by December 1 of the same year. The municipality or cooperative shall
180.25 provide an evaluation to the commissioner detailing its energy conservation improvement
180.26 spending and investments for the previous period. The evaluation must briefly describe
180.27 each conservation program and must specify the energy savings or increased efficiency in
180.28 the use of energy within the service territory of the utility or association that is the result of
180.29 the spending and investments. The evaluation must analyze the cost-effectiveness of the
180.30 utility's or association's conservation programs, using a list of baseline energy and capacity
180.31 savings assumptions developed in consultation with the department. The commissioner
180.32 shall review each evaluation and make recommendations, where appropriate, to the
180.33 municipality or association to increase the effectiveness of conservation improvement
180.34 activities.

181.1 ~~(h) MS 2010 [Expired, 1Sp2003 c 11 art 3 s 4; 2007 c 136 art 2 s 5]~~

181.2 ~~(h)~~ (h) The commissioner shall consider and may require a utility, association, or other
181.3 entity providing energy efficiency and conservation services under this section to undertake
181.4 a program suggested by an outside source, including a political subdivision, nonprofit
181.5 corporation, or community organization.

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

181.7 Sec. 15. Minnesota Statutes 2016, section 216B.241, subdivision 1c, is amended to read:

181.8 Subd. 1c. **Energy-saving goals.** (a) The commissioner shall establish energy-saving
181.9 goals for energy conservation improvement expenditures and shall evaluate an energy
181.10 conservation improvement program on how well it meets the goals set.

181.11 (b) Each individual utility and association shall have an annual energy-savings goal
181.12 equivalent to 1.5 percent of gross annual retail energy sales unless modified by the
181.13 commissioner under paragraph (d). The savings goals must be calculated based on the most
181.14 recent three-year weather-normalized average. A utility or association may elect to carry
181.15 forward energy savings in excess of 1.5 percent for a year to the succeeding three calendar
181.16 years, except that savings from electric utility infrastructure projects allowed under paragraph
181.17 (d) may be carried forward for five years. A particular energy savings can be used only for
181.18 one year's goal.

181.19 (c) The commissioner must adopt a filing schedule that is designed to have all utilities
181.20 and associations operating under an energy-savings plan by calendar year 2010.

181.21 (d) In its energy conservation improvement plan filing, a utility or association may
181.22 request the commissioner to adjust its annual energy-savings percentage goal based on its
181.23 historical conservation investment experience, customer class makeup, load growth, a
181.24 conservation potential study, or other factors the commissioner determines warrants an
181.25 adjustment. The commissioner may not approve a plan of a public utility that provides for
181.26 an annual energy-savings goal of less than one percent of gross annual retail energy sales
181.27 from energy conservation improvements.

181.28 A utility or association may include in its energy conservation plan energy savings from
181.29 electric utility infrastructure projects approved by the commission under section 216B.1636
181.30 or waste heat recovery converted into electricity projects that may count as energy savings
181.31 in addition to a minimum energy-savings goal of at least one percent for energy conservation
181.32 improvements. Energy savings from electric utility infrastructure projects, as defined in
181.33 section 216B.1636, may be included in the energy conservation plan of a municipal utility

182.1 or cooperative electric association. Electric utility infrastructure projects must result in
182.2 increased energy efficiency greater than that which would have occurred through normal
182.3 maintenance activity.

182.4 (e) An energy-savings goal is not satisfied by attaining the revenue expenditure
182.5 requirements of subdivisions 1a and 1b, but can only be satisfied by meeting the
182.6 energy-savings goal established in this subdivision.

182.7 (f) An association or utility is not required to make energy conservation investments to
182.8 attain the energy-savings goals of this subdivision that are not cost-effective even if the
182.9 investment is necessary to attain the energy-savings goals. For the purpose of this paragraph,
182.10 in determining cost-effectiveness, the commissioner shall consider the costs and benefits
182.11 to ratepayers, the utility, participants, and society. In addition, the commissioner shall
182.12 consider the rate at which an association or municipal utility is increasing its energy savings
182.13 and its expenditures on energy conservation.

182.14 (g) On an annual basis, the commissioner shall produce and make publicly available a
182.15 report on the annual energy savings and estimated carbon dioxide reductions achieved by
182.16 the energy conservation improvement programs for the two most recent years for which
182.17 data is available. The commissioner shall report on program performance both in the
182.18 aggregate and for each entity filing an energy conservation improvement plan for approval
182.19 or review by the commissioner.

182.20 (h) By January 15, 2010, the commissioner shall report to the legislature whether the
182.21 spending requirements under subdivisions 1a and 1b are necessary to achieve the
182.22 energy-savings goals established in this subdivision.

182.23 (i) This subdivision does not apply to:

182.24 (1) a cooperative electric association with fewer than 5,000 members;

182.25 (2) a municipal utility with fewer than 1,000 retail electric customers; or

182.26 (3) a municipal utility with less than 1,000,000,000 cubic feet in annual throughput sales
182.27 to retail natural gas customers.

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

182.29 Sec. 16. Minnesota Statutes 2016, section 216B.241, subdivision 2, is amended to read:

182.30 Subd. 2. **Programs.** (a) The commissioner may require public utilities to make
182.31 investments and expenditures in energy conservation improvements, explicitly setting forth
182.32 the interest rates, prices, and terms under which the improvements must be offered to the

183.1 customers. The required programs must cover no more than a three-year period. Public
183.2 utilities shall file conservation improvement plans by June 1, on a schedule determined by
183.3 order of the commissioner, but at least every three years. Plans received by a public utility
183.4 by June 1 must be approved or approved as modified by the commissioner by December 1
183.5 of that same year. The commissioner shall evaluate the program on the basis of
183.6 cost-effectiveness and the reliability of technologies employed. The commissioner's order
183.7 must provide to the extent practicable for a free choice, by consumers participating in the
183.8 program, of the device, method, material, or project constituting the energy conservation
183.9 improvement and for a free choice of the seller, installer, or contractor of the energy
183.10 conservation improvement, provided that the device, method, material, or project seller,
183.11 installer, or contractor is duly licensed, certified, approved, or qualified, including under
183.12 the residential conservation services program, where applicable.

183.13 (b) The commissioner may require a utility subject to subdivision 1c to make an energy
183.14 conservation improvement investment or expenditure whenever the commissioner finds
183.15 that the improvement will result in energy savings at a total cost to the utility less than the
183.16 cost to the utility to produce or purchase an equivalent amount of new supply of energy.
183.17 The commissioner shall nevertheless ensure that every public utility operate one or more
183.18 programs under periodic review by the department.

183.19 (c) Each public utility subject to subdivision 1a may spend and invest annually up to ten
183.20 percent of the total amount required to be spent and invested on energy conservation
183.21 improvements under this section by the utility on research and development projects that
183.22 meet the definition of energy conservation improvement in subdivision 1 and that are funded
183.23 directly by the public utility.

183.24 (d) A public utility may not spend for or invest in energy conservation improvements
183.25 that directly benefit a large energy facility or a large electric customer facility for which the
183.26 commissioner has issued an exemption pursuant to subdivision 1a, paragraph (b). The
183.27 commissioner shall consider and may require a utility to undertake a program suggested by
183.28 an outside source, including a political subdivision, a nonprofit corporation, or community
183.29 organization.

183.30 (e) A utility, a political subdivision, or a nonprofit or community organization that has
183.31 suggested a program, the attorney general acting on behalf of consumers and small business
183.32 interests, or a utility customer that has suggested a program and is not represented by the
183.33 attorney general under section 8.33 may petition the commission to modify or revoke a
183.34 department decision under this section, and the commission may do so if it determines that
183.35 the program is not cost-effective, does not adequately address the residential conservation

184.1 improvement needs of low-income persons, has a long-range negative effect on one or more
184.2 classes of customers, or is otherwise not in the public interest. The commission shall reject
184.3 a petition that, on its face, fails to make a reasonable argument that a program is not in the
184.4 public interest.

184.5 (f) The commissioner may order a public utility to include, with the filing of the utility's
184.6 annual status report, the results of an independent audit of the utility's conservation
184.7 improvement programs and expenditures performed by the department or an auditor with
184.8 experience in the provision of energy conservation and energy efficiency services approved
184.9 by the commissioner and chosen by the utility. The audit must specify the energy savings
184.10 or increased efficiency in the use of energy within the service territory of the utility that is
184.11 the result of the spending and investments. The audit must evaluate the cost-effectiveness
184.12 of the utility's conservation programs.

184.13 (g) A gas utility may not spend for or invest in energy conservation improvements that
184.14 directly benefit a large customer facility or commercial gas customer facility for which the
184.15 commissioner has issued an exemption pursuant to subdivision 1a, paragraph (b), (c), or
184.16 (e). The commissioner shall consider and may require a utility to undertake a program
184.17 suggested by an outside source, including a political subdivision, a nonprofit corporation,
184.18 or a community organization.

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

184.20 Sec. 17. Minnesota Statutes 2016, section 216B.241, subdivision 5, is amended to read:

184.21 Subd. 5. **Efficient lighting program.** (a) Each public utility, cooperative electric
184.22 association, and municipal utility that provides electric service to retail customers and is
184.23 subject to subdivision 1c shall include as part of its conservation improvement activities a
184.24 program to strongly encourage the use of fluorescent and high-intensity discharge lamps.
184.25 The program must include at least a public information campaign to encourage use of the
184.26 lamps and proper management of spent lamps by all customer classifications.

184.27 (b) A public utility that provides electric service at retail to 200,000 or more customers
184.28 shall establish, either directly or through contracts with other persons, including lamp
184.29 manufacturers, distributors, wholesalers, and retailers and local government units, a system
184.30 to collect for delivery to a reclamation or recycling facility spent fluorescent and
184.31 high-intensity discharge lamps from households and from small businesses as defined in
184.32 section 645.445 that generate an average of fewer than ten spent lamps per year.

185.1 (c) A collection system must include establishing reasonably convenient locations for
185.2 collecting spent lamps from households and financial incentives sufficient to encourage
185.3 spent lamp generators to take the lamps to the collection locations. Financial incentives may
185.4 include coupons for purchase of new fluorescent or high-intensity discharge lamps, a cash
185.5 back system, or any other financial incentive or group of incentives designed to collect the
185.6 maximum number of spent lamps from households and small businesses that is reasonably
185.7 feasible.

185.8 (d) A public utility that provides electric service at retail to fewer than 200,000 customers,
185.9 a cooperative electric association, or a municipal utility that provides electric service at
185.10 retail to customers may establish a collection system under paragraphs (b) and (c) as part
185.11 of conservation improvement activities required under this section.

185.12 (e) The commissioner of the Pollution Control Agency may not, unless clearly required
185.13 by federal law, require a public utility, cooperative electric association, or municipality that
185.14 establishes a household fluorescent and high-intensity discharge lamp collection system
185.15 under this section to manage the lamps as hazardous waste as long as the lamps are managed
185.16 to avoid breakage and are delivered to a recycling or reclamation facility that removes
185.17 mercury and other toxic materials contained in the lamps prior to placement of the lamps
185.18 in solid waste.

185.19 (f) If a public utility, cooperative electric association, or municipal utility contracts with
185.20 a local government unit to provide a collection system under this subdivision, the contract
185.21 must provide for payment to the local government unit of all the unit's incremental costs of
185.22 collecting and managing spent lamps.

185.23 (g) All the costs incurred by a public utility, cooperative electric association, or municipal
185.24 utility for promotion and collection of fluorescent and high-intensity discharge lamps under
185.25 this subdivision are conservation improvement spending under this section.

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

185.27 Sec. 18. Minnesota Statutes 2016, section 216B.241, subdivision 5d, is amended to read:

185.28 Subd. 5d. **On-bill repayment programs.** (a) For the purposes of this subdivision:

185.29 (1) "utility" means a public utility, municipal utility, or cooperative electric association
185.30 subject to subdivision 1c that provides electric or natural gas service to retail customers;
185.31 and

185.32 (2) "on-bill repayment program" means a program in which a utility collects on a
185.33 customer's bill repayment of a loan to the customer by an eligible lender to finance the

186.1 customer's investment in eligible energy conservation or renewable energy projects, and
186.2 remits loan repayments to the lender.

186.3 (b) A utility may include as part of its conservation improvement plan an on-bill
186.4 repayment program to enable a customer to finance eligible projects with installment loans
186.5 originated by an eligible lender. An eligible project is one that is either an energy conservation
186.6 improvement, or a project installed on the customer's site that uses an eligible renewable
186.7 energy source as that term is defined in section 216B.2411, subdivision 2, paragraph (b),
186.8 but does not include mixed municipal solid waste or refuse-derived fuel from mixed
186.9 municipal solid waste. An eligible renewable energy source also includes solar thermal
186.10 technology that collects the sun's radiant energy and uses that energy to heat or cool air or
186.11 water, and meets the requirements of section 216C.25. To be an eligible lender, a lender
186.12 must:

186.13 (1) have a federal or state charter and be eligible for federal deposit insurance;

186.14 (2) be a government entity, including an entity established under chapter 469, that has
186.15 authority to provide financial assistance for energy efficiency and renewable energy projects;

186.16 (3) be a joint venture by utilities established under section 452.25; or

186.17 (4) be licensed, certified, or otherwise have its lending activities overseen by a state or
186.18 federal government agency.

186.19 The commissioner must allow a utility broad discretion in designing and implementing an
186.20 on-bill repayment program, provided that the program complies with this subdivision.

186.21 (c) A utility may establish an on-bill repayment program for all customer classes or for
186.22 a specific customer class.

186.23 (d) A public utility that implements an on-bill repayment program under this subdivision
186.24 must enter into a contract with one or more eligible lenders that complies with the
186.25 requirements of this subdivision and contains provisions addressing capital commitments,
186.26 loan origination, transfer of loans to the public utility for on-bill repayment, and acceptance
186.27 of loans returned due to delinquency or default.

186.28 (e) A public utility's contract with a lender must require the lender to comply with all
186.29 applicable federal and state laws, rules, and regulations related to lending practices and
186.30 consumer protection; to conform to reasonable and prudent lending standards; and to provide
186.31 businesses that sell, maintain, and install eligible projects the ability to participate in an
186.32 on-bill repayment program under this subdivision on a nondiscriminatory basis.

186.33 (f) A public utility's contract with a lender may provide:

187.1 (1) for the public utility to purchase loans from the lender with a condition that the lender
187.2 must purchase back loans in delinquency or default; or

187.3 (2) for the lender to retain ownership of loans with the public utility servicing the loans
187.4 through on-bill repayment as long as payments are current.

187.5 The risk of default must remain with the lender. The lender shall not have recourse against
187.6 the public utility except in the event of negligence or breach of contract by the utility.

187.7 (g) If a public utility customer makes a partial payment on a utility bill that includes a
187.8 loan installment, the partial payment must be credited first to the amount owed for utility
187.9 service, including taxes and fees. A public utility may not suspend or terminate a customer's
187.10 utility service for delinquency or default on a loan that is being serviced through the public
187.11 utility's on-bill repayment program.

187.12 (h) An outstanding balance on a loan being repaid under this subdivision is a financial
187.13 obligation only of the customer who is signatory to the loan, and not to any subsequent
187.14 customer occupying the property associated with the loan. If the public utility purchases
187.15 loans from the lender as authorized under paragraph (f), clause (1), the public utility must
187.16 return to the lender a loan not repaid when a customer borrower no longer occupies the
187.17 property.

187.18 (i) Costs incurred by a public utility under this subdivision are recoverable as provided
187.19 in section 216B.16, subdivision 6b, paragraph (c), including reasonable incremental costs
187.20 for billing system modifications necessary to implement and operate an on-bill repayment
187.21 program and for ongoing costs to operate the program. Costs in a plan approved by the
187.22 commissioner may be counted toward a utility's conservation spending requirements under
187.23 subdivisions 1a and 1b. Energy savings from energy conservation improvements resulting
187.24 from this section may be counted toward satisfying a utility's energy-savings goals under
187.25 subdivision 1c.

187.26 (j) This subdivision does not require a utility to terminate or modify an existing financing
187.27 program and does not prohibit a utility from establishing an on-bill financing program in
187.28 which the utility provides the financing capital.

187.29 (k) A municipal utility or cooperative electric association that implements an on-bill
187.30 repayment program shall design the program to address the issues identified in paragraphs
187.31 (d) through (h) as determined by the governing board of the utility or association.

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

188.1 Sec. 19. Minnesota Statutes 2016, section 216B.241, subdivision 7, is amended to read:

188.2 Subd. 7. **Low-income programs.** (a) The commissioner shall ensure that each utility
188.3 and association subject to subdivision 1c provides low-income programs. When approving
188.4 spending and energy-savings goals for low-income programs, the commissioner shall
188.5 consider historic spending and participation levels, energy savings for low-income programs,
188.6 and the number of low-income persons residing in the utility's service territory. A municipal
188.7 utility that furnishes gas service must spend at least 0.2 percent, and a public utility furnishing
188.8 gas service must spend at least 0.4 percent, of its most recent three-year average gross
188.9 operating revenue from residential customers in the state on low-income programs. A utility
188.10 or association that furnishes electric service must spend at least 0.1 percent of its gross
188.11 operating revenue from residential customers in the state on low-income programs. For a
188.12 generation and transmission cooperative association, this requirement shall apply to each
188.13 association's members' aggregate gross operating revenue from sale of electricity to residential
188.14 customers in the state. Beginning in 2010, a utility or association that furnishes electric
188.15 service must spend 0.2 percent of its gross operating revenue from residential customers in
188.16 the state on low-income programs.

188.17 (b) To meet the requirements of paragraph (a), a utility or association may contribute
188.18 money to the energy and conservation account. An energy conservation improvement plan
188.19 must state the amount, if any, of low-income energy conservation improvement funds the
188.20 utility or association will contribute to the energy and conservation account. Contributions
188.21 must be remitted to the commissioner by February 1 of each year.

188.22 (c) The commissioner shall establish low-income programs to utilize money contributed
188.23 to the energy and conservation account under paragraph (b). In establishing low-income
188.24 programs, the commissioner shall consult political subdivisions, utilities, and nonprofit and
188.25 community organizations, especially organizations engaged in providing energy and
188.26 weatherization assistance to low-income persons. Money contributed to the energy and
188.27 conservation account under paragraph (b) must provide programs for low-income persons,
188.28 including low-income renters, in the service territory of the utility or association providing
188.29 the money. The commissioner shall record and report expenditures and energy savings
188.30 achieved as a result of low-income programs funded through the energy and conservation
188.31 account in the report required under subdivision 1c, paragraph (g). The commissioner may
188.32 contract with a political subdivision, nonprofit or community organization, public utility,
188.33 municipality, or cooperative electric association to implement low-income programs funded
188.34 through the energy and conservation account.

189.1 (d) A utility or association may petition the commissioner to modify its required spending
189.2 under paragraph (a) if the utility or association and the commissioner have been unable to
189.3 expend the amount required under paragraph (a) for three consecutive years.

189.4 (e) The costs and benefits associated with any approved low-income gas or electric
189.5 conservation improvement program that is not cost-effective when considering the costs
189.6 and benefits to the utility may, at the discretion of the utility, be excluded from the calculation
189.7 of net economic benefits for purposes of calculating the financial incentive to the utility.
189.8 The energy and demand savings may, at the discretion of the utility, be applied toward the
189.9 calculation of overall portfolio energy and demand savings for purposes of determining
189.10 progress toward annual goals and in the financial incentive mechanism.

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

189.12 Sec. 20. Minnesota Statutes 2016, section 216B.2422, subdivision 2, is amended to read:

189.13 Subd. 2. **Resource plan filing and approval.** (a) A utility shall file a resource plan with
189.14 the commission periodically in accordance with rules adopted by the commission. The
189.15 commission shall approve, reject, or modify the plan of a public utility, as defined in section
189.16 216B.02, subdivision 4, consistent with the public interest. The analysis must consider the
189.17 economy, job growth, and job retention.

189.18 (b) In the resource plan proceedings of all other utilities, the commission's order shall
189.19 be advisory and the order's findings and conclusions shall constitute prima facie evidence
189.20 which may be rebutted by substantial evidence in all other proceedings. With respect to
189.21 utilities other than those defined in section 216B.02, subdivision 4, the commission shall
189.22 consider the filing requirements and decisions in any comparable proceedings in another
189.23 jurisdiction.

189.24 (c) As a part of its resource plan filing, a utility shall include the least cost plan for
189.25 meeting 50 and 75 percent of all energy needs from both new and refurbished capacity
189.26 needs generating facilities through a combination of conservation and renewable energy
189.27 resources.

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

189.29 Paragraphs (a) and (b) apply immediately to all proceedings pending before the commission.

189.30 Paragraph (c) applies to resource plans filed with the commission on or after July 1, 2017.

190.1 Sec. 21. Minnesota Statutes 2016, section 216B.2422, subdivision 3, is amended to read:

190.2 Subd. 3. **Environmental costs.** (a) The commission shall, to the extent practicable,
190.3 quantify and establish a range of environmental costs associated with each method of
190.4 electricity generation. A utility shall use the values established by the commission in
190.5 conjunction with other external factors, including socioeconomic costs, when evaluating
190.6 and selecting resource options in all proceedings before the commission, including resource
190.7 plan and certificate of need proceedings. As part of the resource options and socioeconomic
190.8 cost analysis under this section, the utility must calculate the impact of resource options on
190.9 customers' bills and utility rates. Any doubt regarding the various resource options before
190.10 the commission must be resolved in favor of supporting the economy, job growth, and job
190.11 retention.

190.12 (b) The commission shall establish interim environmental cost values associated with
190.13 each method of electricity generation by March 1, 1994. These values expire on the date
190.14 the commission establishes environmental cost values under paragraph (a).

190.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
190.16 applies immediately to all proceedings pending before the commission.

190.17 Sec. 22. Minnesota Statutes 2016, section 216B.2422, subdivision 4, is amended to read:

190.18 Subd. 4. **Preference for renewable energy facility.** The commission shall not approve
190.19 a new or refurbished nonrenewable energy facility in an integrated resource plan or a
190.20 certificate of need, pursuant to section 216B.243, nor shall the commission allow rate
190.21 recovery pursuant to section 216B.16 for such a nonrenewable energy facility, unless the
190.22 utility has demonstrated that a renewable energy facility is not in the public interest. When
190.23 making the public interest determination, the commission must ~~include~~ consider:

190.24 (1) whether the resource plan helps the utility achieve the greenhouse gas reduction
190.25 goals under section 216H.02, the renewable energy standard under section 216B.1691, or
190.26 the solar energy standard under section 216B.1691, subdivision 2f;

190.27 (2) impacts on local and regional grid reliability;

190.28 (3) utility and ratepayer impacts resulting from the intermittent nature of renewable
190.29 energy facilities, including but not limited to the costs of purchasing wholesale electricity
190.30 in the market and the costs of providing ancillary services; and

190.31 (4) utility and ratepayer impacts resulting from reduced exposure to fuel price volatility,
190.32 changes in transmission costs, portfolio diversification, and environmental compliance
190.33 costs.

191.1 **EFFECTIVE DATE.** This section is effective July 1, 2017.

191.2 Sec. 23. Minnesota Statutes 2016, section 216B.243, subdivision 8, is amended to read:

191.3 Subd. 8. **Exemptions.** (a) This section does not apply to:

191.4 (1) cogeneration or small power production facilities as defined in the Federal Power
191.5 Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and
191.6 paragraph (18), subparagraph (A), and having a combined capacity at a single site of less
191.7 than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or
191.8 any case where the commission has determined after being advised by the attorney general
191.9 that its application has been preempted by federal law;

191.10 (2) a high-voltage transmission line proposed primarily to distribute electricity to serve
191.11 the demand of a single customer at a single location, unless the applicant opts to request
191.12 that the commission determine need under this section or section 216B.2425;

191.13 (3) the upgrade to a higher voltage of an existing transmission line that serves the demand
191.14 of a single customer that primarily uses existing rights-of-way, unless the applicant opts to
191.15 request that the commission determine need under this section or section 216B.2425;

191.16 (4) a high-voltage transmission line of one mile or less required to connect a new or
191.17 upgraded substation to an existing, new, or upgraded high-voltage transmission line;

191.18 (5) conversion of the fuel source of an existing electric generating plant to using natural
191.19 gas;

191.20 (6) the modification of an existing electric generating plant to increase efficiency, as
191.21 long as the capacity of the plant is not increased more than ten percent or more than 100
191.22 megawatts, whichever is greater;

191.23 (7) a wind energy conversion system or solar electric generation facility if the system
191.24 or facility is owned and operated by an independent power producer and the electric output
191.25 of the system or facility is not sold to an entity that provides retail service in Minnesota or
191.26 wholesale electric service to another entity in Minnesota other than an entity that is a federally
191.27 recognized regional transmission organization or independent system operator; ~~or~~

191.28 (8) a large wind energy conversion system, as defined in section 216F.01, subdivision
191.29 2, or a solar energy generating large energy facility, as defined in section ~~216B.2421,~~
191.30 ~~subdivision 2~~ 216E.01, subdivision 9a, engaging in a repowering project that:

191.31 (i) will not result in the facility exceeding the nameplate capacity under its most recent
191.32 interconnection agreement; or

192.1 (ii) will result in the facility exceeding the nameplate capacity under its most recent
 192.2 interconnection agreement, provided that the Midcontinent Independent System Operator
 192.3 has provided a signed generator interconnection agreement that reflects the expected net
 192.4 power increase;

192.5 (9) a large energy facility, as defined in section 216B.2421, subdivision 2, clause (1),
 192.6 that is:

192.7 (i) a wind energy conversion system, as defined in section 216F.01, subdivision 4; or

192.8 (ii) a solar energy generating system, as defined in section 216E.01, subdivision 9a.

192.9 (10) a pipeline transporting crude oil or refined petroleum products;

192.10 (11) a pipeline transporting natural gas or propane; or

192.11 (12) a replacement pipeline.

192.12 (b) For the purpose of this subdivision, the following terms have the meanings given:

192.13 (1) "repowering project" means:

192.14 ~~(1)~~ (i) modifying a large wind energy conversion system or a solar energy generating
 192.15 large energy facility to increase its efficiency without increasing its nameplate capacity;

192.16 ~~(2)~~ (ii) replacing turbines in a large wind energy conversion system without increasing
 192.17 the nameplate capacity of the system; or

192.18 ~~(3)~~ (iii) increasing the nameplate capacity of a large wind energy conversion system;

192.19 and

192.20 (2) "replacement pipeline" means a pipeline constructed in a new or existing right-of-way
 192.21 that replaces service provided by an existing pipeline that will be permanently removed
 192.22 from service within 180 days of the date of initial service of the replacement pipeline.

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

192.24 Sec. 24. Minnesota Statutes 2016, section 216C.05, subdivision 2, is amended to read:

192.25 Subd. 2. **Energy policy goals.** It is the energy policy of the state of Minnesota that:

192.26 (1) annual energy savings equal to at least 1.5 percent of annual retail energy sales of
 192.27 electricity and natural gas be achieved through cost-effective energy efficiency;

192.28 (2) the per capita use of fossil fuel as an energy input be reduced by 15 percent by the
 192.29 year 2015, through increased reliance on energy efficiency and renewable energy alternatives;

192.30 ~~and~~

193.1 (3) 25 percent of the total energy used in the state be derived from renewable energy
193.2 resources by the year 2025; and

193.3 (4) retail electricity rates be at least ten percent below the national average for commercial
193.4 customers, and at least five percent below the national average for all other customer classes.

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

193.6 Sec. 25. Minnesota Statutes 2016, section 216C.41, subdivision 2, is amended to read:

193.7 Subd. 2. **Incentive payment; appropriation.** (a) Incentive payments must be made
193.8 according to this section to (1) a qualified on-farm biogas recovery facility, (2) the owner
193.9 or operator of a qualified hydropower facility or qualified wind energy conversion facility
193.10 for electric energy generated and sold by the facility, (3) a publicly owned hydropower
193.11 facility for electric energy that is generated by the facility and used by the owner of the
193.12 facility outside the facility, or (4) the owner of a publicly owned dam that is in need of
193.13 substantial repair, for electric energy that is generated by a hydropower facility at the dam
193.14 and the annual incentive payments will be used to fund the structural repairs and replacement
193.15 of structural components of the dam, or to retire debt incurred to fund those repairs.

193.16 (b) Payment may only be made upon receipt by the commissioner of commerce of an
193.17 incentive payment application that establishes that the applicant is eligible to receive an
193.18 incentive payment and that satisfies other requirements the commissioner deems necessary.
193.19 The application must be in a form and submitted at a time the commissioner establishes.

193.20 (c) There is annually appropriated from the ~~renewable development~~ energy fund account
193.21 established under section 116C.779 to the commissioner of commerce sums sufficient to
193.22 make the payments required under this section, in addition to the amounts funded by the
193.23 ~~renewable development~~ energy fund account as specified in subdivision 5a.

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

193.25 Sec. 26. Minnesota Statutes 2016, section 216C.41, subdivision 5a, is amended to read:

193.26 Subd. 5a. ~~Renewable development account~~ **Payment authorization.** The Department
193.27 of Commerce shall authorize payment of the renewable energy production incentive to wind
193.28 energy conversion systems that are eligible under this section or Laws 2005, chapter 40, to
193.29 on-farm biogas recovery facilities, and to hydroelectric facilities. Payment of the incentive
193.30 shall be made from the ~~renewable energy development~~ fund account as provided under
193.31 section 116C.779, subdivision 2.

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

194.1 Sec. 27. [216C.417] PROGRAM ADMINISTRATION; "MADE IN MINNESOTA"
194.2 SOLAR ENERGY PRODUCTION INCENTIVES.

194.3 Subdivision 1. General provisions. Payment of a "Made in Minnesota" solar energy
194.4 production incentive to an owner whose application was approved by the commissioner of
194.5 commerce under section 216C.415, prior to the effective date of this act must be administered
194.6 under the provisions of Minnesota Statutes 2016, sections 216C.411; 216C.413; 216C.414,
194.7 subdivisions 1 to 3 and 5; and 216C.415. No incentive payments may be made under this
194.8 section to an owner whose application was approved by the commissioner after the effective
194.9 date of this act.

194.10 Subd. 2. Appropriation. (a) Unspent money remaining in the account established under
194.11 Minnesota Statutes 2016, section 216C.412, on July 1, 2017, must be transferred to the
194.12 energy fund account in the special revenue fund established under section 116C.779,
194.13 subdivision 1.

194.14 (b) There is annually appropriated from the energy fund account in the special revenue
194.15 fund established in section 116C.779 to the commissioner of commerce money sufficient
194.16 to make the incentive payments required under Minnesota Statutes 2016, section 216C.415.

194.17 (c) Notwithstanding Minnesota Statutes 2016, section 216C.412, subdivision 1, none of
194.18 this appropriation may be used for administrative costs.

194.19 Subd. 3. Eligibility window; payment duration. (a) Payments may be made under this
194.20 subdivision only for solar photovoltaic module installations that meet the requirements of
194.21 subdivision 1 and that first begin generating electricity between January 1, 2014, and
194.22 December 31, 2017.

194.23 (b) The payment eligibility window of the incentive begins and runs consecutively from
194.24 the date the solar photovoltaic modules first begins generating electricity.

194.25 (c) An owner of solar photovoltaic modules may receive payments under this section
194.26 for a particular module for a period of ten years, provided that sufficient funds are available
194.27 in the account.

194.28 (d) No payment may be made under this section for electricity generated after December
194.29 31, 2027.

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

195.1 Sec. 28. Minnesota Statutes 2016, section 216C.435, is amended by adding a subdivision
195.2 to read:

195.3 Subd. 7a. **Multifamily residential dwelling.** "Multifamily residential dwelling" means
195.4 a residential dwelling containing five or more units intended for use as a residence by tenants
195.5 or lessees of the owner.

195.6 Sec. 29. Minnesota Statutes 2016, section 216E.03, subdivision 3, is amended to read:

195.7 Subd. 3. **Application.** Any person seeking to construct a large electric power generating
195.8 plant or a high-voltage transmission line must apply to the commission for a site or route
195.9 permit. The application shall contain such information as the commission may require. The
195.10 applicant ~~shall~~ may propose at least two sites for a large electric power generating plant and
195.11 two routes for a high-voltage transmission line. Neither of the two proposed routes may be
195.12 designated as a preferred route and all proposed routes must be numbered and designated
195.13 as alternatives. The commission shall determine whether an application is complete and
195.14 advise the applicant of any deficiencies within ten days of receipt. An application is not
195.15 incomplete if information not in the application can be obtained from the applicant during
195.16 the first phase of the process and that information is not essential for notice and initial public
195.17 meetings.

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

195.19 Sec. 30. Minnesota Statutes 2016, section 216E.03, subdivision 9, is amended to read:

195.20 Subd. 9. **Timing.** The commission shall make a final decision on an application within
195.21 60 days after receipt of the report of the administrative law judge. A final decision on the
195.22 request for a site permit or route permit shall be made within one year after the commission's
195.23 determination that an application is complete. The commission may extend this time limit
195.24 for up to ~~three months~~ 30 days for just cause or upon agreement of the applicant.

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

195.26 Sec. 31. Minnesota Statutes 2016, section 216E.04, subdivision 7, is amended to read:

195.27 Subd. 7. **Timing.** The commission shall make a final decision on an application within
195.28 60 days after completion of the public hearing. A final decision on the request for a site
195.29 permit or route permit under this section shall be made within six months after the
195.30 commission's determination that an application is complete. The commission may extend
195.31 this time limit for up to ~~three months~~ 30 days for just cause or upon agreement of the
195.32 applicant.

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

196.2 Sec. 32. Minnesota Statutes 2016, section 216F.01, subdivision 2, is amended to read:

196.3 Subd. 2. **Large wind energy conversion system or LWECS.** "Large wind energy
196.4 conversion system" or "LWECS" means any combination of WECS with a combined
196.5 nameplate capacity of 5,000 kilowatts or more and transmission lines directly associated
196.6 with the LWECS that are necessary to interconnect the LWECS to the transmission system.

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

196.8 Sec. 33. Minnesota Statutes 2016, section 216F.011, is amended to read:

196.9 **216F.011 SIZE DETERMINATION.**

196.10 (a) The total size of a combination of wind energy conversion systems for the purpose
196.11 of determining what jurisdiction has siting authority under this chapter must be determined
196.12 according to this section. The nameplate capacity of one wind energy conversion system
196.13 must be combined with the nameplate capacity of any other wind energy conversion system
196.14 that:

196.15 (1) is located within five miles of the wind energy conversion system;

196.16 (2) is constructed within the same 12-month period as the wind energy conversion
196.17 system; and

196.18 (3) exhibits characteristics of being a single development, including, but not limited to,
196.19 ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing
196.20 arrangements, and common debt or equity financing.

196.21 (b) The commissioner shall provide forms and assistance for project developers to make
196.22 a request for a size determination. Upon written request of a project developer, the
196.23 commissioner of commerce shall provide a written size determination within 30 days of
196.24 receipt of the request and of any information needed to complete the size determination that
196.25 has been requested by the commissioner. In the case of a dispute, the chair of the Public
196.26 Utilities Commission shall make the final size determination.

196.27 (c) An application to a county for a permit under this chapter for a wind energy conversion
196.28 system is not complete without a size determination made under this section.

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

197.1 Sec. 34. Minnesota Statutes 2016, section 216F.04, is amended to read:

197.2 **216F.04 SITE PERMIT.**

197.3 (a) No person may construct an LW ECS without a site permit issued by the Public
197.4 Utilities Commission.

197.5 (b) Any person seeking to construct an LW ECS shall submit an application to the
197.6 commission for a site permit in accordance with this chapter and any rules adopted by the
197.7 commission. The permitted site need not be contiguous land.

197.8 (c) The commission shall make a final decision on an application for a site permit for
197.9 an LW ECS within 180 days after acceptance of a complete application by the commission.
197.10 The commission may extend this deadline ~~for cause~~ if the proposer agrees to an extension
197.11 in writing.

197.12 (d) The commission may place conditions in a permit and may deny, modify, suspend,
197.13 or revoke a permit.

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

197.15 Sec. 35. **[216G.025] ALTERNATIVE PIPELINE ROUTES; RESTRICTION.**

197.16 Notwithstanding section 116D.04, subdivisions 2a and 6, and any other law or rule, no
197.17 environmental analysis of alternative routes for a pipeline seeking a routing permit may
197.18 include an alternative route that does not connect the pipeline's termini as proposed by the
197.19 applicant.

197.20 Sec. 36. Minnesota Statutes 2016, section 216H.03, subdivision 3, is amended to read:

197.21 Subd. 3. **Long-term increased emissions from power plants prohibited.** Unless
197.22 preempted by federal law, until a comprehensive and enforceable state law or rule pertaining
197.23 to greenhouse gases that directly limits and substantially reduces, over time, statewide power
197.24 sector carbon dioxide emissions is enacted and in effect, and except as allowed in
197.25 subdivisions 4 to 7, on and after August 1, 2009, no person shall:

197.26 ~~(1) construct within the state a new large energy facility that would contribute to statewide~~
197.27 ~~power sector carbon dioxide emissions;~~

197.28 ~~(2) import or commit to import from outside the state power from a new large energy~~
197.29 ~~facility that would contribute to statewide power sector carbon dioxide emissions; or~~

197.30 ~~(3) enter into a new long-term power purchase agreement that would increase statewide~~
197.31 ~~power sector carbon dioxide emissions. For purposes of this section, a long-term power~~

198.1 ~~purchase agreement means an agreement to purchase 50 megawatts of capacity or more for~~
198.2 ~~a term exceeding five years.~~

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

198.4 Sec. 37. Minnesota Statutes 2016, section 216H.03, subdivision 4, is amended to read:

198.5 Subd. 4. **Exception for facilities that offset emissions.** (a) ~~The prohibitions in~~ prohibition
198.6 under subdivision 3 ~~de~~ does not apply if the project proponent demonstrates to the Public
198.7 Utilities Commission's satisfaction that it will offset the new contribution to statewide power
198.8 sector carbon dioxide emissions with a carbon dioxide reduction project identified in
198.9 paragraph (b) and in compliance with paragraph (c).

198.10 (b) A project proponent may offset in an amount equal to or greater than the proposed
198.11 new contribution to statewide power sector carbon dioxide emissions in either, or a
198.12 combination of both, of the following ways:

198.13 (1) by reducing an existing facility's contribution to statewide power sector carbon
198.14 dioxide emissions; or

198.15 (2) by purchasing carbon dioxide allowances from a state or group of states that has a
198.16 carbon dioxide cap and trade system in place that produces verifiable emissions reductions.

198.17 (c) The Public Utilities Commission shall not find that a proposed carbon dioxide
198.18 reduction project identified in paragraph (b) acceptably offsets a new contribution to statewide
198.19 power sector carbon dioxide emissions unless the proposed offsets are permanent,
198.20 quantifiable, verifiable, enforceable, and would not have otherwise occurred. This section
198.21 does not exempt emissions that have been offset under this subdivision and emissions
198.22 exempted under subdivisions 5 to 7 from a cap and trade system if adopted by the state.

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

198.24 Sec. 38. Minnesota Statutes 2016, section 216H.03, subdivision 7, is amended to read:

198.25 Subd. 7. **Other exemptions.** ~~The prohibitions in~~ prohibition under subdivision 3 ~~de~~ does
198.26 not apply to:

198.27 (1) a new large energy facility under consideration by the Public Utilities Commission
198.28 pursuant to proposals or applications filed with the Public Utilities Commission before April
198.29 1, 2007, or to any power purchase agreement related to a facility described in this clause.
198.30 The exclusion of pending proposals and applications from the prohibitions in subdivision

199.1 3 does not limit the applicability of any other law and is not an expression of legislative
199.2 intent regarding whether any pending proposal or application should be approved or denied;

199.3 (2) a contract not subject to commission approval that was entered into prior to April 1,
199.4 2007, to purchase power from a new large energy facility that was approved by a comparable
199.5 authority in another state prior to that date, for which municipal or public power district
199.6 bonds have been issued, and on which construction has begun;

199.7 (3) a new large energy facility ~~or a power purchase agreement between a Minnesota~~
199.8 ~~utility and a new large energy facility~~ located ~~outside~~ within Minnesota that the Public
199.9 Utilities Commission has determined is essential to ensure the long-term reliability of
199.10 Minnesota's electric system, to allow electric service for increased industrial demand, or to
199.11 avoid placing a substantial financial burden on Minnesota ratepayers. An order of the
199.12 commission granting an exemption under this clause is stayed until the June 1 following
199.13 the next regular or annual session of the legislature that begins after the date of the
199.14 commission's final order; or

199.15 (4) a new large energy facility with a combined electric generating capacity of less than
199.16 100 megawatts, which did not require a Minnesota certificate of need, which received an
199.17 air pollution control permit to construct from an adjoining state before January 1, 2008, and
199.18 on which construction began before July 1, 2008, or to any power purchase agreement
199.19 related to a facility described in this clause.

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

199.21 Sec. 39. **RESIDENTIAL PACE CONSUMER PROTECTION LEGISLATION TASK**
199.22 **FORCE PROGRAMS.**

199.23 **Subdivision 1. Establishment.** The Residential PACE Consumer Protection Legislation
199.24 Task Force shall develop recommendations for consumer protection legislation for any
199.25 energy improvements financing program implemented under Minnesota Statutes, sections
199.26 216C.435 to 216C.436, for single-family residential dwellings. For purposes of this section,
199.27 "residential PACE" or "PACE" means energy improvement financing programs for
199.28 single-family residential dwellings authorized under Minnesota Statutes, sections 216C.435
199.29 to 216C.436.

199.30 **Subd. 2. Task force.** (a) The task force consists of 16 members as follows:

199.31 (1) one member appointed by the Minnesota Association of Realtors;

199.32 (2) one member appointed by the Center for Energy and Environment;

- 200.1 (3) one member appointed by the Minnesota Bankers Association;
- 200.2 (4) one member appointed by the Legal Services Advocacy Project;
- 200.3 (5) one member appointed by the Minnesota Credit Union Network;
- 200.4 (6) one member appointed by the Minnesota Solar Energy Industry Association;
- 200.5 (7) one member appointed by the St. Paul Port Authority;
- 200.6 (8) one member appointed by the League of Minnesota Cities;
- 200.7 (9) one member appointed by the Association of Minnesota Counties;
- 200.8 (10) one member appointed by AARP Minnesota;
- 200.9 (11) one member appointed by Fresh Energy;
- 200.10 (12) one member appointed by the Citizens Utility Board of Minnesota;
- 200.11 (13) one member appointed by Clean Energy Economy Minnesota;
- 200.12 (14) one member appointed by the Minnesota Land Title Association;
- 200.13 (15) one member appointed by an organization with experience implementing residential
- 200.14 PACE programs in other states; and
- 200.15 (16) the commissioner of commerce or a designee.
- 200.16 (b) Any public member can designate a substitute from the same organization to replace
- 200.17 that member at a meeting of the task force.
- 200.18 Subd. 3. **Duties.** The task force must develop recommendations to:
- 200.19 (1) address concerns regarding the possible constraints on free alienation of residential
- 200.20 property caused by existence and amount of the PACE liens;
- 200.21 (2) reduce and minimize any point-of-sale confusion in transactions involving
- 200.22 PACE-encumbered homes;
- 200.23 (3) ensure conspicuous and meaningful disclosure of, among other things:
- 200.24 (i) all costs and fees of a residential PACE loan; and
- 200.25 (ii) the risks, such as foreclosure and higher costs, that may be associated with residential
- 200.26 PACE loans relative to other financing mechanisms;
- 200.27 (4) ensure that the ability to repay standard uses commonly accepted underwriting
- 200.28 principles;

201.1 (5) ensure that consumer provisions required of and protections that apply to conventional
201.2 loans and other financing options, including but not limited to the Truth in Lending Act and
201.3 the Real Estate Settlement Procedures Act, are required of and apply to PACE financing;

201.4 (6) address any unique protections necessary for elderly, low-income homeowners and
201.5 other financially vulnerable homeowners;

201.6 (7) establish criteria for ensuring the cost-effectiveness of PACE-enabled clean energy
201.7 improvements; and

201.8 (8) address any other issues the task force identifies that are necessary to protect
201.9 consumers.

201.10 Subd. 4. **Administrative support.** The commissioner of commerce shall provide
201.11 administrative support and meeting space for the task force.

201.12 Subd. 5. **Compensation.** Members serve without compensation and shall not be
201.13 reimbursed for expenses.

201.14 Subd. 6. **Chair.** The commissioner of commerce or the commissioner's designee shall
201.15 serve as chair.

201.16 Subd. 7. **Meetings.** The task force shall meet regularly, at the call of the chair. Meetings
201.17 of the task force are subject to Minnesota Statutes, chapter 13D.

201.18 Subd. 8. **Appointments; first meeting.** Appointments must be made by June 1, 2017.
201.19 The commissioner of commerce must convene the first meeting by July 15, 2017.

201.20 Subd. 9. **Report to legislature.** By January 15, 2018, the commissioner shall submit a
201.21 report detailing the task force's findings and recommendations to the chairs and ranking
201.22 minority members of the senate and house of representatives committees with jurisdiction
201.23 over energy and consumer protection policy and finance. The report must include any draft
201.24 legislation necessary to implement the recommendations of the task force.

201.25 Subd. 10. **Suspension of residential PACE.** Until legislation is enacted establishing
201.26 consumer protections that addresses, but is not limited to, the concerns identified in
201.27 subdivision 3, no programs for the financing of energy improvements on a single-family
201.28 residential property dwelling under Minnesota Statutes, sections 216C.435 to 216C.436,
201.29 may be operated after the effective date of this section.

201.30 Subd. 11. **Expiration.** The task force shall expire January 15, 2018, or after submitting
201.31 the report required in this section, whichever is earlier.

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

202.1 Sec. 40. **PROGRAM ADMINISTRATION; "MADE IN MINNESOTA" SOLAR**
202.2 **THERMAL REBATES.**

202.3 (a) No rebate may be paid under Minnesota Statutes 2016, section 216C.416, to an owner
202.4 of a solar thermal system whose application was approved by the commissioner of commerce
202.5 after the effective date of this act.

202.6 (b) Unspent money remaining in the account established under Minnesota Statutes 2014,
202.7 section 216C.416, as of July 2, 2017, must be transferred to the energy fund account
202.8 established under Minnesota Statutes 2016, section 116C.779, subdivision 1.

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

202.10 Sec. 41. **BIOMASS MANDATE PROJECTS; CONTINUING ADMINISTRATION.**

202.11 Projects developed to meet the biomass mandate under Minnesota Statutes, section
202.12 216B.2424, prior to the effective date of this section continue to be governed by Minnesota
202.13 Statutes 2016, section 216B.2424, as amended by this article's amendments to that section,
202.14 applicable rules, applicable orders issued by the commission, and section 42.

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

202.16 Sec. 42. **ADJUSTMENT OF BIOMASS FUEL REQUIREMENT.**

202.17 (a) Notwithstanding any provision in this section, a public utility that operates a
202.18 nuclear-powered electric generating plant may file a petition with the commission for
202.19 approval of a new or amended power purchase agreement, or, with the agreement of all
202.20 parties, the early termination of a power purchase agreement, with a facility that was
202.21 previously approved to satisfy a portion of the biomass mandate in this section.

202.22 (b) A new or amended power purchase agreement under this subdivision may be approved
202.23 by the commission regardless of the fuel requirements of this section if, by its terms:

202.24 (1) all parties to the power purchase agreement agree to the terms and conditions of the
202.25 new or amended power purchase agreement; and

202.26 (2) the new or amended power purchase agreement is in the best interest of the customers
202.27 of the public utility that operates a nuclear-powered electric generating plant, taking into
202.28 consideration any savings to customers resulting from the new or amended power purchase
202.29 agreement and any costs imposed on customers under paragraph (f).

202.30 (c) The termination of a power purchase agreement under this subdivision may be
202.31 approved by the commission if:

203.1 (1) all parties to the power purchase agreement agree to the early termination of the
203.2 agreement; and

203.3 (2) the termination of the power purchase agreement is in the best interest of the customers
203.4 of the public utility that operates a nuclear-powered electric generating plant, taking into
203.5 consideration any savings to customers resulting from the termination of the power purchase
203.6 agreement and any costs imposed on customers under paragraph (f).

203.7 (d) A new or amended power purchase agreement approved under paragraph (b) may
203.8 be for any term agreed to by the parties for any amount of energy agreed to by the parties.

203.9 (e) The approval of a new or amended power purchase agreement under paragraph (b),
203.10 or the approval of a termination of a power purchase agreement under paragraph (c), shall
203.11 not require the public utility that operates a nuclear-powered electric generation plant to
203.12 purchase replacement biomass energy under this section.

203.13 (f) A utility may petition the commission to approve a rate schedule that provides for
203.14 the automatic adjustment of charges to recover investments, expenses and costs, and earnings
203.15 on the investment associated with the new or amended power purchase agreement or the
203.16 termination of a power purchase agreement. The commission may approve the rate schedule
203.17 upon a showing that the recovery of investments, expenses and costs, and earnings on the
203.18 investment is less than the costs that would have been recovered from customers had the
203.19 utility continued to purchase energy under the power purchase agreement that was terminated.

203.20 (g) This subdivision does not apply to a St. Paul district heating and cooling system
203.21 cogeneration facility and nothing in this subdivision precludes a public utility that operates
203.22 a nuclear-power electric generating plant from filing a petition with the commission for
203.23 approval of a new or amended power purchase agreement with such a facility.

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

203.25 Sec. 43. **REPEALER.**

203.26 (a) Laws 2013, chapter 85, article 6, section 11, is repealed.

203.27 (b) Minnesota Statutes 2016, sections 216B.8109; 216B.811; 216B.812; 216B.813; and
203.28 216B.815, are repealed.

203.29 (c) Minnesota Statutes 2016, sections 3.8852; 116C.779, subdivision 3; 216B.2424; and
203.30 216C.29, are repealed.

203.31 (d) Minnesota Statutes 2016, sections 174.187; 216C.411; 216C.412; 216C.413;
203.32 216C.414; 216C.415; and 216C.416, are repealed.

ARTICLE 11

MISCELLANEOUS

Section 1. [14.1275] RULES IMPACTING RESIDENTIAL CONSTRUCTION OR REMODELING; LEGISLATIVE NOTICE AND REVIEW.

Subdivision 1. **Definition.** As used in this section, "residential construction" means the new construction or remodeling of any building subject to the Minnesota Residential Code.

Subd. 2. **Impact on housing cost; agency determination.** An agency must determine if implementation of a proposed rule, or any portion of a proposed rule, will, on average, increase the cost of residential construction or remodeling by \$1,000 or more per unit. The agency must make this determination before the close of the hearing record, or before the agency submits the record to the administrative law judge if there is no hearing. The administrative law judge must review and approve or disapprove an agency's determination under this subdivision.

Subd. 3. **Notice to legislature; legislative approval.** (a) If the agency determines that the impact of a proposed rule meets or exceeds the cost threshold provided in subdivision 2, or if the administrative law judge disapproves the agency's determination that the impact does not meet or exceed that threshold, the agency must notify, in writing, the chair and ranking minority members of the policy committees of the house of representatives and the senate with jurisdiction over the subject matter of the proposed rule within ten days of the determination or disapproval.

(b) If a committee of either the house of representatives or senate with jurisdiction over the subject matter of the proposed rule votes to advise an agency that the rule should not be adopted as proposed, the agency may not adopt the rule unless the rule is approved by a law enacted after the vote of the committee. Section 14.126, subdivision 2, applies to a vote of a committee under this subdivision.

Subd. 4. **Severability.** If the agency or an administrative law judge determines that part of a proposed rule meets or exceeds the threshold provided in subdivision 2, but that a severable portion of the proposed rule does not meet or exceed that threshold, the agency may proceed to adopt the severable portions of the proposed rule regardless of whether a legislative committee vote is conducted under subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to administrative rules proposed on or after that date.

205.1 Sec. 2. Minnesota Statutes 2016, section 462.355, subdivision 4, is amended to read:

205.2 Subd. 4. **Interim ordinance.** (a) If a municipality is conducting studies or has authorized
205.3 a study to be conducted or has held or has scheduled a hearing for the purpose of considering
205.4 adoption or amendment of a comprehensive plan or official controls as defined in section
205.5 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted
205.6 is annexed to a municipality, the governing body of the municipality may adopt an interim
205.7 ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning
205.8 process and the health, safety and welfare of its citizens. The interim ordinance may regulate,
205.9 restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion
205.10 thereof for a period not to exceed one year from the date it is effective.

205.11 (b) If a proposed interim ordinance purports to regulate, restrict, or prohibit activities
205.12 relating to livestock production, a public hearing must be held following a ten-day notice
205.13 given by publication in a newspaper of general circulation in the municipality before the
205.14 interim ordinance takes effect.

205.15 (c)(1) A statutory or home rule charter city may adopt an interim ordinance that regulates,
205.16 restricts, or prohibits a housing proposal only if the ordinance is approved by at least
205.17 two-thirds of city council members present.

205.18 (2) Before adopting the interim ordinance, the city council must hold a public hearing
205.19 after providing written notice to any person who has submitted written information to the
205.20 city regarding a housing proposal that is potentially affected by the proposed interim
205.21 ordinance. The written notice must be provided at least three business days before the public
205.22 hearing. Notice also must be posted on the city's official Web site, if the city has an official
205.23 Web site.

205.24 (3) The date of the public hearing shall be the earlier of the next regularly scheduled
205.25 city council meeting after the notice period or within 10 days of the notice.

205.26 (4) The activities proposed to be restricted by the proposed interim ordinance may not
205.27 be undertaken before the public hearing.

205.28 (5) For the purposes of this paragraph, "housing proposal" means a written request for
205.29 city approval of a project intended primarily to provide residential dwellings, either single
205.30 family or multi-family, and involves the subdivision or development of land or the
205.31 demolition, construction, reconstruction, alteration, repair, or occupancy of residential
205.32 dwellings.

206.1 ~~(e)~~ (d) The period of an interim ordinance applicable to an area that is affected by a city's
206.2 master plan for a municipal airport may be extended for such additional periods as the
206.3 municipality may deem appropriate, not exceeding a total additional period of 18 months.
206.4 In all other cases, no interim ordinance may halt, delay, or impede a subdivision that has
206.5 been given preliminary approval, nor may any interim ordinance extend the time deadline
206.6 for agency action set forth in section 15.99 with respect to any application filed prior to the
206.7 effective date of the interim ordinance. The governing body of the municipality may extend
206.8 the interim ordinance after a public hearing and written findings have been adopted based
206.9 upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be
206.10 held at least 15 days but not more than 30 days before the expiration of the interim ordinance,
206.11 and notice of the hearing must be published at least ten days before the hearing. The interim
206.12 ordinance may be extended for the following conditions and durations, but, except as
206.13 provided in clause (3), an interim ordinance may not be extended more than an additional
206.14 18 months:

206.15 (1) up to an additional 120 days following the receipt of the final approval or review by
206.16 a federal, state, or metropolitan agency when the approval is required by law and the review
206.17 or approval has not been completed and received by the municipality at least 30 days before
206.18 the expiration of the interim ordinance;

206.19 (2) up to an additional 120 days following the completion of any other process required
206.20 by a state statute, federal law, or court order, when the process is not completed at least 30
206.21 days before the expiration of the interim ordinance; or

206.22 (3) up to an additional one year if the municipality has not adopted a comprehensive
206.23 plan under this section at the time the interim ordinance is enacted.

206.24 **EFFECTIVE DATE.** This section is effective for interim ordinances proposed on or
206.25 after August 1, 2017.

206.26 Sec. 3. Minnesota Statutes 2016, section 462A.201, subdivision 2, is amended to read:

206.27 Subd. 2. **Low-income housing.** (a) The agency may use money from the housing trust
206.28 fund account to provide loans or grants for:

206.29 (1) projects for the development, construction, acquisition, preservation, and rehabilitation
206.30 of low-income rental and limited equity cooperative housing units, including temporary
206.31 and transitional housing;

206.32 (2) the costs of operating rental housing, as determined by the agency, that are unique
206.33 to the operation of low-income rental housing or supportive housing; ~~and~~

207.1 (3) rental assistance, either project-based or tenant-based; and

207.2 (4) rental assistance to secure stable housing for families with children, or unaccompanied
207.3 homeless youth, eligible for enrollment in a prekindergarten through grade 12 academic
207.4 program.

207.5 For purposes of this section, "transitional housing" has the meaning given by the United
207.6 States Department of Housing and Urban Development. Loans or grants for residential
207.7 housing for migrant farmworkers may be made under this section.

207.8 (b) The housing trust fund account must be used for the benefit of persons and families
207.9 whose income, at the time of initial occupancy, does not exceed 60 percent of median income
207.10 as determined by the United States Department of Housing and Urban Development for the
207.11 metropolitan area. At least 75 percent of the funds in the housing trust fund account must
207.12 be used for the benefit of persons and families whose income, at the time of initial occupancy,
207.13 does not exceed 30 percent of the median family income for the metropolitan area as defined
207.14 in section 473.121, subdivision 2. For purposes of this section, a household with a housing
207.15 assistance voucher under Section 8 of the United States Housing Act of 1937, as amended,
207.16 is deemed to meet the income requirements of this section.

207.17 The median family income may be adjusted for families of five or more.

207.18 (c) Rental assistance under this section must be provided by governmental units which
207.19 administer housing assistance supplements or by for-profit or nonprofit organizations
207.20 experienced in housing management. Rental assistance shall be limited to households whose
207.21 income at the time of initial receipt of rental assistance does not exceed 60 percent of median
207.22 income, as determined by the United States Department of Housing and Urban Development
207.23 for the metropolitan area. Priority among comparable applications for tenant-based rental
207.24 assistance will be given to proposals that will serve households whose income at the time
207.25 of initial application for rental assistance does not exceed 30 percent of median income, as
207.26 determined by the United States Department of Housing and Urban Development for the
207.27 metropolitan area. Rental assistance must be terminated when it is determined that 30 percent
207.28 of a household's monthly income for four consecutive months equals or exceeds the market
207.29 rent for the unit in which the household resides plus utilities for which the tenant is
207.30 responsible. Rental assistance may only be used for rental housing units that meet the housing
207.31 maintenance code of the local unit of government in which the unit is located, if such a code
207.32 has been adopted, or the housing quality standards adopted by the United States Department
207.33 of Housing and Urban Development, if no local housing maintenance code has been adopted.

208.1 (d) In making the loans or grants, the agency shall determine the terms and conditions
208.2 of repayment and the appropriate security, if any, should repayment be required. To promote
208.3 the geographic distribution of grants and loans, the agency may designate a portion of the
208.4 grant or loan awards to be set aside for projects located in specified congressional districts
208.5 or other geographical regions specified by the agency. The agency may adopt rules for
208.6 awarding grants and loans under this subdivision.

208.7 Sec. 4. Minnesota Statutes 2016, section 462A.204, subdivision 8, is amended to read:

208.8 Subd. 8. **School stability.** (a) The agency in consultation with the Interagency Task
208.9 ~~Force~~ Council on Homelessness may establish a school stability project under the family
208.10 homeless prevention and assistance program. The purpose of the project is to secure stable
208.11 housing for families with school-age children who have moved frequently and for
208.12 unaccompanied youth. For purposes of this subdivision, "unaccompanied youth" are minors
208.13 who are leaving foster care or juvenile correctional facilities, or minors who meet the
208.14 definition of a child in need of services or protection under section 260C.007, subdivision
208.15 6, but for whom no court finding has been made pursuant to that statute.

208.16 (b) The agency shall make grants to family homeless prevention and assistance projects
208.17 in communities with a school or schools that have a significant degree of student mobility.

208.18 (c) Each project must be designed to reduce school absenteeism; stabilize children in
208.19 one home setting or, at a minimum, in one school setting; and reduce shelter usage. Each
208.20 project must include plans for the following:

208.21 (1) ~~targeting of families with children under age 12 who, in the last 12 months have~~
208.22 ~~either: changed schools or homes at least once or been absent from school at least 15 percent~~
208.23 ~~of the school year and who have either been evicted from their housing;~~ who are eligible
208.24 for a prekindergarten through grade 12 academic program and are living in overcrowded
208.25 conditions in their current housing; or who are paying more than 50 percent of their income
208.26 for rent; or who lack a fixed, regular, and adequate nighttime residence;

208.27 (2) targeting of unaccompanied youth in need of an alternative residential setting;

208.28 (3) connecting families with the social services necessary to maintain the families'
208.29 stability in their home; and

208.30 (4) one or more of the following:

208.31 (i) provision of rental assistance for a specified period of time, which may exceed 24
208.32 months; or

209.1 (ii) ~~development of permanent supportive housing or transitional housing~~ provision of
209.2 support and case management services to improve housing stability, including but not limited
209.3 to housing navigation and family outreach.

209.4 (d) ~~Notwithstanding subdivision 2, grants under this section may be used to acquire,~~
209.5 ~~rehabilitate, or construct transitional or permanent housing~~ In selecting projects for funding
209.6 under this subdivision, preference shall be given to organizations granted funding under
209.7 section 462A.201, subdivision 2, paragraph (a), clause (4) and groups working in
209.8 collaboration with such organizations.

209.9 (e) ~~Each grantee under the project must include representatives of the local school district~~
209.10 ~~or targeted schools, or both, and of the local community correction agencies on its advisory~~
209.11 ~~committee~~ No grantee under this subdivision is required to have an advisory committee as
209.12 described in subdivision 6.

209.13 Sec. 5. **[462A.39] WORKFORCE HOUSING DEVELOPMENT PROGRAM.**

209.14 Subdivision 1. Establishment. The commissioner of Minnesota housing finance shall
209.15 establish a workforce housing development program to award grants to eligible project areas
209.16 to be used for qualified expenditures.

209.17 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
209.18 meanings given.

209.19 (b) "Eligible project area" means a home rule charter or statutory city located outside
209.20 of the metropolitan area as defined in section 473.121, subdivision 2, with a population
209.21 exceeding 500; a community that has a combined population of 1,500 residents located
209.22 within 15 miles of a home rule charter or statutory city located outside the metropolitan
209.23 area as defined in section 473.121, subdivision 2; or an area served by a joint county-city
209.24 economic development authority.

209.25 (c) "Joint county-city economic development authority" means an economic development
209.26 authority formed under Laws 1988, chapter 516, section 1, as a joint partnership between
209.27 a city and county and excluding those established by the county only.

209.28 (d) "Market rate residential rental properties" means properties that are rented at market
209.29 value, including new modular homes, new manufactured homes, and new manufactured
209.30 homes on leased land or in a manufactured home park, and excludes:

209.31 (1) properties constructed with financial assistance requiring the property to be occupied
209.32 by residents that meet income limits under federal or state law of initial occupancy; and

210.1 (2) properties constructed with federal, state, or local flood recovery assistance, regardless
210.2 of whether that assistance imposed income limits as a condition of receiving assistance.

210.3 (e) "Qualified expenditure" means expenditures for market rate residential rental
210.4 properties including acquisition of property; construction of improvements; and provisions
210.5 of loans or subsidies, grants, interest rate subsidies, public infrastructure, and related financing
210.6 costs.

210.7 Subd. 3. **Application.** The commissioner shall develop forms and procedures for soliciting
210.8 and reviewing application for grants under this section. At a minimum, a city must include
210.9 in its application a resolution of its governing body certifying that the matching amount as
210.10 required under this section is available and committed.

210.11 Subd. 4. **Program requirements.** (a) The commissioner must not award a grant to an
210.12 eligible project area under this section until the following determinations are made:

210.13 (1) the average vacancy rate for rental housing located in the eligible project area, and
210.14 in any other city located within 15 miles or less of the boundaries of the area, has been five
210.15 percent or less for at least the prior two-year period;

210.16 (2) one or more businesses located in the eligible project area, or within 25 miles of the
210.17 area, that employs a minimum of 20 full-time equivalent employees in aggregate have
210.18 provided a written statement to the eligible project area indicating that the lack of available
210.19 rental housing has impeded their ability to recruit and hire employees; and

210.20 (3) the eligible project area has certified that the grants will be used for qualified
210.21 expenditures for the development of rental housing to serve employees of businesses located
210.22 in the eligible project area or surrounding area.

210.23 (b) Preference for grants awarded under this section shall be given to eligible project
210.24 areas with less than 18,000 people.

210.25 Subd. 5. **Allocation.** The amount of a grant may not exceed 25 percent of the rental
210.26 housing development project cost. The commissioner shall not award a grant to a city without
210.27 certification by the city that the amount of the grant shall be matched by a local unit of
210.28 government, business, or nonprofit organization with \$1 for every \$2 provided in grant
210.29 funds.

210.30 Subd. 6. **Report.** Beginning January 15, 2018, the commissioner must annually submit
210.31 a report to the chairs and ranking minority members of the senate and house of representatives
210.32 committees having jurisdiction over taxes and workforce development specifying the projects

211.1 that received grants under this section and the specific purposes for which the grant funds
211.2 were used.

211.3 **Sec. 6. [462C.16] HOUSING TRUST FUNDS FOR LOCAL HOUSING**
211.4 **DEVELOPMENT.**

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

211.7 (b) "Commissioner" means the commissioner of the Minnesota Housing Finance Agency.

211.8 (c) "Fund" means a local housing trust fund or a regional housing trust fund.

211.9 (d) "Local government" means any statutory or home rule charter city or a county.

211.10 (e) "Local housing trust fund" means a fund established by a local government with one
211.11 or more dedicated sources of public revenue for housing.

211.12 (f) "Regional housing trust fund" means a fund established and administered under a
211.13 joint powers agreement entered into by two or more local governments with one or more
211.14 dedicated sources of public revenue for housing.

211.15 **Subd. 2. Creation and administration.** (a) A local government may establish a local
211.16 housing trust fund by ordinance or participate in a joint powers agreement to establish a
211.17 regional housing trust fund.

211.18 (b) A local or regional housing trust fund may be, but is not required to be, administered
211.19 through a nonprofit organization. If administered through a nonprofit organization, that
211.20 organization shall encourage private charitable donations to the fund.

211.21 **Subd. 3. Authorized expenditures.** Money in a local or regional housing trust fund may
211.22 be used only to:

211.23 (1) pay for administrative expenses, but not more than ten percent of the balance of the
211.24 fund may be spent on administration;

211.25 (2) make grants, loans, and loan guarantees for the development, rehabilitation, or
211.26 financing of housing;

211.27 (3) match other funds from federal, state, or private resources for housing projects; or

211.28 (4) provide down payment assistance, rental assistance, and homebuyer counseling
211.29 services.

212.1 Subd. 4. **Funding.** (a) A local government may finance its local or regional housing
212.2 trust fund with any money available to the local government, unless expressly prohibited
212.3 by state law. Sources of these funds include, but are not limited to:

212.4 (1) donations;

212.5 (2) bond proceeds;

212.6 (3) grants and loans from a state, federal, or private source;

212.7 (4) appropriations by a local government to the fund;

212.8 (5) investment earnings of the fund; and

212.9 (6) housing and redevelopment authority levies.

212.10 (b) The local government may alter a source of funding for the local or regional housing
212.11 trust fund, but only if, once altered, sufficient funds will exist to cover the projected debts
212.12 or expenditures authorized by the fund in its budget.

212.13 Subd. 5. **Reports.** A local or regional housing trust fund established under this section
212.14 must report annually to the local government that created the fund. The local government
212.15 or governments must post this report on its public Web site.

212.16 Subd. 6. **Effect of legislation on existing local or regional housing trust funds.** A
212.17 local or regional housing trust fund existing on the effective date of this section is not
212.18 required to alter the existing terms of its governing documents or take any additional
212.19 authorizing actions required by subdivision 2.

212.20 Sec. 7. Minnesota Statutes 2016, section 473.145, is amended to read:

212.21 **473.145 DEVELOPMENT GUIDE.**

212.22 The Metropolitan Council shall prepare and adopt, after appropriate study and such
212.23 public hearings as may be necessary, a comprehensive development guide for the
212.24 metropolitan area. It shall consist of a compilation of policy statements, goals, standards,
212.25 programs, and maps prescribing guides for the orderly and economical development, public
212.26 and private, of the metropolitan area. The comprehensive development guide shall recognize
212.27 and encompass physical, social, or economic needs of the metropolitan area and those future
212.28 developments which will have an impact on the entire area including but not limited to such
212.29 matters as land use, parks and open space land needs, the necessity for and location of
212.30 airports, highways, transit facilities, public hospitals, libraries, schools, and other public
212.31 buildings. Notwithstanding any council action to adopt it, a plan or plan element relating
212.32 to housing does not take effect until a law is enacted approving the plan.

213.1 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
213.2 final enactment and applies to plans adopted before, on, or after that date. This section
213.3 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

213.4 Sec. 8. Minnesota Statutes 2016, section 473.254, subdivision 2, is amended to read:

213.5 Subd. 2. **Affordable, life-cycle goals.** The council shall negotiate with each municipality
213.6 to establish affordable and life-cycle housing goals for that municipality that are consistent
213.7 with and promote the policies of the Metropolitan Council as provided in the adopted
213.8 Metropolitan Development Guide. The council shall adopt, by resolution after a public
213.9 hearing, the negotiated affordable and life-cycle housing goals for each municipality by
213.10 January 15, 1996, and by January 15 in each succeeding year for each municipality newly
213.11 electing to participate in the program or for each municipality with which new housing
213.12 goals have been negotiated. By June 30, 1996, and by June 30 in each succeeding year for
213.13 each municipality newly electing to participate in the program or for each municipality with
213.14 which new housing goals have been negotiated, each municipality shall identify to the
213.15 council the actions it plans to take to meet the established housing goals.

213.16 Beginning in 2018, the negotiated affordable and life-cycle housing goals for each
213.17 municipality must be submitted by January 15 each year to the chairs and ranking minority
213.18 members of the legislative committees with jurisdiction over the Metropolitan Council and
213.19 housing policy and finance, and may be adopted by the council only after a law is enacted
213.20 approving them or the legislature has adjourned its regular session for that calendar year
213.21 without taking any action on the matter.

213.22 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
213.23 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
213.24 Scott, and Washington.

213.25 Sec. 9. Minnesota Statutes 2016, section 473.254, subdivision 3a, is amended to read:

213.26 Subd. 3a. **Affordable, life-cycle housing opportunities amount.** (a) Each municipality's
213.27 "affordable and life-cycle housing opportunities amount" for that year must be determined
213.28 annually by the council using the method in this subdivision. The affordable and life-cycle
213.29 housing opportunities amount must be determined for each calendar year for all municipalities
213.30 in the metropolitan area.

213.31 (b) The council must allocate to each municipality its portion of the \$1,000,000 of the
213.32 revenue generated by the levy authorized in section 473.249 which is credited to the local
213.33 housing incentives account pursuant to subdivision 5, paragraph (b). The allocation must

214.1 be made by determining the amount levied for and payable in each municipality in the
214.2 previous calendar year pursuant to the council levy in section 473.249 divided by the total
214.3 amount levied for and payable in the metropolitan area in the previous calendar year pursuant
214.4 to such levy and multiplying that result by \$1,000,000.

214.5 (c) The council must also determine the amount levied for and payable in each
214.6 municipality in the previous calendar year pursuant to the council levy in section 473.253,
214.7 subdivision 1.

214.8 (d) A municipality's affordable and life-cycle housing opportunities amount for the
214.9 calendar year is the sum of the amounts determined under paragraphs (b) and (c).

214.10 (e) The council must report to the chairs and ranking minority members of the legislative
214.11 committees with jurisdiction over the Metropolitan Council and housing policy and finance
214.12 by March 15 each year the council's estimated amount under paragraph (d). The legislature
214.13 may approve, modify, or reject the amounts the council will use in paragraph (f). If no law
214.14 is enacted to approve, modify, or reject the amounts during the regular legislative session
214.15 for that calendar year, the council may proceed with its proposed amounts.

214.16 ~~(e)~~ (f) By August 1 of each year, the council must notify each municipality of its
214.17 affordable and life-cycle housing opportunities amount for the following calendar year
214.18 determined by the method in this subdivision.

214.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
214.20 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
214.21 Scott, and Washington.

214.22 Sec. 10. **[474A.22] WORKFORCE HOUSING, TAX-EXEMPT BONDING**
214.23 **ALLOCATION.**

214.24 Subdivision 1. Definitions. In addition to the definitions in section 474A.02, for the
214.25 purposes of this section, the following terms have the meaning given them:

214.26 (1) "aggregate bond limitation" means 55 percent of the reasonably expected aggregate
214.27 basis of the project and the land on which the project is located;

214.28 (2) "AMI" means the area median income as published by the Department of Housing
214.29 and Urban Development, adjusted for household size; and

214.30 (3) "workforce housing" means a multifamily housing project in which, for a period of
214.31 at least 15 years following completion, at least 80 percent of rental units are occupied or
214.32 held for occupancy by persons or families whose adjusted income does not exceed 60 percent

215.1 of AMI and at least 80 percent of rental units in the project are rent restricted in an amount
215.2 of 30 percent of 60 percent of AMI.

215.3 Subd. 2. **No single-family set aside for two years.** Notwithstanding section 474A.03,
215.4 subdivision 1, clause (2), the commissioner of management and budget shall not set aside
215.5 any of the housing pool for single-family housing programs.

215.6 Subd. 3. **Additional application requirements.** In addition to any other application
215.7 requirements for an allocation under sections 474A.061, subdivision 1, and 474A.091,
215.8 subdivision 2, for a residential rental project, an applicant must provide a statement as to:

215.9 (1) whether the project owner intends to apply for and receive low-income housing tax
215.10 credits for the project under section 42 of the Internal Revenue Code of 1986, as amended,
215.11 from the applicable allocating agency;

215.12 (2) whether the proposed residential rental project meets the definition of workforce
215.13 housing; and

215.14 (3) whether the aggregate of the amount of tax-exempt bonds previously allocated to a
215.15 project under section 474A.061 or 474A.091, if any, and the amount of bonds requested in
215.16 the application for that same project exceeds the aggregate bond limitation.

215.17 Subd. 4. **Re-prioritized housing pool allocations.** Notwithstanding section 474A.061,
215.18 subdivision 2a, paragraph (a), commencing on the second Tuesday in January and continuing
215.19 on each Monday through July 15, the commissioner shall allocate available bonding authority
215.20 from the housing pool to applications received on or before the Monday of the preceding
215.21 week for residential rental projects that meet the eligibility criteria under section 474A.047,
215.22 and after the second Tuesday in January through July 15, for single-family housing programs.
215.23 Allocations of available bonding authority from the housing pool for eligible uses shall be
215.24 awarded in the following order of priority:

215.25 (1) residential rental projects that preserve existing federally subsidized housing and the
215.26 aggregate amount of bonds requested in the application and any previous allocation of bonds
215.27 do not exceed the aggregate bond limitation;

215.28 (2) residential rental projects that:

215.29 (i) intend to apply for and receive low-income housing tax credits under section 42 of
215.30 the Internal Revenue Code and meet the definition of workforce housing; and

215.31 (ii) the aggregate amount of bonds requested in the application and any previous allocation
215.32 of bonds to the project do not exceed the aggregate bond limitation;

216.1 (3) other residential rental projects that intend to apply for and receive low-income
216.2 housing tax credits under section 42 of the Internal Revenue Code;

216.3 (4) single-family housing programs described in section 474A.061, subdivision 2a,
216.4 paragraph (b); and

216.5 (5) other residential rental projects.

216.6 If there are two or more applications for residential rental projects from the housing pool
216.7 with equal priority and there is insufficient bonding authority to provide allocations for all
216.8 residential rental projects in any one allocation period, the available bonding authority shall
216.9 be awarded by lot including a partial allocation until all remaining bonding authority is
216.10 allocated unless otherwise agreed to by the respective issuers. If a residential rental project
216.11 receives some, but less than the requested amount of allocation contained in its application,
216.12 and the project applies in the future to the housing pool for additional allocation of bonds,
216.13 the project shall be fully funded up to its original application request for bonding authority
216.14 before any new project, applying in the same allocation period, that has an equal priority
216.15 shall receive bonding authority. If an issuer that receives an allocation under this paragraph
216.16 does not issue obligations equal to all or a portion of the allocation received within 120 days
216.17 of the allocation or returns the allocation to the commissioner, the amount of the allocation
216.18 is canceled and returned for reallocation through the housing pool or to the unified pool
216.19 after July 15.

216.20 (b) Subject to paragraph (a), the commissioner shall otherwise follow the provisions of
216.21 section 474A.061.

216.22 Subd. 5. **Re-prioritized unified pool allocation.** (a) Notwithstanding section 474A.091,
216.23 subdivision 3, paragraph (f), if there are two or more applications for residential rental
216.24 projects from the unified pool and there is insufficient bonding authority to provide
216.25 allocations for all residential rental projects in any one allocation period, the available
216.26 bonding authority shall be awarded in the following order of priority:

216.27 (1) residential rental projects that preserve existing federally subsidized housing and the
216.28 aggregate amount of bonds requested in the application and any previous allocation of bonds
216.29 do not exceed the aggregate bond limitation;

216.30 (2) residential rental projects that:

216.31 (i) intend to apply for and receive low-income housing tax credits under section 42 of
216.32 the Internal Revenue Code and meet the definition of workforce housing; and

217.1 (ii) the aggregate amount of bonds requested in the application and any previous allocation
217.2 of bonds to that same project do not exceed the aggregate bond limitation;

217.3 (3) other residential rental projects that intend to apply for and receive low-income
217.4 housing tax credits under section 42 of the Internal Revenue Code; and

217.5 (4) other residential rental projects.

217.6 If there are two or more applications for residential rental projects from the unified pool
217.7 with equal priority and there is insufficient bonding authority to provide allocations for all
217.8 residential rental projects in any one allocation period, the available bonding authority shall
217.9 be awarded by lot including a partial allocation until all remaining bonding authority is
217.10 allocated unless otherwise agreed to by the respective issuers. If a residential rental project
217.11 receives some, but less than the requested amount of allocation contained in its application,
217.12 and the project applies in the future to the unified pool for additional allocation of bonds,
217.13 the project shall be fully funded up to its original application request for bonding authority
217.14 before any new residential project, applying in the same allocation period, that has an equal
217.15 priority shall receive bonding authority.

217.16 (b) Notwithstanding section 474A.091, subdivision 3, paragraph (g), the reservation
217.17 within the unified pool for small issue bonds is from the first Monday in August through
217.18 the last Monday in October.

217.19 Subd. 6. **Mortgage bonds.** Notwithstanding section 474A.091, subdivision 3a, paragraph
217.20 (a), bonding authority remaining in the unified pool on October 1 is available for
217.21 single-family housing programs only for cities that applied in January and received an
217.22 allocation under section 474A.061, subdivision 2a, in the same calendar year. The Minnesota
217.23 Housing Finance Agency shall receive an allocation for mortgage bonds pursuant to this
217.24 section, minus any amounts for a city or consortium that intends to issue bonds on its own
217.25 behalf under paragraph (c).

217.26 Subd. 7. **Unified pool allocation plan.** (a) By January 15 of each year, the commissioner
217.27 of the Minnesota Housing Finance Agency shall annually prepare a tax-exempt bond
217.28 allocation plan that identifies:

217.29 (1) the amount of tax-exempt bonds allocated to the Minnesota Housing Finance Agency
217.30 during the previous calendar year;

217.31 (2) whether or not the Minnesota Housing Finance Agency intends to carry forward
217.32 such bonds not otherwise allocated in the previous year as qualified residential rental bonds

218.1 or qualified mortgage bonds or mortgage credit certificates consistent with the requirements
218.2 of Internal Revenue Service Form 8328; and

218.3 (3) the carryforward balance of any tax-exempt bonds allocated to the Minnesota Housing
218.4 Finance Agency including those bonds carried forward as qualified residential rental bonds
218.5 and qualified mortgage bonds or mortgage credit certificates.

218.6 (b) Prior to January 15 of each year, the Minnesota Housing Finance Agency must post
218.7 on its official Web site the plan under paragraph (a) and invite public comment until February
218.8 1. The Minnesota Housing Finance Agency shall not file the Internal Revenue Service Form
218.9 8328 until the public comment period has closed on February 1 unless otherwise required
218.10 by federal law.

218.11 Sec. 11. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special
218.12 Session chapter 1, article 7, section 1, and Laws 2016, chapter 189, article 7, section 42, is
218.13 amended to read:

218.14 Sec. 13. **EFFECTIVE DATE.**

218.15 Sections 1 to 3 and 6 to 11 are effective July 1, ~~2017~~ 2036. Sections 4, 5, and 12 are
218.16 effective July 1, 2014.

218.17 Sec. 12. **AGENCY ACTIVITY AND EXPENDITURE REPORTS.**

218.18 (a) The commissioners of employment and economic development, housing finance,
218.19 labor and industry, and commerce, as well as the Public Utilities Commission, must each
218.20 submit a report, as described in paragraph (b), to the chairs and ranking minority members
218.21 of the house of representatives and senate committees and divisions with jurisdiction over
218.22 their budget appropriations by October 15, 2018.

218.23 (b) The reports must include:

218.24 (1) the number of employees in each operational division and descriptions of the work
218.25 of each employee;

218.26 (2) a description of the responsibilities that fall under each operational division;

218.27 (3) a detailed list of the source of all revenue, including any fees, taxes, or other revenues
218.28 collected, as well details of base budgets, including all prior appropriation riders;

218.29 (4) how much of each budgetary division appropriation passes through as grants, as well
218.30 as the costs related to each grant program;

- 219.1 (5) a detailed description of the costs related to each budgetary division, as well as the
- 219.2 statutory authority under which those costs are allocated; and
- 219.3 (6) the statutory authority for all expenditures."
- 219.4 Amend the title accordingly