

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 888

(SENATE AUTHORS: SAXHAUG and Carlson)

DATE	D-PG	OFFICIAL STATUS
02/16/2015	311	Introduction and first reading Referred to State and Local Government
03/11/2015	659a	Comm report: To pass as amended and re-refer to Finance
04/16/2015	1749a	Comm report: To pass as amended
	1815	Second reading
04/20/2015	1908a	Special Order: Amended
	2070	Third reading Passed
04/27/2015	2905	Returned from House with amendment
	2906	Senate not concur, conference committee of 5 requested
	2919	Senate conferees Saxhaug; Pappas; Carlson; Wiklund; Metzen
05/01/2015	3214	House conferees Anderson, S.; Albright; O'Driscoll; Loonan; Laine
05/18/2015	4496c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	4574	Third reading House adopted SCC report and repassed bill Presentment date 05/20/15 Governor's action Approval 05/23/15 Secretary of State Chapter 77 05/23/15 (Non-revisor companion) HF495

A bill for an act

1.1 relating to the operation of state government; appropriating money for the
1.2 legislature, governor's office, state auditor, attorney general, secretary of state,
1.3 certain agencies, boards, councils, retirement funds, military affairs, and veterans
1.4 affairs; cancellation of certain appropriations; requiring general incentive
1.5 proposals for review by the legislative auditor; allowing counties to elect to have
1.6 an audit conducted by a CPA firm; changing the signature requirement for phone
1.7 records of certain public officials; creating three ethnic councils; allowing prepay
1.8 for certain software and information technology hosting services; changing
1.9 provisions on report on budget reserve percentage; providing reimbursement for
1.10 reasonable accommodation; modifying grant agreement provisions; making
1.11 changes to guaranteed energy-savings program, small business requirements,
1.12 and veteran-owned small businesses; establishing healthy eating, here at home
1.13 program; establishing expedited and temporary licensing for former and current
1.14 members of the military for certain occupations; changing certain provisions
1.15 governing cosmetology; assessing certain costs for Office of Administrative
1.16 Hearings; requirements for reinstatement of a foreign corporation; making
1.17 changes to provisions governing public benefit corporations; modifying
1.18 provisions for accountants; changing certain requirements for corporations;
1.19 modifying gambling provisions; limiting railroad condemnation powers in
1.20 certain interests; modifying debt service provision for legislative parking garage;
1.21 requiring some room numbers on signage in the Capitol to identify legacy
1.22 rooms; providing in-lieu of rent evaluation; allowing board of cosmetology to
1.23 adopt rules; specifying political contribution credit; specifying state agency
1.24 technology projects; requiring the legislative auditor to evaluate the efficacy
1.25 of the state auditor's examinations; requiring a report on reduction of chief
1.26 information officers in state agencies; making changes to provisions governing
1.27 military and veterans affairs; changing provisions governing pari-mutuel horse
1.28 racing; setting certain fees; requiring reports; amending Minnesota Statutes 2014,
1.29 sections 3.8843, subdivision 5; 10.43; 16A.065; 16A.152, subdivision 8; 16B.97,
1.30 subdivision 1; 16B.98, subdivisions 1, 11; 16C.144; 16C.16, subdivisions
1.31 2, 6a, by adding a subdivision; 16C.19; 148.57, by adding a subdivision;
1.32 148.624, subdivision 5; 148B.33, by adding a subdivision; 148B.53, by adding
1.33 a subdivision; 148B.5301, by adding a subdivision; 148F.025, by adding a
1.34 subdivision; 153.16, subdivisions 1, 4; 154.003; 154.11, subdivision 3; 155A.21;
1.35 155A.23, subdivision 8, by adding subdivisions; 155A.24, subdivision 2;
1.36 155A.25, subdivisions 1a, 5, by adding subdivisions; 155A.27, subdivisions 1, 2,
1.37 5a; 155A.271; 155A.29, subdivisions 1, 2, by adding a subdivision; 155A.30,
1.38 subdivisions 5, 10; 161.1419, subdivision 8; 190.19, subdivisions 2a, 3; 192.38,
1.39

2.1 subdivision 1; 192.501, by adding a subdivision; 197.133; 197.46; 198.01;
 2.2 211B.37; 240.01, subdivision 22, by adding subdivisions; 240.011; 240.03;
 2.3 240.08, subdivisions 2, 4, 5; 240.10; 240.13, subdivisions 5, 6; 240.135; 240.15,
 2.4 subdivisions 1, 6; 240.16, subdivision 1; 240.22; 240.23; 272.484; 303.19;
 2.5 304A.301, subdivisions 1, 5, 6, by adding a subdivision; 326A.01, subdivisions
 2.6 2, 12, 13a, 15, 16; 326A.02, subdivisions 3, 5; 326A.05, subdivisions 1, 3;
 2.7 326A.08, subdivision 7; 326A.10; 336A.09, subdivision 1; 349.16, subdivision
 2.8 6a; 349.161, subdivision 4; 349.163, subdivisions 2, 6; 349.166, subdivision 2;
 2.9 364.09; Laws 2013, chapter 142, article 1, section 10; Laws 2014, chapter 287,
 2.10 section 25; proposing coding for new law in Minnesota Statutes, chapters 3; 6;
 2.11 15; 16B; 138; 197; 383B; repealing Minnesota Statutes 2014, sections 3.9223;
 2.12 3.9225; 3.9226, subdivisions 1, 2, 3, 4, 5, 6, 7; 6.48; 155A.23, subdivision 6;
 2.13 197.131; 197.132; 240.01, subdivisions 12, 23; 375.23.

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

2.15 **ARTICLE 1**

2.16 **STATE GOVERNMENT APPROPRIATIONS**

2.17 Section 1. **STATE GOVERNMENT APPROPRIATIONS.**

2.18 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.19 agencies and for the purposes specified in this article. The appropriations are from the
 2.20 general fund, or another named fund, and are available for the fiscal years indicated
 2.21 for each purpose. The figures "2016" and "2017" used in this article mean that the
 2.22 appropriations listed under them are available for the fiscal year ending June 30, 2016, or
 2.23 June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal
 2.24 year 2017. "The biennium" is fiscal years 2016 and 2017.

2.25		<u>APPROPRIATIONS</u>	
2.26		<u>Available for the Year</u>	
2.27		<u>Ending June 30</u>	
2.28		<u>2016</u>	<u>2017</u>

2.29 Sec. 2. **LEGISLATURE**

2.30 **Subdivision 1. Total**

2.31	<u>Appropriation</u>	<u>\$</u>	<u>76,304,000</u>	<u>82,132,000</u>
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2.32 Appropriations by Fund

2.33		<u>2016</u>	<u>2017</u>
2.34	<u>General</u>	<u>76,176,000</u>	<u>82,004,000</u>
2.35	<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>

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

3.1 The appropriations in this section may
 3.2 be used for any purpose relating to the
 3.3 functions of the entities receiving the
 3.4 appropriations, including but not limited
 3.5 to member and employee compensation
 3.6 and expenses, supplies, payments required
 3.7 under lease agreements for real property, and
 3.8 other expenses associated with legislative
 3.9 sessions, interim activities, public hearings
 3.10 and other public outreach activities, and
 3.11 related activities. The Senate Committee
 3.12 on Rules and Administration for the Senate,
 3.13 the House of Representatives Committee
 3.14 on Rules and Legislative Administration
 3.15 for the House of Representatives, and the
 3.16 Legislative Coordinating Commission for
 3.17 entities under its control must each adopt a
 3.18 budget approving use of these appropriations
 3.19 for specific purposes. The budget must
 3.20 approve use of specific amounts for employee
 3.21 compensation, member compensation, rental
 3.22 payments under a lease, and other categories
 3.23 determined by the rules committees and
 3.24 the Legislative Coordinating Commission.
 3.25 The budget must be adopted after this
 3.26 appropriation is enacted.

3.27 Subd. 2. **Senate** 27,962,000 32,286,000

3.28 The base for fiscal year 2018 is \$32,299,000
 3.29 and for fiscal year 2019 is \$32,105,000.

3.30 Subd. 3. **House of Representatives** 31,439,000 32,383,000

3.31 During the biennium ending June 30, 2017,
 3.32 any revenues received by the house of
 3.33 representatives from voluntary donations
 3.34 to support broadcast or print media are
 3.35 appropriated to the house of representatives.

4.1	<u>Subd. 4. Legislative Coordinating Commission</u>	<u>16,903,000</u>	<u>17,463,000</u>
4.2	<u>Appropriations by Fund</u>		
4.3	<u>General</u>	<u>16,775,000</u>	<u>17,335,000</u>
4.4	<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>
4.5	<u>\$6,564,000 each year from the general fund</u>		
4.6	<u>is to the Office of the Legislative Auditor.</u>		
4.7	<u>The auditor is requested to conduct a special</u>		
4.8	<u>review of the Department of Veterans Affairs</u>		
4.9	<u>financial management of Minnesota veterans</u>		
4.10	<u>homes. This review should include an</u>		
4.11	<u>examination of the department's:</u>		
4.12	<u>(1) management of increasing compensation</u>		
4.13	<u>costs, including any projected increases in</u>		
4.14	<u>staffing levels;</u>		
4.15	<u>(2) use of reserve funds in the special revenue</u>		
4.16	<u>fund to manage shortfalls in funding;</u>		
4.17	<u>(3) implementation of federal Centers for</u>		
4.18	<u>Medicare and Medicaid Services certification</u>		
4.19	<u>requirements, and the ability to accurately</u>		
4.20	<u>forecast and obtain federal reimbursements;</u>		
4.21	<u>(4) operation of the adult day care program</u>		
4.22	<u>at the Minneapolis campus; and</u>		
4.23	<u>(5) management of facilities operating costs,</u>		
4.24	<u>including plans to address the needs of aging</u>		
4.25	<u>facilities.</u>		
4.26	<u>\$380,000 in fiscal year 2017 is for the</u>		
4.27	<u>revisor's administrative rules system. This is</u>		
4.28	<u>a onetime appropriation.</u>		
4.29	<u>\$297,000 the first year and \$298,000 the</u>		
4.30	<u>second year is for the Office of the Revisor of</u>		
4.31	<u>Statutes to maintain and improve information</u>		
4.32	<u>technology services.</u>		
4.33	<u>\$35,000 in fiscal year 2016 and \$35,000 in</u>		
4.34	<u>fiscal year 2017 are to provide support to the</u>		

5.1 Legislative Commission on Data Practices
 5.2 established under Minnesota Statutes, section
 5.3 3.8843. This is a onetime appropriation.
 5.4 From its funds, \$10,000 each year is for
 5.5 purposes of the legislators' forum, through
 5.6 which Minnesota legislators meet with
 5.7 counterparts from South Dakota, North
 5.8 Dakota, and Manitoba to discuss issues of
 5.9 mutual concern.

5.10	<u>Sec. 3. GOVERNOR AND LIEUTENANT</u>			
5.11	<u>GOVERNOR</u>	<u>\$</u>	<u>3,615,000</u>	<u>\$</u>
				<u>3,616,000</u>

5.12 (a) This appropriation is to fund the Office of
 5.13 the Governor and Lieutenant Governor.

5.14 (b) Up to \$19,000 the first year and up to
 5.15 \$19,000 the second year are for necessary
 5.16 expenses in the normal performance of
 5.17 the Governor's and Lieutenant Governor's
 5.18 duties for which no other reimbursement is
 5.19 provided.

5.20 (c) By September 1 of each year, the
 5.21 commissioner of management and budget
 5.22 shall report to the chairs and ranking minority
 5.23 members of the senate State Departments
 5.24 and Veterans Affairs Budget Division and the
 5.25 house of representatives State Government
 5.26 Finance Committee any personnel costs
 5.27 incurred by the Offices of the Governor and
 5.28 Lieutenant Governor that were supported
 5.29 by appropriations to other agencies during
 5.30 the previous fiscal year. The Office of the
 5.31 Governor shall inform the chairs and ranking
 5.32 minority members of the committees before
 5.33 initiating any interagency agreements.

5.34	<u>Sec. 4. STATE AUDITOR</u>	<u>\$</u>	<u>2,185,000</u>	<u>\$</u>	<u>2,231,000</u>
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6.1	Sec. 5. <u>ATTORNEY GENERAL</u>		<u>\$ 24,343,000</u>	<u>\$ 24,343,000</u>
6.2	<u>Appropriations by Fund</u>			
6.3		<u>2016</u>	<u>2017</u>	
6.4	<u>General</u>	<u>22,125,000</u>	<u>22,125,000</u>	
6.5	<u>State Government</u>			
6.6	<u>Special Revenue</u>	<u>1,823,000</u>	<u>1,823,000</u>	
6.7	<u>Environmental</u>	<u>145,000</u>	<u>145,000</u>	
6.8	<u>Remediation</u>	<u>250,000</u>	<u>250,000</u>	
6.9	Sec. 6. <u>SECRETARY OF STATE</u>		<u>\$ 6,631,000</u>	<u>\$ 6,631,000</u>
6.10	<u>Any funds available in the account</u>			
6.11	<u>established in Minnesota Statutes, section</u>			
6.12	<u>5.30, pursuant to the Help America Vote Act,</u>			
6.13	<u>are appropriated for the purposes and uses</u>			
6.14	<u>authorized by federal law.</u>			
6.15	Sec. 7. <u>CAMPAIGN FINANCE AND PUBLIC</u>			
6.16	<u>DISCLOSURE BOARD</u>		<u>\$ 1,164,000</u>	<u>\$ 1,028,000</u>
6.17	<u>Campaign Finance and Public Disclosure</u>			
6.18	<u>Board Web Site Redevelopment Project.</u>			
6.19	<u>\$150,000 in fiscal year 2016 is appropriated</u>			
6.20	<u>to the Campaign Finance and Public</u>			
6.21	<u>Disclosure Board to complete redevelopment</u>			
6.22	<u>of its Web site. This appropriation is</u>			
6.23	<u>available until June 30, 2017. By January 15,</u>			
6.24	<u>2016, the director of the Campaign Finance</u>			
6.25	<u>and Public Disclosure Board shall report to</u>			
6.26	<u>the chairs and ranking minority members of</u>			
6.27	<u>the senate State Departments and Veterans</u>			
6.28	<u>Affairs Budget Division and the house of</u>			
6.29	<u>representatives State Government Finance</u>			
6.30	<u>Committee on the status of the Web site</u>			
6.31	<u>redevelopment project. The report shall</u>			
6.32	<u>include a budget detailing total dollars to be</u>			
6.33	<u>spent, completion date of the project, and</u>			
6.34	<u>dollars expended to date.</u>			

7.1	Sec. 8. <u>INVESTMENT BOARD</u>		<u>\$</u>	<u>139,000</u>	<u>\$</u>	<u>139,000</u>
7.2	Sec. 9. <u>ADMINISTRATIVE HEARINGS</u>		<u>\$</u>	<u>7,630,000</u>	<u>\$</u>	<u>7,633,000</u>
7.3	<u>Appropriations by Fund</u>					
7.4		<u>2016</u>		<u>2017</u>		
7.5	<u>General</u>	<u>380,000</u>		<u>383,000</u>		
7.6	<u>Workers'</u>					
7.7	<u>Compensation</u>	<u>7,250,000</u>		<u>7,250,000</u>		
7.8	<u>Campaign Violations Hearings. \$115,000</u>					
7.9	<u>in fiscal year 2016 and \$115,000 in fiscal year</u>					
7.10	<u>2017 are appropriated from the general fund</u>					
7.11	<u>for the cost of considering complaints filed</u>					
7.12	<u>under Minnesota Statutes, section 211B.32.</u>					
7.13	<u>These amounts may be used in either year</u>					
7.14	<u>of the biennium.</u>					
7.15	<u>\$6,000 in fiscal year 2016 and \$6,000 in</u>					
7.16	<u>fiscal year 2017 are appropriated from the</u>					
7.17	<u>general fund to the Office of Administrative</u>					
7.18	<u>Hearings for the cost of considering data</u>					
7.19	<u>practices complaints filed under Minnesota</u>					
7.20	<u>Statutes, section 13.085. These amounts may</u>					
7.21	<u>be used in either year of the biennium.</u>					
7.22	Sec. 10. <u>MN.IT SERVICES</u>		<u>\$</u>	<u>2,526,000</u>	<u>\$</u>	<u>2,622,000</u>
7.23	<u>The commissioner of management and</u>					
7.24	<u>budget is authorized to provide cash flow</u>					
7.25	<u>assistance of up to \$110,000,000 from the</u>					
7.26	<u>special revenue fund or other statutory</u>					
7.27	<u>general funds as defined in Minnesota</u>					
7.28	<u>Statutes, section 16A.671, subdivision</u>					
7.29	<u>3, paragraph (a), to the Office of MN.IT</u>					
7.30	<u>Services for the purpose of managing</u>					
7.31	<u>revenue and expenditure differences during</u>					
7.32	<u>the initial phases of IT consolidation. These</u>					
7.33	<u>funds shall be repaid with interest by the end</u>					
7.34	<u>of the fiscal year 2017 closing period.</u>					

8.1 During the biennium ending June 30, 2017,
 8.2 MN.IT Services must not charge fees to a
 8.3 public noncommercial educational television
 8.4 broadcast station eligible for funding under
 8.5 Minnesota Statutes, chapter 129D, for
 8.6 access to the state broadcast infrastructure.
 8.7 If the access fees not charged to public
 8.8 noncommercial educational television
 8.9 broadcast stations total more than \$400,000
 8.10 for the biennium, the office may charge for
 8.11 access fees in excess of these amounts.

8.12 Sec. 11. **ADMINISTRATION**

8.13 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>24,397,000</u>	<u>\$</u>	<u>22,346,000</u>
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8.14 The amounts that may be spent for each
 8.15 purpose are specified in the following
 8.16 subdivisions.

8.17 <u>Subd. 2. Government and Citizen Services</u>		<u>9,465,000</u>		<u>8,600,000</u>
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8.18 \$74,000 the first year and \$74,000 the second
 8.19 year are for the Council on Developmental
 8.20 Disabilities.

8.21 \$735,000 the first year and \$65,000 the
 8.22 second year are to conduct a disparity study
 8.23 required under Minnesota Statutes, section
 8.24 16C.16, subdivision 5. This is a onetime
 8.25 appropriation.

8.26 \$200,000 in fiscal year 2016 and \$200,000
 8.27 in fiscal year 2017 are credited to the
 8.28 accommodation account established in
 8.29 Minnesota Statutes, section 16B.4805.

8.30 In fiscal year 2016, the commissioner of
 8.31 administration may use five percent of
 8.32 the appropriation for fiscal year 2016 for
 8.33 developing policies and procedures to
 8.34 implement the reimbursement program

9.1 established in Minnesota Statutes, section
 9.2 16B.4805, and for educating qualifying
 9.3 agencies about the availability of and
 9.4 process for receiving reimbursement for
 9.5 accommodation expenses.

9.6 **Subd. 3. Strategic Management Services** 1,975,000 2,009,000

9.7 **Subd. 4. Fiscal Agent** 12,957,000 11,737,000

9.8 The appropriations under this section are to
 9.9 the commissioner of administration for the
 9.10 purposes specified.

9.11 **In-Lieu of Rent.** \$8,158,000 the first year
 9.12 and \$8,158,000 the second year are for
 9.13 space costs of the legislature and veterans
 9.14 organizations, ceremonial space, and
 9.15 statutorily free space. In-lieu of rent may be
 9.16 used for rent loss and relocation expenses
 9.17 related to the Capitol restoration in the fiscal
 9.18 year 2014-2015 biennium and fiscal year
 9.19 2016-2017 biennium.

9.20 **Relocation Expenses.** \$1,380,000 the first
 9.21 year and \$960,000 the second year are for
 9.22 rent loss and relocation expenses related
 9.23 to the Capitol renovation project. This is a
 9.24 onetime appropriation.

9.25 **Public Broadcasting.** (a) \$1,550,000 the
 9.26 first year and \$1,550,000 the second year are
 9.27 for matching grants for public television.

9.28 (b) \$550,000 the first year and \$250,000
 9.29 the second year are for public television
 9.30 equipment grants under Minnesota Statutes,
 9.31 section 129D.13.

9.32 (c) The commissioner of administration
 9.33 must consider the recommendations of the
 9.34 Minnesota Public Television Association

10.1 before allocating the amount appropriated
10.2 in paragraphs (a) and (b) for equipment or
10.3 matching grants.

10.4 (d) \$592,000 the first year and \$392,000 the
10.5 second year are for community service grants
10.6 to public educational radio stations. This
10.7 appropriation may be used to disseminate
10.8 emergency information in foreign languages.

10.9 (e) \$167,000 the first year and \$117,000
10.10 the second year are for equipment grants
10.11 to public educational radio stations. This
10.12 appropriation may be used for the repair,
10.13 rental, and purchase of equipment including
10.14 equipment under \$500.

10.15 (f) \$560,000 the first year and \$310,000
10.16 the second year are for equipment grants
10.17 to Minnesota Public Radio, Inc., including
10.18 upgrades to Minnesota's Emergency Alert
10.19 and AMBER Alert Systems.

10.20 (g) The appropriations in paragraphs (d),
10.21 (e), and (f), may not be used for indirect
10.22 costs claimed by an institution or governing
10.23 body. The commissioner of administration
10.24 must consider the recommendations of
10.25 the Minnesota Public Educational Radio
10.26 Stations before awarding grants under
10.27 Minnesota Statutes, section 129D.14, using
10.28 the appropriations in paragraphs (d), (e), and
10.29 (f). No grantee is eligible for a grant unless
10.30 they are a member of the Association of
10.31 Minnesota Public Educational Radio Stations
10.32 on or before July 1, 2015.

10.33 (h) Any unencumbered balance remaining
10.34 the first year for grants to public television or

11.1 radio stations does not cancel and is available
 11.2 for the second year.

11.3 **Sec. 12. CAPITOL AREA**
 11.4 **ARCHITECTURAL AND PLANNING**
 11.5 **BOARD**

\$ 340,000 \$ 345,000

11.6 **Sec. 13. MINNESOTA MANAGEMENT AND**
 11.7 **BUDGET**

\$ 22,398,000 \$ 23,691,000

11.8 \$1,000,000 in fiscal year 2016 and
 11.9 \$2,000,000 in fiscal year 2017 are to maintain
 11.10 and upgrade statewide business systems,
 11.11 including, but not limited to, the statewide
 11.12 accounting system, the human resource and
 11.13 payroll system, the employment application
 11.14 system, the enterprise learning management
 11.15 system, the budget planning and analysis
 11.16 system, the fiscal note tracking system, and
 11.17 capital budget system.

11.18 \$121,000 the first year and \$122,000 the
 11.19 second year are to develop and implement
 11.20 a return on taxpayer investment (ROTI)
 11.21 methodology using the Pew-MacArthur
 11.22 Results First framework to evaluate
 11.23 corrections and human services programs
 11.24 administered and funded by state and
 11.25 county governments. The commissioner
 11.26 shall engage and work with staff from
 11.27 Pew-MacArthur Results First, and shall
 11.28 consult with representatives of other state
 11.29 agencies, counties, legislative staff, the
 11.30 commissioners of corrections and human
 11.31 services, and other commissioners of state
 11.32 agencies and stakeholders to implement the
 11.33 established methodology. The commissioner
 11.34 of management and budget shall report
 11.35 on implementation progress and make

12.1 recommendations to the governor and
 12.2 legislature by January 31, 2017.
 12.3 The commissioner must report to the chairs
 12.4 and ranking minority members of the
 12.5 House of Representatives State Government
 12.6 Finance Committee and the Senate State
 12.7 Departments and Veterans Budget Division
 12.8 by July 15, 2015, on the gainsharing program
 12.9 in Minnesota Statutes, Section 16A.90. The
 12.10 report must include information on how the
 12.11 commissioner has promoted the program
 12.12 to state employees, results achieved under
 12.13 the program, and recommendations for any
 12.14 legislative changes needed to make the
 12.15 program more effective.

12.16 Sec. 14. **REVENUE**

12.17 **Subdivision 1. Total Appropriation** \$ **144,438,000** \$ **146,112,000**

12.18 Appropriations by Fund

	<u>2016</u>	<u>2017</u>
12.19 <u>General</u>	<u>140,203,000</u>	<u>141,877,000</u>
12.20 <u>Health Care Access</u>	<u>1,749,000</u>	<u>1,749,000</u>
12.21 <u>Highway User Tax</u>		
12.22 <u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>
12.23 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>

12.24 **Subd. 2. Tax System Management** **115,822,000** **117,496,000**

12.25 Appropriations by Fund

12.26 <u>General</u>	<u>111,587,000</u>	<u>113,261,000</u>
12.27 <u>Health Care Access</u>	<u>1,749,000</u>	<u>1,749,000</u>
12.28 <u>Highway User Tax</u>		
12.29 <u>Distribution</u>	<u>2,183,000</u>	<u>2,183,000</u>
12.30 <u>Environmental</u>	<u>303,000</u>	<u>303,000</u>

12.31 **Appropriation; Taxpayer Assistance.**

12.32 (a) \$400,000 each year from the general
 12.33 fund is for grants to one or more nonprofit
 12.34 organizations, qualifying under section
 12.35 501(c)(3) of the Internal Revenue Code of

13.1 1986, to coordinate, facilitate, encourage, and
 13.2 aid in the provision of taxpayer assistance
 13.3 services. The unencumbered balance in the
 13.4 first year does not cancel but is available for
 13.5 the second year.

13.6 (b) For purposes of this section, "taxpayer
 13.7 assistance services" means accounting
 13.8 and tax preparation services provided by
 13.9 volunteers to low-income, elderly, and
 13.10 disadvantaged Minnesota residents to help
 13.11 them file federal and state income tax returns
 13.12 and Minnesota property tax refund claims
 13.13 and to provide personal representation before
 13.14 the Department of Revenue and Internal
 13.15 Revenue Service.

13.16 Subd. 3. Debt Collection Management 28,616,000 28,616,000

13.17 Sec. 15. GAMBLING CONTROL \$ 3,260,000 \$ 3,324,000

13.18 These appropriations are from the lawful
 13.19 gambling regulation account in the special
 13.20 revenue fund.

13.21 Sec. 16. RACING COMMISSION \$ 1,168,000 \$ 1,153,000

13.22	<u>Appropriations by Fund</u>	
13.23	<u>2016</u>	<u>2017</u>
13.24	<u>General</u>	<u>269,000</u> <u>72,000</u>
13.25	<u>Special Revenue</u>	<u>899,000</u> <u>1,081,000</u>

13.26 The general fund appropriation is for fiscal
 13.27 years 2016 and 2017 only.

13.28 The special revenue fund appropriations are
 13.29 from the racing and card playing regulation
 13.30 accounts. The base for the special revenue
 13.31 fund appropriation is \$972,000 in fiscal year
 13.32 2018 and \$971,000 in fiscal year 2019.

14.1 The Racing Commission is directed to work
 14.2 in consultation with the racing industry
 14.3 to propose permanent dedicated funding
 14.4 changes to fully support the operations of
 14.5 the commission to ensure that racing is
 14.6 conducted in the public interest. These
 14.7 changes shall be reported to the Office of the
 14.8 Governor and to the majority and minority
 14.9 leaders of the relevant finance and policy
 14.10 legislative committees by November 1, 2015.

14.11 Sec. 17. STATE LOTTERY

14.12 Notwithstanding Minnesota Statutes, section
 14.13 349A.10, subdivision 3, the operating budget
 14.14 must not exceed \$31,000,000 in fiscal year
 14.15 2016 and \$31,000,000 in fiscal year 2017.

14.16 Sec. 18. AMATEUR SPORTS COMMISSION \$ 300,000 \$ 300,000

14.17 Sec. 19. COUNCIL ON BLACK
 14.18 MINNESOTANS \$ 396,000 \$ 401,000

14.19 Sec. 20. COUNCIL ON ASIAN-PACIFIC
 14.20 MINNESOTANS \$ 359,000 \$ 364,000

14.21 Sec. 21. COUNCIL ON AFFAIRS OF
 14.22 CHICANO/LATINO PEOPLE \$ 381,000 \$ 386,000

14.23 Sec. 22. INDIAN AFFAIRS COUNCIL \$ 569,000 \$ 576,000

14.24 Sec. 23. MINNESOTA HISTORICAL
 14.25 SOCIETY

14.26 Subdivision 1. Total Appropriation \$ 22,022,000 \$ 22,193,000

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

14.30 Subd. 2. Operations and Programs 21,576,000 21,822,000

15.1	<u>Notwithstanding Minnesota Statutes, section</u>		
15.2	<u>138.668, the Minnesota Historical Society</u>		
15.3	<u>may not charge a fee for its general tours at</u>		
15.4	<u>the Capitol, but may charge fees for special</u>		
15.5	<u>programs other than general tours.</u>		
15.6	<u>Subd. 3. Fiscal Agent</u>		
15.7	<u>(a) Minnesota International Center</u>	<u>39,000</u>	<u>39,000</u>
15.8	<u>(b) Minnesota Air National Guard Museum</u>	<u>17,000</u>	<u>17,000</u>
15.9	<u>(c) Minnesota Military Museum</u>	<u>100,000</u>	<u>100,000</u>
15.10	<u>\$50,000 in fiscal year 2016 and \$50,000 in</u>		
15.11	<u>fiscal year 2017 are for an archivist position.</u>		
15.12	<u>This is a onetime appropriation and available</u>		
15.13	<u>until June 30, 2017.</u>		
15.14	<u>(d) Farmamerica</u>	<u>190,000</u>	<u>115,000</u>
15.15	<u>\$75,000 in fiscal year 2016 is for a grant</u>		
15.16	<u>to Farmamerica, the Minnesota agriculture</u>		
15.17	<u>interpretive center, for capital improvements.</u>		
15.18	<u>(e) Hockey Hall of Fame</u>	<u>100,000</u>	<u>100,000</u>
15.19	<u>Balances Forward.</u> Any unencumbered		
15.20	<u>balance remaining in this subdivision the first</u>		
15.21	<u>year does not cancel but is available for the</u>		
15.22	<u>second year of the biennium.</u>		
15.23	Sec. 24. <u>BOARD OF THE ARTS</u>		
15.24	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 7,522,000</u>	<u>\$ 7,530,000</u>
15.25	<u>The amounts that may be spent for each</u>		
15.26	<u>purpose are specified in the following</u>		
15.27	<u>subdivisions.</u>		
15.28	<u>Subd. 2. Operations and Services</u>	<u>583,000</u>	<u>591,000</u>
15.29	<u>Subd. 3. Grants Program</u>	<u>4,800,000</u>	<u>4,800,000</u>
15.30	<u>Subd. 4. Regional Arts Councils</u>	<u>2,139,000</u>	<u>2,139,000</u>

16.1 **Unencumbered Balance Available.** Any
 16.2 unencumbered balance remaining in this
 16.3 section the first year does not cancel, but is
 16.4 available for the second year of the biennium.

16.5 **Projects located in Minnesota; travel**
 16.6 **restriction.** Money appropriated in this
 16.7 section and distributed as grants may only
 16.8 be spent on projects located in Minnesota.
 16.9 A recipient of a grant funded by an
 16.10 appropriation in this section must not use
 16.11 more than ten percent of the total grant for
 16.12 costs related to travel outside the state of
 16.13 Minnesota.

16.14 Sec. 25. **MINNESOTA HUMANITIES**
 16.15 **CENTER** \$ **675,000** \$ **675,000**

16.16 \$325,000 in fiscal year 2016 and \$325,000 in
 16.17 fiscal year 2017 are for the healthy eating,
 16.18 here at home program under Minnesota
 16.19 Statutes, section 138.912. No more than
 16.20 three percent of the appropriation may be
 16.21 used for the nonprofit administration of the
 16.22 grant program under Minnesota Statutes,
 16.23 section 138.912.

16.24 Sec. 26. **BOARD OF ACCOUNTANCY** \$ **639,000** \$ **641,000**

16.25 Sec. 27. **BOARD OF ARCHITECTURE**
 16.26 **ENGINEERING, LAND SURVEYING,**
 16.27 **LANDSCAPE ARCHITECTURE,**
 16.28 **GEOSCIENCE, AND INTERIOR DESIGN** \$ **784,000** \$ **794,000**

16.29 Sec. 28. **BOARD OF COSMETOLOGIST**
 16.30 **EXAMINERS** \$ **2,565,000** \$ **2,584,000**

16.31 Sec. 29. **BOARD OF BARBER EXAMINERS** \$ **321,000** \$ **325,000**

16.32 Sec. 30. **GENERAL CONTINGENT**
 16.33 **ACCOUNTS** \$ **1,000,000** \$ **500,000**

17.1	<u>Appropriations by Fund</u>		
17.2	<u>2016</u>	<u>2017</u>	
17.3	<u>General</u>	<u>500,000</u>	<u>-0-</u>
17.4	<u>State Government</u>		
17.5	<u>Special Revenue</u>	<u>400,000</u>	<u>400,000</u>
17.6	<u>Workers'</u>		
17.7	<u>Compensation</u>	<u>100,000</u>	<u>100,000</u>
17.8	<u>(a) The appropriations in this section</u>		
17.9	<u>may only be spent with the approval of</u>		
17.10	<u>the governor after consultation with the</u>		
17.11	<u>Legislative Advisory Commission pursuant</u>		
17.12	<u>to Minnesota Statutes, section 3.30.</u>		
17.13	<u>(b) If an appropriation in this section for</u>		
17.14	<u>either year is insufficient, the appropriation</u>		
17.15	<u>for the other year is available for it.</u>		
17.16	<u>(c) If a contingent account appropriation</u>		
17.17	<u>is made in one fiscal year, it should be</u>		
17.18	<u>considered a biennial appropriation.</u>		
17.19	Sec. 31. <u>TORT CLAIMS</u>	<u>\$</u>	<u>161,000</u> <u>\$</u> <u>161,000</u>
17.20	<u>These appropriations are to be spent by the</u>		
17.21	<u>commissioner of management and budget</u>		
17.22	<u>according to Minnesota Statutes, section</u>		
17.23	<u>3.736, subdivision 7. If the appropriation for</u>		
17.24	<u>either year is insufficient, the appropriation</u>		
17.25	<u>for the other year is available for it.</u>		
17.26	<u>Sec. 32. MINNESOTA STATE RETIREMENT</u>		
17.27	<u>SYSTEM</u>		
17.28	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>6,552,000</u> <u>\$</u> <u>8,936,000</u>
17.29	<u>The amounts that may be spent for each</u>		
17.30	<u>purpose are specified in the following</u>		
17.31	<u>subdivisions.</u>		
17.32	<u>Subd. 2. Combined Legislators and</u>		
17.33	<u>Constitutional Officers Retirement Plan</u>		

18.1 Under Minnesota Statutes, sections 3A.03,
 18.2 subdivision 2; 3A.04, subdivisions 3 and 4;
 18.3 and 3A.115.

18.4 If an appropriation in this section for either
 18.5 year is insufficient, the appropriation for the
 18.6 other year is available for it.

18.7 **Sec. 33. PUBLIC EMPLOYEES**
 18.8 **RETIREMENT ASSOCIATION**

\$ 6,000,000 \$ 6,000,000

18.9 Notwithstanding Minnesota Statutes, section
 18.10 353.505, the state payments to the Public
 18.11 Employees Retirement Association on behalf
 18.12 of the former MERF division account are
 18.13 \$6,000,000 on September 15, 2015 and
 18.14 \$6,000,000 on September 15, 2016.

18.15 **Sec. 34. TEACHERS RETIREMENT**
 18.16 **ASSOCIATION**

\$ 29,831,000 \$ 29,831,000

18.17 The amounts estimated to be needed are as
 18.18 follows:

18.19 **Special Direct State Aid.** \$27,331,000 the
 18.20 first year and \$27,331,000 the second year
 18.21 are for special direct state aid authorized
 18.22 under Minnesota Statutes, section 354.436.

18.23 **Special Direct State Matching Aid.**
 18.24 \$2,500,000 the first year and \$2,500,000
 18.25 the second year are for special direct state
 18.26 matching aid authorized under Minnesota
 18.27 Statutes, section 354.435.

18.28 **Sec. 35. ST. PAUL TEACHERS**
 18.29 **RETIREMENT FUND**

\$ 9,827,000 \$ 9,827,000

18.30 The amounts estimated to be needed for
 18.31 special direct state aid to the first class
 18.32 city teachers retirement fund association
 18.33 authorized under Minnesota Statutes, section
 18.34 354A.12, subdivisions 3a and 3c.

19.1 **Sec. 36. MILITARY AFFAIRS**

19.2	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>19,368,000</u>	<u>\$</u>	<u>19,368,000</u>
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19.3 The amounts that may be spent for each
 19.4 purpose are specified in the following
 19.5 subdivisions.

19.6	<u>Subd. 2. Maintenance of Training Facilities</u>		<u>9,661,000</u>		<u>9,661,000</u>
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19.7	<u>Subd. 3. General Support</u>		<u>2,819,000</u>		<u>2,819,000</u>
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19.8	<u>Subd. 4. Enlistment Incentives</u>		<u>6,888,000</u>		<u>6,888,000</u>
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19.9 **Appropriation Availability.** If
 19.10 appropriations for either year of the biennium
 19.11 are insufficient, the appropriation from the
 19.12 other year is available. The appropriations
 19.13 for enlistment incentives are available until
 19.14 expended.

19.15 **Transfer Authority.** Of the funds carried
 19.16 forward from fiscal year 2015 to fiscal
 19.17 year 2016, in the enlistment incentives
 19.18 appropriation, \$10,000,000 in fiscal year
 19.19 2016 may be transferred to the maintenance
 19.20 of training facilities appropriation to
 19.21 address significant maintenance backlog
 19.22 to the department's military training and
 19.23 community centers. This is a onetime
 19.24 transfer and is available until June 30, 2019.

19.25 **Sec. 37. VETERANS AFFAIRS**

19.26	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>69,106,000</u>	<u>\$</u>	<u>73,679,000</u>
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19.27 The amounts that may be spent for each
 19.28 purpose are specified in the following
 19.29 subdivisions.

19.30	<u>Subd. 2. Veterans Programs and Services</u>		<u>16,393,000</u>		<u>16,461,000</u>
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19.31 \$44,000 for a transfer to the Department
 19.32 of Education to implement the expedited

20.1 and temporary licensing provisions of
20.2 Minnesota Statutes, section 197.4552. This
20.3 appropriation is available until June 30, 2017.

20.4 **Veterans Service Organizations. \$353,000**
20.5 each year is for grants to the following
20.6 congressionally chartered veterans service
20.7 organizations, as designated by the
20.8 commissioner: Disabled American Veterans,
20.9 Military Order of the Purple Heart, the
20.10 American Legion, Veterans of Foreign Wars,
20.11 Vietnam Veterans of America, AMVETS,
20.12 and Paralyzed Veterans of America. This
20.13 funding must be allocated in direct proportion
20.14 to the funding currently being provided by
20.15 the commissioner to these organizations.

20.16 **Minnesota Assistance Council for**
20.17 **Veterans. \$750,000 each year is for a grant**
20.18 to the Minnesota Assistance Council for
20.19 Veterans to provide assistance throughout
20.20 Minnesota to veterans and their families who
20.21 are homeless or in danger of homelessness,
20.22 including assistance with the following:
20.23 (1) utilities;
20.24 (2) employment; and
20.25 (3) legal issues.

20.26 The assistance authorized under this
20.27 paragraph must be made only to veterans who
20.28 have resided in Minnesota for 30 days prior
20.29 to application for assistance and according
20.30 to other guidelines established by the
20.31 commissioner. In order to avoid duplication
20.32 of services, the commissioner must ensure
20.33 that this assistance is coordinated with all
20.34 other available programs for veterans.

21.1 **Honor Guards.** \$200,000 each year is for
 21.2 compensation for honor guards at the funerals
 21.3 of veterans under Minnesota Statutes, section
 21.4 197.231.

21.5 **Minnesota GI Bill.** \$200,000 each year is
 21.6 for the costs of administering the Minnesota
 21.7 GI Bill postsecondary educational benefits,
 21.8 on-the-job training, and apprenticeship
 21.9 program under Minnesota Statutes, section
 21.10 197.791. Of this amount, \$100,000 is for
 21.11 transfer to the Office of Higher Education.

21.12 **Gold Star Program.** \$100,000 each year
 21.13 is for administering the Gold Star Program
 21.14 for surviving family members of deceased
 21.15 veterans.

21.16 **County Veterans Service Office.**
 21.17 \$1,100,000 each year is for funding the
 21.18 County Veterans Service Office grant
 21.19 program under Minnesota Statutes, section
 21.20 197.608.

21.21 **Subd. 3. Veterans Homes** 52,713,000 57,218,000

21.22 **Veterans Homes Special Revenue Account.**
 21.23 The general fund appropriations made to the
 21.24 department may be transferred to a veterans
 21.25 homes special revenue account in the special
 21.26 revenue fund in the same manner as other
 21.27 receipts are deposited according to Minnesota
 21.28 Statutes, section 198.34, and are appropriated
 21.29 to the department for the operation of
 21.30 veterans homes facilities and programs.

21.31 **Maximize Federal Reimbursements.**
 21.32 The department will seek opportunities
 21.33 to maximize federal reimbursements of
 21.34 Medicare-eligible expenses and will provide
 21.35 annual reports to the commissioner of

22.1 management and budget on the federal
 22.2 Medicare reimbursements received.
 22.3 Contingent upon future federal Medicare
 22.4 receipts, reductions to the homes' general
 22.5 fund appropriation may be made.

22.6 **Sec. 38. APPROPRIATION**
 22.7 **CANCELLATIONS**

22.8 All unspent funds, estimated to be \$44,000,
 22.9 to implement the expedited and temporary
 22.10 licensing provisions of Minnesota Statutes,
 22.11 section 197.4552, under Laws 2014, chapter
 22.12 312, article 4, section 2, subdivision 8, are
 22.13 canceled to the general fund on June 30, 2015.

22.14 All unspent funds, estimated to be \$150,000,
 22.15 from the Web site redevelopment project
 22.16 appropriation under Laws 2013, chapter
 22.17 142, article 1, section 7, are canceled to the
 22.18 general fund on June 30, 2015.

22.19 **ARTICLE 2**

22.20 **STATE GOVERNMENT OPERATIONS**

22.21 Section 1. Minnesota Statutes 2014, section 3.8843, subdivision 5, is amended to read:

22.22 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance
 22.23 to the commission. The Legislative Coordinating Commission may, if funding is available,
 22.24 appoint staff to provide research assistance.

22.25 **Sec. 2. [3.9735] EVALUATION OF ECONOMIC DEVELOPMENT INCENTIVE**
 22.26 **PROGRAMS.**

22.27 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
 22.28 section have the meanings given them.

22.29 (a) "General incentive" means a state program, statutory provision, or tax expenditure,
 22.30 including tax credits, tax exemptions, tax deductions, grants, or loans, that is intended to
 22.31 encourage businesses to locate, expand, invest, or remain in Minnesota or to hire or retain
 22.32 employees in Minnesota. To be a general incentive, a state program, statutory provision,
 22.33 or tax expenditure must be funded by an appropriation from the general fund, and be

23.1 available to multiple entities, projects, or associated projects or include eligibility criteria
 23.2 with the intent that it will be available to multiple entities, projects, or associated projects.

23.3 (b) "Exclusive incentive" means a state program, statutory provision, tax
 23.4 expenditure, or section of a general incentive, including tax credits, tax exemptions, tax
 23.5 deductions, grants, or loans, that is intended to encourage a single specific entity, project,
 23.6 or associated projects to locate, expand, invest, or remain in Minnesota or to hire or retain
 23.7 employees in Minnesota.

23.8 Subd. 2. **Selection of general incentives for review; schedule for evaluation;**
 23.9 **report.** Annually, the legislative auditor shall submit to the Legislative Audit Commission
 23.10 a list of three to five general incentives proposed for review. In selecting general
 23.11 incentives to include on this list, the legislative auditor may consider what the incentive
 23.12 will cost state and local governments in actual spending and foregone revenue currently or
 23.13 projected into the future, the legislature's need for information about a general incentive
 23.14 that has an upcoming expiration date, and the legislature's need for regular information on
 23.15 the results of all major general incentives. Annually, the Legislative Audit Commission
 23.16 will select at least one general incentive for the legislative auditor's evaluation. The
 23.17 legislative auditor will evaluate the selected general incentive or incentives, prepared
 23.18 according to the evaluation plan established under subdivision 4, and submit a written
 23.19 report to the Legislative Audit Commission.

23.20 Subd. 3. **Exclusive incentive schedule.** The legislative auditor's schedule shall
 23.21 ensure that at least once every four years the legislative auditor will complete an analysis
 23.22 of best practices for exclusive incentives.

23.23 Subd. 4. **Evaluation plans.** By February 1, 2016, the Legislative Audit Commission
 23.24 shall establish evaluation plans that identify elements that the legislative auditor must
 23.25 include in evaluations of a general incentive and an exclusive incentive. The Legislative
 23.26 Audit Commission may modify the evaluation plans as needed.

23.27 Sec. 3. **[6.481] COUNTY AUDITS.**

23.28 Subdivision 1. **Powers and duties.** All the powers and duties conferred and imposed
 23.29 upon the state auditor shall be exercised and performed by the state auditor in respect to
 23.30 the offices, institutions, public property, and improvements of several counties of the
 23.31 state. The state auditor may visit, without previous notice, each county and examine all
 23.32 accounts and records relating to the receipt and disbursement of the public funds and the
 23.33 custody of the public funds and other property. The state auditor shall prescribe and install
 23.34 systems of accounts and financial reports that shall be uniform, so far as practicable, for
 23.35 the same class of offices.

24.1 Subd. 2. **Annual audit required.** A county must have an annual financial audit.
24.2 A county may choose to have the audit performed by the state auditor, or may choose to
24.3 have the audit performed by a CPA firm meeting the requirements of section 326A.05.
24.4 The state auditor or a CPA firm may accept the records and audit of the Department of
24.5 Human Services instead of examining county human service funds, if the audit of the
24.6 Department of Human Services has been made within any period covered by the auditor's
24.7 audit of other county records.

24.8 Subd. 3. **CPA firm audit.** A county audit performed by a CPA firm must meet
24.9 the standards and be in the form required by the state auditor. The state auditor may
24.10 require additional information from the CPA firm if the state auditor determines that is
24.11 in the public interest, but the state auditor must accept the audit unless the state auditor
24.12 determines it does not meet recognized industry auditing standards or is not in the form
24.13 required by the state auditor. The state auditor may make additional examinations as the
24.14 auditor determines to be in the public interest.

24.15 Subd. 4. **Audit availability; data.** A copy of the annual audit by the state auditor or
24.16 by a CPA firm must be available for public inspection in the Office of the State Auditor and
24.17 in the Office of the County Auditor. If an audit is performed by a CPA firm, data relating
24.18 to the audit are subject to the same data classifications that apply under section 6.715. A
24.19 CPA firm conducting a county audit must provide access to data relating to the audit and is
24.20 liable for unlawful disclosure of the data as if it were a government entity under chapter 13.

24.21 Subd. 5. **Reporting.** If an audit conducted by the state auditor or a CPA firm
24.22 discloses malfeasance, misfeasance, or nonfeasance, the auditor must report this to the
24.23 county attorney, who shall institute civil and criminal proceedings as the law and the
24.24 protection of the public interests requires.

24.25 Subd. 6. **Payments to state auditor.** A county audited by the state auditor must
24.26 pay the state auditor for the costs and expenses of the audit. If the state auditor makes
24.27 additional examinations of a county whose audit is performed by a CPA firm, the county
24.28 must pay the auditor for the cost of these examinations. Payments must be deposited in
24.29 the state auditor enterprise fund.

24.30 Subd. 7. **Procedures for change of auditor.** A county that plans to change to or
24.31 from the state auditor and a CPA firm must notify the state auditor of this change by
24.32 August 1 of an even-numbered year. Upon this notice, the following calendar year will be
24.33 the first year's records that will be subject to an audit by the new entity. A county that
24.34 changes to or from the state auditor must have two annual audits done by the new entity.

24.35 **EFFECTIVE DATE.** This section is effective August 1, 2016.

25.1 Sec. 4. Minnesota Statutes 2014, section 10.43, is amended to read:

25.2 **10.43 TELEPHONE USE; APPROVAL.**

25.3 (a) Each representative, senator, constitutional officer, judge, and head of a state
 25.4 department or agency shall sign the person's monthly long-distance telephone bills paid
 25.5 by the state as evidence of the person's approval of each bill. This signature requirement
 25.6 does not apply to a month in which the person's long-distance phone bill paid by the
 25.7 state is less than \$5.

25.8 (b) Even if the monthly long-distance phone bill paid by the state for a person
 25.9 subject to this section is less than \$5, the person is responsible for paying that portion of
 25.10 the bill that does not relate to state business. As provided in section 10.46, long-distance
 25.11 telephone bills paid by the state are public data, regardless of the amount of the bills.

25.12 **EFFECTIVE DATE.** This section is effective for telephone bills for usage on or
 25.13 after July 1, 2015.

25.14 Sec. 5. **[15.0145] ETHNIC COUNCILS.**

25.15 Subdivision 1. **Three ethnic councils; creation.** (a) The Minnesota Council on
 25.16 Latino Affairs includes public members with an ethnic heritage from Mexico, any of the
 25.17 countries in Central or South America, Cuba, the Dominican Republic, or Puerto Rico.

25.18 (b) The Council for Minnesotans of African Heritage includes public members of
 25.19 black African ancestry.

25.20 (c) The Council on Asian-Pacific Minnesotans includes public members with an
 25.21 ethnic heritage from any of the countries east of, and including, Afghanistan or the
 25.22 Pacific Islands.

25.23 Subd. 2. **Membership.** (a) Each council has 15 voting members. Eleven members
 25.24 of each council are public members appointed by the governor. Four members of each
 25.25 council are legislators.

25.26 (b) The governor shall appoint 11 members of each council as follows:

25.27 (1) the Minnesota Council on Latino Affairs must include one member representing
 25.28 each of the state's congressional districts and three members appointed at-large. The
 25.29 council must include at least five women. The governor must attempt to ensure that
 25.30 the demographic composition of council members accurately reflects the demographic
 25.31 composition of Minnesota's Latino community, including recent immigrants, as
 25.32 determined by the state demographer;

25.33 (2) the Council for Minnesotans of African Heritage must include members who are
 25.34 broadly representative of the African heritage community of the state. The council must

26.1 include at least five women. At least three members must be first or second generation
26.2 African immigrants, who generally reflect the demographic composition of these African
26.3 immigrants, as determined by the state demographer; and

26.4 (3) the Council on Asian-Pacific Minnesotans must include one member from each
26.5 of the five ancestries with the state's highest percentages of Asian-Pacific populations,
26.6 as determined by the state demographer. The other six members must be broadly
26.7 representative of the rest of the Asian-Pacific population, with no more than one council
26.8 member from any one ancestry. The council must include at least five women. For
26.9 purposes of this clause, ancestry refers to heritage that is commonly accepted in Minnesota
26.10 as a unique population.

26.11 (c) Four legislators are voting members of each council. The speaker of the house
26.12 and the house minority leader shall each appoint one member to each council. The
26.13 Subcommittee on Committees of the senate Committee on Rules and Administration shall
26.14 appoint one member of the majority caucus and one member of the minority caucus to
26.15 each council.

26.16 (d) The governor may appoint a commissioner of a state agency or a designee of that
26.17 commissioner to serve as an ex-officio, nonvoting member of a council.

26.18 Subd. 3. **Appointments; terms; removal.** (a) In making appointments to a council,
26.19 the governor shall consider an appointee's proven dedication and commitment to the
26.20 council's community and any expertise possessed by the appointee that might be beneficial
26.21 to the council, such as experience in public policy, legal affairs, social work, business,
26.22 or management. The executive director of a council and legislative members may offer
26.23 advice to the governor on applicants seeking appointment.

26.24 (b) Terms, compensation, and filling of vacancies for members appointed by the
26.25 governor are as provided in section 15.059. Removal of members appointed by the
26.26 governor is governed by section 15.059, except that: (1) a member who missed more than
26.27 half of the council meetings convened during a 12-month period automatically is removed
26.28 from the council; and (2) a member appointed by the governor may be removed by a vote
26.29 of three of the four legislative members of the council. The chair of a council shall inform
26.30 the governor of the need for the governor to fill a vacancy on the council. Legislative
26.31 members serve at the pleasure of their appointing authority.

26.32 (c) A member appointed by the governor may serve no more than a total of eight
26.33 years on a council. A legislator may serve no more than eight consecutive years or 12
26.34 nonconsecutive years on any one council.

26.35 Subd. 4. **Training; executive committee; meetings; support.** (a) A member
26.36 appointed by the governor must attend orientation training within the first six months of

27.1 service for each term. The commissioner of administration must arrange for the training
27.2 to include but not be limited to the legislative process, government data practices, open
27.3 meeting law, Robert's Rules of Order, fiscal management, and human resources. The
27.4 governor must remove a member who does not complete the training.

27.5 (b) Each council shall annually elect from among the members appointed by the
27.6 governor a chair and other officers it deems necessary. These officers and one legislative
27.7 member selected by the council shall serve as the executive committee of the council.

27.8 (c) Forty percent of voting members of a council constitutes a quorum. A quorum is
27.9 required to conduct council business. A council member may not vote on any action if the
27.10 member has a conflict of interest under section 10A.07.

27.11 (d) Each council shall receive administrative support from the commissioner of
27.12 administration under section 16B.371. The council may contract in its own name but may
27.13 not accept or receive a loan or incur indebtedness except as otherwise provided by law.
27.14 Contracts must be approved by a majority of the members of the council and executed by
27.15 the chair and the executive director. The council may apply for, receive, and expend in
27.16 its own name grants and gifts of money consistent with the powers and duties specified
27.17 in this section.

27.18 (e) The attorney general shall provide legal services to the councils on behalf of the
27.19 state on all matters relating to the councils, including matters relating to the state as the
27.20 employer of the executive directors of the council, and other council staff.

27.21 Subd. 5. **Executive director; staff.** (a) The Legislative Coordinating Commission
27.22 must appoint an executive director for each council. The executive director must be
27.23 experienced in administrative activities and familiar with the challenges and needs of
27.24 the ethnic council's larger community. The executive director serves in the unclassified
27.25 service at the pleasure of the Legislative Coordinating Commission.

27.26 (b) The Legislative Coordinating Commission must establish a process for recruiting
27.27 and selecting applicants for the executive director positions. This process must include
27.28 consultation and collaboration with the applicable council.

27.29 (c) The executive director and applicable council members must work together in
27.30 fulfilling council duties. The executive director must consult with the commissioners of
27.31 administration and management and budget to ensure appropriate financial, purchasing,
27.32 human resources, and other services for operation of the council. The executive director
27.33 must appoint and supervise the work of other staff necessary to carry out the duties of the
27.34 council. The executive director and other council staff are executive branch employees.

27.35 Subd. 6. **Duties of council.** (a) A council must work for the implementation
27.36 of economic, social, legal, and political equality for its constituency. The council shall

28.1 work with the legislature and governor to carry out this work by performing the duties
28.2 in this section.

28.3 (b) A council shall advise the governor and the legislature on issues confronting the
28.4 constituency of the council. This may include, but is not limited to, presenting the results
28.5 of surveys, studies, and community forums to the appropriate executive departments
28.6 and legislative committees.

28.7 (c) A council shall advise the governor and the legislature of administrative
28.8 and legislative changes needed to improve the economic and social condition of the
28.9 constituency of the council. This may include but is not limited to working with legislators
28.10 to develop legislation to address these issues and to work for passage of the legislation.
28.11 This may also include making recommendations regarding the state's affirmative action
28.12 program and the state's targeted group small business program, or working with state
28.13 agencies and organizations to develop business opportunities and promote economic
28.14 development for the constituency of the council.

28.15 (d) A council shall advise the governor and the legislature of the implications
28.16 and effect of proposed administrative and legislative changes on the constituency of
28.17 the council. This may include but is not limited to tracking legislation, testifying as
28.18 appropriate, and meeting with executive departments and legislators.

28.19 (e) A council shall serve as a liaison between state government and organizations that
28.20 serve the constituency of the council. This may include but is not limited to working with
28.21 these organizations to carry out the duties in paragraphs (a) to (d), and working with these
28.22 organizations to develop informational programs or publications to involve and empower
28.23 the constituency in seeking improvement in their economic and social conditions.

28.24 (f) A council shall perform or contract for the performance of studies designed
28.25 to suggest solutions to the problems of the constituency of the council in the areas of
28.26 education, employment, human rights, health, housing, social welfare, and other related
28.27 areas.

28.28 (g) In carrying out duties under this subdivision, councils may act to advise on issues
28.29 that affect the shared constituencies of more than one council.

28.30 Subd. 7. **Duties of council members.** A council member shall:

28.31 (1) attend and participate in scheduled meetings and be prepared by reviewing
28.32 meeting notes;

28.33 (2) maintain and build communication with the community represented;

28.34 (3) collaborate with the council and executive director in carrying out the council's
28.35 duties; and

29.1 (4) participate in activities the council or executive director deem appropriate and
 29.2 necessary to facilitate the goals and duties of the council.

29.3 Subd. 8. **Reports.** A council must report on the measurable outcomes achieved in
 29.4 the council's current strategic plan to meet its statutory duties, along with the specific
 29.5 objectives and outcome measures proposed for the following year. The council must
 29.6 submit the report by January 15 each year to the chairs of the committees in the house of
 29.7 representatives and the senate with primary jurisdiction over state government operations.
 29.8 Each report must cover the calendar year of the year before the report is submitted. The
 29.9 specific objectives and outcome measures for the following current year must focus on
 29.10 three or four achievable objectives, action steps, and measurable outcomes for which
 29.11 the council will be held accountable. The strategic plan may include other items that
 29.12 support the statutory purposes of the council but should not distract from the primary
 29.13 statutory proposals presented. The funding request of each council, after approval by the
 29.14 Legislative Coordinating Commission, must also be presented by February 1 in each
 29.15 odd-numbered year.

29.16 Sec. 6. Minnesota Statutes 2014, section 16A.065, is amended to read:

29.17 **16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES**
 29.18 **DOCUMENTS.**

29.19 Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an
 29.20 agency to make advance deposits or payments for software or software maintenance
 29.21 services for state-owned or leased electronic data processing equipment, for information
 29.22 technology hosting services, for sole source maintenance agreements where it is not
 29.23 cost-effective to pay in arrears, for exhibit booth space or boat slip rental when required
 29.24 by the renter to guarantee the availability of space, for registration fees where advance
 29.25 payment is required or advance payment discount is provided, and for newspaper,
 29.26 magazine, and other subscription fees customarily paid for in advance. The commissioner
 29.27 may also allow advance deposits by any department with the Library of Congress and
 29.28 federal Supervisor of Documents for items to be purchased from those federal agencies.

29.29 Sec. 7. Minnesota Statutes 2014, section 16A.152, subdivision 8, is amended to read:

29.30 **Subd. 8. Report on budget reserve percentage.** (a) The commissioner of
 29.31 management and budget shall develop and annually review a methodology for evaluating
 29.32 the adequacy of the budget reserve based on the volatility of Minnesota's general fund
 29.33 tax structure. The review must take into consideration relevant statistical and economic
 29.34 literature. After completing the review, the commissioner may revise the methodology

30.1 if necessary. The commissioner must use the methodology to annually estimate the
 30.2 percentage of the current biennium's general fund nondedicated revenues recommended
 30.3 as a budget reserve.

30.4 (b) By ~~January 15~~ September 30 of each year, the commissioner shall report
 30.5 the percentage of the current biennium's general fund nondedicated revenue that is
 30.6 recommended as a budget reserve to the chairs and ranking minority members of the
 30.7 ~~legislative committees with jurisdiction over the Department of Management and Budget~~
 30.8 senate committee on finance, the house of representatives committee on ways and means,
 30.9 and the senate and house of representatives committees on taxes. The report must also
 30.10 specify:

30.11 (1) whether the commissioner revised the recommendation as a result of significant
 30.12 changes in the mix of general fund taxes or the base of one or more general fund taxes;

30.13 (2) whether the commissioner revised the recommendation as a result of a revision
 30.14 to the methodology; and

30.15 (3) any additional appropriate information.

30.16 **EFFECTIVE DATE.** This section is effective July 1, 2015.

30.17 Sec. 8. **[16B.4805] ACCOMMODATION REIMBURSEMENT.**

30.18 **Subdivision 1. Definitions.** "Reasonable accommodation" as used in this section
 30.19 has the meaning given in section 363A.08. "State agency" as used in this section has the
 30.20 meaning given in section 16A.011, subdivision 12. "Reasonable accommodations eligible
 30.21 for reimbursement" means:

30.22 (1) reasonable accommodations provided to applicants for employment;

30.23 (2) reasonable accommodations for employees for services that will need to be
 30.24 provided on a periodic or ongoing basis; or

30.25 (3) reasonable accommodations that involve onetime expenses that total more than
 30.26 \$1,000 for an employee in a fiscal year.

30.27 **Subd. 2. Reimbursement for making reasonable accommodation.** The
 30.28 commissioner of administration shall reimburse state agencies for expenses incurred in
 30.29 making reasonable accommodations eligible for reimbursement for agency employees and
 30.30 applicants for employment to the extent that funds are available in the accommodation
 30.31 account established under subdivision 3 for this purpose.

30.32 **Subd. 3. Accommodation account established.** The accommodation account
 30.33 is created as an account in the special revenue fund for reimbursing state agencies for
 30.34 expenses incurred in providing reasonable accommodation eligible for reimbursement for
 30.35 agency employees and applicants for agency employment.

31.1 Subd. 4. **Administration costs.** The commissioner may use up to 15 percent of the
 31.2 biennial appropriation for administration of this section.

31.3 Subd. 5. **Notification.** By August 1, 2015, or within 30 days of final enactment,
 31.4 whichever is later, and each year thereafter by June 30, the commissioner of administration
 31.5 must notify state agencies that reimbursement for expenses incurred to make reasonable
 31.6 accommodation eligible for reimbursement for agency employees and applicants for
 31.7 agency employment is available under this section.

31.8 Subd. 6. **Report.** By January 31 of each year, the commissioner of administration
 31.9 must report to the chairs and ranking minority members of the house of representatives and
 31.10 the senate committees with jurisdiction over state government finance on the use of the
 31.11 central accommodation account during the prior calendar year. The report must include:

31.12 (1) the number and type of accommodations requested;

31.13 (2) the cost of accommodations requested;

31.14 (3) the state agencies from which the requests were made;

31.15 (4) the number of requests made for employees and the number of requests for
 31.16 applicants for employment;

31.17 (5) the number and type of accommodations that were not provided;

31.18 (6) any remaining balance left in the account;

31.19 (7) if the account was depleted, the date on which funds were exhausted and the
 31.20 number, type, and cost of accommodations that were not reimbursed to state agencies; and

31.21 (8) a description of how the account was promoted to state agencies.

31.22 **EFFECTIVE DATE.** This section is effective July 1, 2015. Reimbursement is
 31.23 available for accommodation expenses incurred after June 30, 2015.

31.24 Sec. 9. Minnesota Statutes 2014, section 16B.97, subdivision 1, is amended to read:

31.25 Subdivision 1. **Grant agreement.** (a) A grant agreement is a written instrument or
 31.26 electronic document defining a legal relationship between a granting agency and a grantee
 31.27 when the principal purpose of the relationship is to transfer cash or something of value
 31.28 to the recipient to support a public purpose authorized by law instead of acquiring by
 31.29 professional or technical contract, purchase, lease, or barter property or services for the
 31.30 direct benefit or use of the granting agency.

31.31 (b) This section does not apply to general obligation grants as defined by section
 31.32 16A.695 and capital project grants to political subdivisions as defined by section 16A.86.

31.33 Sec. 10. Minnesota Statutes 2014, section 16B.98, subdivision 1, is amended to read:

32.1 Subdivision 1. **Limitation.** (a) As a condition of receiving a grant from
 32.2 an appropriation of state funds, the recipient of the grant must agree to minimize
 32.3 administrative costs. The granting agency is responsible for negotiating appropriate limits
 32.4 to these costs so that the state derives the optimum benefit for grant funding.

32.5 (b) This section does not apply to general obligation grants as defined by section
 32.6 16A.695 and also capital project grants to political subdivisions as defined by section
 32.7 16A.86.

32.8 Sec. 11. Minnesota Statutes 2014, section 16B.98, subdivision 11, is amended to read:

32.9 Subd. 11. **Encumbrance exception.** Notwithstanding subdivision 5, paragraph (a),
 32.10 clause (2), or section 16C.05, subdivision 2, paragraph (a), clause (3), agencies may
 32.11 permit a specifically named, legislatively appropriated, noncompetitive grant recipient to
 32.12 incur eligible expenses based on an agreed upon work plan and budget for up to 60 days
 32.13 prior to an encumbrance being established in the accounting system. ~~For a grant funded~~
 32.14 ~~in whole or in part with state general obligation bond proceeds, an agency may permit~~
 32.15 ~~incurring of expenses under this subdivision only with prior approval of the commissioner~~
 32.16 ~~of management and budget.~~

32.17 Sec. 12. Minnesota Statutes 2014, section 16C.144, is amended to read:

32.18 **16C.144 GUARANTEED ENERGY-SAVINGS PROGRAM.**

32.19 Subdivision 1. **Definitions.** The following definitions apply to this section.

32.20 (a) "Utility" means electricity, natural gas, or other energy resource, water, and
 32.21 wastewater.

32.22 (b) "Utility cost savings" means the difference between the utility costs after
 32.23 installation of the utility cost-savings measures pursuant to the guaranteed energy-savings
 32.24 agreement and the baseline utility costs after baseline adjustments have been made.

32.25 (c) "Baseline" means the preagreement utilities, operations, and maintenance costs.

32.26 (d) "Utility cost-savings measure" means a measure that produces utility cost savings
 32.27 or operation and maintenance cost savings.

32.28 (e) "Operation and maintenance cost savings" means a measurable difference
 32.29 between operation and maintenance costs after the installation of the utility cost-savings
 32.30 measures pursuant to the guaranteed energy-savings agreement and the baseline operation
 32.31 and maintenance costs after inflation adjustments have been made. Operation and
 32.32 maintenance costs savings shall not include savings from in-house staff labor.

33.1 (f) "Guaranteed energy-savings agreement" means an agreement for the installation
 33.2 of one or more utility cost-savings measures that includes the qualified provider's
 33.3 guarantee as required under subdivision 2.

33.4 (g) "Baseline adjustments" means adjusting the utility cost-savings baselines
 33.5 annually for changes in the following variables:

- 33.6 (1) utility rates;
- 33.7 (2) number of days in the utility billing cycle;
- 33.8 (3) square footage of the facility;
- 33.9 (4) operational schedule of the facility;
- 33.10 (5) facility temperature set points;
- 33.11 (6) weather; and
- 33.12 (7) amount of equipment or lighting utilized in the facility.

33.13 (h) "Inflation adjustment" means adjusting the operation and maintenance
 33.14 cost-savings baseline annually for inflation.

33.15 (i) ~~"Lease purchase agreement"~~ Project financing means ~~an agreement any type of~~
 33.16 financing including but not limited to lease, lease purchase, installment agreements, or
 33.17 bonds issued by an entity, other than the state, with authority to issue bonds, obligating the
 33.18 state to make regular lease payments to satisfy the lease costs of the utility cost-savings
 33.19 measures until the final payment, ~~after which time the utility cost-savings measures~~
 33.20 ~~become the sole property of the state of Minnesota.~~

33.21 (j) "Qualified provider" means a person or business experienced in the design,
 33.22 implementation, and installation of utility cost-savings measures.

33.23 (k) "Engineering report" means a report prepared by a professional engineer licensed
 33.24 by the state of Minnesota summarizing estimates of all costs of installations, modifications,
 33.25 or remodeling, including costs of design, engineering, installation, maintenance, repairs,
 33.26 and estimates of the amounts by which utility and operation and maintenance costs will be
 33.27 reduced.

33.28 (l) "Capital cost avoidance" means money expended by a state agency to pay for
 33.29 utility cost-savings measures with a guaranteed savings agreement so long as the measures
 33.30 that are being implemented to achieve the utility, operation, and maintenance cost savings
 33.31 are a significant portion of an overall project as determined by the commissioner.

33.32 (m) "Guaranteed energy-savings program guidelines" means policies, procedures,
 33.33 and requirements of guaranteed savings agreements established by the Department of
 33.34 Administration.

33.35 Subd. 2. **Guaranteed energy-savings agreement.** The commissioner may enter
 33.36 into a guaranteed energy-savings agreement with a qualified provider if:

34.1 (1) the qualified provider is selected through a competitive process in accordance
 34.2 with the guaranteed energy-savings program guidelines within the Department of
 34.3 Administration;

34.4 (2) the qualified provider agrees to submit an engineering report prior to the
 34.5 execution of the guaranteed energy-savings agreement. The cost of the engineering report
 34.6 may be considered as part of the implementation costs if the commissioner enters into a
 34.7 guaranteed energy-savings agreement with the provider;

34.8 (3) the term of the guaranteed energy-savings agreement shall not exceed 25 years
 34.9 from the date of final installation;

34.10 (4) the commissioner finds that the amount ~~it the state would spend, less the amount~~
 34.11 contributed for capital cost avoidance, on the utility cost-savings measures recommended
 34.12 in the engineering report will not exceed the amount to be saved in utility operation and
 34.13 maintenance costs over 25 years from the date of implementation of utility cost-savings
 34.14 measures;

34.15 (5) the qualified provider provides a written guarantee that the annual utility,
 34.16 operation, and maintenance cost savings during the term of the guaranteed energy-savings
 34.17 agreement will meet or exceed the annual payments due under ~~a lease purchase agreement~~
 34.18 the project financing. The qualified provider shall reimburse the state for any shortfall of
 34.19 guaranteed utility, operation, and maintenance cost savings; and

34.20 (6) the qualified provider gives a sufficient bond in accordance with section
 34.21 574.26 to the commissioner for the faithful implementation and installation of the utility
 34.22 cost-savings measures.

34.23 Subd. 3. ~~Lease purchase agreement~~ **Project financing**. The commissioner
 34.24 may enter into ~~a lease purchase agreement~~ project financing with any party for the
 34.25 implementation of utility cost-savings measures in accordance with the guaranteed
 34.26 energy-savings agreement. ~~The implementation costs of the utility cost-savings measures~~
 34.27 ~~recommended in the engineering report shall not exceed the amount to be saved in utility~~
 34.28 ~~and operation and maintenance costs over the term of the lease purchase agreement.~~ The
 34.29 term of the ~~lease purchase agreement~~ project financing shall not exceed 25 years from
 34.30 the date of final installation. The ~~lease~~ project financing is assignable in accordance with
 34.31 terms approved by the commissioner of management and budget.

34.32 Subd. 4. **Use of capital cost avoidance**. The affected state agency may contribute
 34.33 funds for capital cost avoidance for guaranteed energy-savings agreements. Use of capital
 34.34 cost avoidance is subject to the guaranteed energy-savings program guidelines within the
 34.35 Department of Administration.

35.1 Subd. 5. **Independent report.** For each guaranteed energy-savings agreement
 35.2 entered into, the commissioner of administration shall contract with an independent third
 35.3 party to evaluate the cost-effectiveness of each utility cost-savings measure implemented
 35.4 to ensure that such measures were the least-cost measures available. For the purposes of
 35.5 this section, "independent third party" means an entity not affiliated with the qualified
 35.6 provider, that is not involved in creating or providing conservation project services to that
 35.7 provider, and that has expertise (or access to expertise) in energy-savings practices.

35.8 Sec. 13. Minnesota Statutes 2014, section 16C.16, subdivision 2, is amended to read:

35.9 Subd. 2. **Small business.** The commissioner shall adopt ~~rules defining the size~~
 35.10 standards for "small business" found in Code of Federal Relations, title 49, section
 35.11 26.65, for purposes of sections 16C.16 to 16C.21, 137.31, 137.35, 161.321, and 473.142:
 35.12 ~~The definition must include only businesses with their,~~ provided that the business has
 35.13 its principal place of business in Minnesota. The definition must establish different
 35.14 ~~size standards for various types of businesses. In establishing these standards, the~~
 35.15 ~~commissioner must consider the differences among industries caused by the size of the~~
 35.16 ~~market for goods or services and the relative size and market share of the competitors~~
 35.17 ~~operating in those markets.~~

35.18 Sec. 14. Minnesota Statutes 2014, section 16C.16, subdivision 6a, is amended to read:

35.19 Subd. 6a. **Veteran-owned small businesses.** (a) Except when mandated by the
 35.20 federal government as a condition of receiving federal funds, the commissioner shall
 35.21 award up to a six percent preference, but no less than the percentage awarded to any
 35.22 other group under this section, in the amount bid on state procurement to certified small
 35.23 businesses that are majority-owned and operated by veterans.

35.24 (b) The purpose of this designation is to facilitate the transition of veterans from
 35.25 military to civilian life, and to help compensate veterans for their sacrifices, including but
 35.26 not limited to their sacrifice of health and time, to the state and nation during their military
 35.27 service, as well as to enhance economic development within Minnesota.

35.28 (c) Before the commissioner certifies that a small business is majority-owned and
 35.29 operated by a veteran, the commissioner of veterans affairs must verify that the owner of
 35.30 the small business is a veteran, as defined in section 197.447.

35.31 Sec. 15. Minnesota Statutes 2014, section 16C.16, is amended by adding a subdivision
 35.32 to read:

36.1 Subd. 13. **State-funded projects.** (a) Notwithstanding section 16C.001, this
 36.2 subdivision applies to contracts for state-funded capital improvement projects in excess of
 36.3 \$100,000 that are issued by organizations not subject to the small business requirements of
 36.4 this section, including municipalities as defined in section 466.01, subdivision 1.

36.5 (b) Organizations administering contracts described in paragraph (a) shall promote
 36.6 the use of targeted group businesses designated under this section and take steps to remove
 36.7 barriers to equitable participation of targeted group businesses.

36.8 (c) Organizations shall cooperate with the commissioner's efforts to monitor and
 36.9 measure compliance with this subdivision in the performance of state-funded contracts.

36.10 Sec. 16. Minnesota Statutes 2014, section 16C.19, is amended to read:

36.11 **16C.19 ELIGIBILITY; RULES.**

36.12 (a) A small business wishing to participate in the programs under section 16C.16,
 36.13 subdivisions 4 to 7, must be certified by the commissioner. The commissioner shall adopt
 36.14 by rule standards and procedures for certifying that small targeted group businesses,
 36.15 small businesses located in economically disadvantaged areas, and veteran-owned small
 36.16 businesses are eligible to participate under the requirements of sections 16C.16 to 16C.21.
 36.17 The commissioner shall adopt by rule standards and procedures for hearing appeals and
 36.18 grievances and other rules necessary to carry out the duties set forth in sections 16C.16
 36.19 to 16C.21.

36.20 (b) The commissioner may make rules which exclude or limit the participation of
 36.21 nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers,
 36.22 manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21.

36.23 (c) The commissioner may make rules that set time limits and other eligibility limits
 36.24 on business participation in programs under sections 16C.16 to 16C.21.

36.25 (d) Notwithstanding paragraph ~~(e)~~ (a), for purposes of sections 16C.16 to 16C.21, a
 36.26 veteran-owned small business, the principal place of business of which is in Minnesota,
 36.27 is certified if:

36.28 (1) it has been verified by the United States Department of Veterans Affairs as
 36.29 being either a veteran-owned small business or a service-disabled veteran-owned small
 36.30 business, in accordance with Public Law 109-461 and Code of Federal Regulations, title
 36.31 38, part 74; or

36.32 (2) the veteran-owned small business supplies the commissioner with proof that the
 36.33 small business is majority-owned and operated by:

36.34 (i) a veteran as defined in section 197.447; or

37.1 (ii) a veteran with a service-connected disability, as determined at any time by the
 37.2 United States Department of Veterans Affairs.

37.3 (e) Until rules are adopted pursuant to paragraph (a) for the purpose of certifying
 37.4 veteran-owned small businesses, the provisions of Minnesota Rules, part 1230.1700, may
 37.5 be read to include veteran-owned small businesses. In addition to the documentation
 37.6 required in Minnesota Rules, part 1230.1700, the veteran owner must have been
 37.7 discharged under honorable conditions from active service, as indicated by the veteran
 37.8 owner's most current United States Department of Defense form DD-214.

37.9 (f) Notwithstanding paragraph (a), for purposes of sections 16C.16 to 16C.21, a
 37.10 minority- or woman-owned small business, the principal place of business of which is
 37.11 in Minnesota, is certified if it has been certified by the Minnesota unified certification
 37.12 program under the provisions of Code of Federal Regulations, title 49, part 26.

37.13 (g) The commissioner may adopt rules to implement the programs under section
 37.14 16C.16, subdivisions 4 to 7, using the expedited rulemaking process in section 14.389.

37.15 Sec. 17. **[138.912] HEALTHY EATING, HERE AT HOME.**

37.16 Subdivision 1. **Establishment.** The healthy eating, here at home program is
 37.17 established to provide incentives for low-income Minnesotans to use federal Supplemental
 37.18 Nutrition Assistance Program (SNAP) benefits for healthy purchases at Minnesota-based
 37.19 farmers' markets.

37.20 Subd. 2. **Definitions.** (a) The definitions in this subdivision apply to this section.

37.21 (b) "Healthy eating, here at home" means a program administered by the Minnesota
 37.22 Humanities Center to provide incentives for low-income Minnesotans to use SNAP
 37.23 benefits for healthy purchases at Minnesota-based farmers' markets.

37.24 (c) "Healthy purchases" means SNAP-eligible foods.

37.25 (d) "Minnesota-based farmers' market" means a physical market as defined in section
 37.26 28A.151, subdivision 1, paragraph (b), and also includes mobile markets.

37.27 (e) "Voucher" means a physical or electronic credit.

37.28 (f) "Eligible household" means an individual or family that is determined to be a
 37.29 recipient of SNAP.

37.30 Subd. 3. **Grants.** The Minnesota Humanities Center shall allocate grant funds to
 37.31 nonprofit organizations that work with Minnesota-based farmers' markets to provide up
 37.32 to \$10 vouchers to SNAP participants who use electronic benefits transfer (EBT) cards
 37.33 for healthy purchases. Funds may also be provided for vouchers distributed through
 37.34 nonprofit organizations engaged in healthy cooking and food education outreach to
 37.35 eligible households for use at farmers' markets. Funds appropriated under this section may

38.1 not be used for healthy cooking classes or food education outreach. When awarding
 38.2 grants, the Minnesota Humanities Center must consider how the nonprofit organizations
 38.3 will achieve geographic balance, including specific efforts to reach eligible households
 38.4 across the state, and the organizations' capacity to manage the programming and outreach.

38.5 Subd. 4. **Household eligibility; participation.** To be eligible for a healthy eating,
 38.6 here at home voucher, an eligible household must meet the Minnesota SNAP eligibility
 38.7 requirements under section 256D.051.

38.8 Subd. 5. **Permissible uses; information provided.** An eligible household may use
 38.9 the voucher toward healthy purchases at Minnesota-based farmers' markets. Every eligible
 38.10 household that receives a voucher must be informed of the allowable uses of the voucher.

38.11 Subd. 6. **Program reporting.** The nonprofit organizations that receive grant funds
 38.12 must report annually to the Minnesota Humanities Center with information regarding the
 38.13 operation of the program, including the number of vouchers issued and the number of
 38.14 people served. To the extent practicable, the nonprofit organizations must report on the
 38.15 usage of the vouchers and evaluate the program's effectiveness.

38.16 Subd. 7. **Grocery inclusion.** The commissioner of human services must submit a
 38.17 waiver request to the federal United States Department of Agriculture seeking approval
 38.18 for the inclusion of Minnesota grocery stores in this program so that SNAP participants
 38.19 may use the vouchers for healthy produce at grocery stores. Grocery store participation is
 38.20 voluntary and a grocery store's associated administrative costs will not be reimbursed.

38.21 Sec. 18. Minnesota Statutes 2014, section 148.57, is amended by adding a subdivision
 38.22 to read:

38.23 Subd. 5. **Expedited and temporary licensing for former and current members**
 38.24 **of the military.** (a) Applicants seeking licensure according to this subdivision must be:

38.25 (1) an active duty military member;

38.26 (2) the spouse of an active duty military member; or

38.27 (3) a veteran who has left service in the two years preceding the date of license
 38.28 application, and has confirmation of an honorable or general discharge status.

38.29 (b) A qualified applicant under this subdivision must provide evidence of:

38.30 (1) a current valid license, certificate, or permit in another state without history of
 38.31 disciplinary action by a regulatory authority in the other state; and

38.32 (2) a current criminal background study without a criminal conviction that is
 38.33 determined by the board to adversely affect the applicant's ability to become licensed.

38.34 (c) A temporary license issued under this subdivision is effective for six months
 38.35 from the initial temporary licensure date.

39.1 (d) During the temporary license period, the individual shall complete the licensed
 39.2 optometrist application for licensure.

39.3 (e) In order to remain licensed after the expiration of the temporary license, an
 39.4 individual must meet the requirements in section 148.57, subdivisions 1 and 2.

39.5 Sec. 19. Minnesota Statutes 2014, section 148.624, subdivision 5, is amended to read:

39.6 Subd. 5. **Expedited and temporary licensing for former and current members**
 39.7 **of the military permit.** ~~The board shall issue a temporary permit to members of the~~
 39.8 ~~military in accordance with section 197.4552.~~ (a) Applicants seeking licensure according
 39.9 to this subdivision must be:

39.10 (1) an active duty military member;

39.11 (2) the spouse of an active duty military member; or

39.12 (3) a veteran who has left service in the two years preceding the date of license
 39.13 application, and has confirmation of an honorable or general discharge status.

39.14 (b) A qualified applicant under this subdivision must provide evidence of:

39.15 (1) a current valid license in another state without history of disciplinary action by a
 39.16 regulatory authority in the other state; and

39.17 (2) a current criminal background study without a criminal conviction that is
 39.18 determined by the board to adversely affect the applicant's ability to become licensed.

39.19 (c) A temporary license issued under this subdivision is effective for six months
 39.20 from the initial temporary licensure date.

39.21 (d) During the temporary license period, the individual shall complete the licensed
 39.22 dietitian or nutritionist application for licensure.

39.23 (e) In order to remain licensed after the expiration of the temporary license, an
 39.24 individual must meet the full licensure requirements.

39.25 (f) The fee for the temporary ~~permit~~ license is \$250.

39.26 Sec. 20. Minnesota Statutes 2014, section 148B.33, is amended by adding a
 39.27 subdivision to read:

39.28 Subd. 3. **Expedited and temporary licensing for former and current members**
 39.29 **of the military.** (a) Applicants seeking licensure according to this subdivision must be:

39.30 (1) an active duty military member;

39.31 (2) the spouse of an active duty military member; or

39.32 (3) a veteran who has left service in the two years preceding the date of license
 39.33 application, and has confirmation of an honorable or general discharge status.

39.34 (b) A qualified applicant under this subdivision must provide evidence of:

40.1 (1) a current valid license, certificate, or permit in another state without history of
 40.2 disciplinary action by a regulatory authority in the other state; and

40.3 (2) a current criminal background study without a criminal conviction that is
 40.4 determined by the board to adversely affect the applicant's ability to become licensed.

40.5 (c) A temporary license issued under this subdivision is effective for six months
 40.6 from the initial temporary licensure date.

40.7 (d) During the temporary license period, the individual shall complete the licensed
 40.8 marriage and family therapist application for licensure.

40.9 (e) In order to remain licensed after the expiration of the temporary license, an
 40.10 individual must meet the requirements in subdivisions 1 and 2.

40.11 Sec. 21. Minnesota Statutes 2014, section 148B.53, is amended by adding a
 40.12 subdivision to read:

40.13 Subd. 1a. **Expedited and temporary licensing for former and current members**
 40.14 **of the military.** (a) Applicants seeking licensure according to this subdivision must be:

40.15 (1) an active duty military member;

40.16 (2) the spouse of an active duty military member; or

40.17 (3) a veteran who has left service in the two years preceding the date of license
 40.18 application, and has confirmation of an honorable or general discharge status.

40.19 (b) A qualified applicant under this subdivision must provide evidence of:

40.20 (1) a current valid license, certificate, or permit in another state without history of
 40.21 disciplinary action by a regulatory authority in the other state; and

40.22 (2) a current criminal background study without a criminal conviction that is
 40.23 determined by the board to adversely affect the applicant's ability to become licensed.

40.24 (c) A temporary license issued under this subdivision is effective for one year from
 40.25 the initial licensure date.

40.26 (d) During the temporary license period, the individual shall complete the licensed
 40.27 professional counselor application for licensure.

40.28 (e) In order to remain licensed after the expiration of the temporary license, an
 40.29 individual must meet the requirements in subdivision 1, paragraphs (a) and (b).

40.30 Sec. 22. Minnesota Statutes 2014, section 148B.5301, is amended by adding a
 40.31 subdivision to read:

40.32 Subd. 4a. **Expedited and temporary licensing for former and current members**
 40.33 **of the military.** (a) Applicants seeking licensure according to this subdivision must be:

40.34 (1) an active duty military member;

- 41.1 (2) the spouse of an active duty military member; or
 41.2 (3) a veteran who has left service in the two years preceding the date of license
 41.3 application, and has confirmation of an honorable or general discharge status.
 41.4 (b) A qualified applicant under paragraph (a) must provide evidence of:
 41.5 (1) a current valid license, certificate, or permit in another state without history of
 41.6 disciplinary action by a regulatory authority in the other state; and
 41.7 (2) a current criminal background study without a criminal conviction that is
 41.8 determined by the board to adversely affect the applicant's ability to become licensed.
 41.9 (c) A temporary license issued under this subdivision is effective for one year from
 41.10 the initial licensure date.
 41.11 (d) During the temporary license period, the individual shall complete the licensed
 41.12 professional clinical counselor application for licensure.
 41.13 (e) In order to remain licensed after the expiration of the temporary license, an
 41.14 individual must meet the requirements in subdivisions 1 and 2.

41.15 Sec. 23. Minnesota Statutes 2014, section 148F.025, is amended by adding a
 41.16 subdivision to read:

41.17 **Subd. 5. Expedited and temporary licensing for former and current members**
 41.18 **of the military.** (a) Applicants seeking licensure according to this subdivision must be:

- 41.19 (1) an active duty military member;
 41.20 (2) the spouse of an active duty military member; or
 41.21 (3) a veteran who has left service in the two years preceding the date of license
 41.22 application, and has confirmation of an honorable or general discharge status.
 41.23 (b) Applicants are required to comply with subdivisions 1 and 4.
 41.24 (c) A qualified applicant under paragraph (a) must provide evidence of:
 41.25 (1) a current valid license, certificate, or permit in another state without history of
 41.26 disciplinary action by a regulatory authority in the other state; and
 41.27 (2) a current criminal background study without a criminal conviction that is
 41.28 determined by the board to adversely affect the applicant's ability to become licensed.
 41.29 (d) A temporary license issued under this subdivision is effective for two years from
 41.30 the initial licensure date.
 41.31 (e) During the temporary license period, the individual shall complete the application
 41.32 for licensure required in subdivision 1.
 41.33 (f) In order to remain licensed after the expiration of the temporary license, an
 41.34 individual must meet the requirements in subdivisions 2 and 3.

42.1 Sec. 24. Minnesota Statutes 2014, section 153.16, subdivision 1, is amended to read:

42.2 Subdivision 1. **License requirements.** The board shall issue a license to practice
42.3 podiatric medicine to a person who meets the following requirements:

42.4 (a) The applicant for a license shall file a written notarized application on forms
42.5 provided by the board, showing to the board's satisfaction that the applicant is of good
42.6 moral character and satisfies the requirements of this section.

42.7 (b) The applicant shall present evidence satisfactory to the board of being a graduate
42.8 of a podiatric medical school approved by the board based upon its faculty, curriculum,
42.9 facilities, accreditation by a recognized national accrediting organization approved by the
42.10 board, and other relevant factors.

42.11 (c) The applicant must have received a passing score on each part of the national board
42.12 examinations, parts one and two, prepared and graded by the National Board of Podiatric
42.13 Medical Examiners. The passing score for each part of the national board examinations,
42.14 parts one and two, is as defined by the National Board of Podiatric Medical Examiners.

42.15 (d) Applicants graduating after 1986 from a podiatric medical school shall present
42.16 evidence of successful completion of a residency program approved by a national
42.17 accrediting podiatric medicine organization.

42.18 (e) The applicant shall appear in person before the board or its designated
42.19 representative to show that the applicant satisfies the requirements of this section,
42.20 including knowledge of laws, rules, and ethics pertaining to the practice of podiatric
42.21 medicine. The board may establish as internal operating procedures the procedures or
42.22 requirements for the applicant's personal presentation. Upon completion of all other
42.23 application requirements, a doctor of podiatric medicine applying for a temporary military
42.24 license has six months in which to comply with this subdivision.

42.25 (f) The applicant shall pay a fee established by the board by rule. The fee shall
42.26 not be refunded.

42.27 (g) The applicant must not have engaged in conduct warranting disciplinary action
42.28 against a licensee. If the applicant does not satisfy the requirements of this paragraph,
42.29 the board may refuse to issue a license unless it determines that the public will be
42.30 protected through issuance of a license with conditions and limitations the board considers
42.31 appropriate.

42.32 (h) Upon payment of a fee as the board may require, an applicant who fails to pass
42.33 an examination and is refused a license is entitled to reexamination within one year of
42.34 the board's refusal to issue the license. No more than two reexaminations are allowed
42.35 without a new application for a license.

43.1 Sec. 25. Minnesota Statutes 2014, section 153.16, subdivision 4, is amended to read:

43.2 Subd. 4. **Temporary military permit license.** ~~The board shall establish a temporary~~
 43.3 ~~permit in accordance with section 197.4552. The fee for the temporary military permit is~~

43.4 ~~\$250.~~ (a) The board shall issue an expedited license to practice podiatric medicine to an
 43.5 applicant who meets the following requirements:

43.6 (1) is an active duty military member;

43.7 (2) is the spouse of an active duty military member; or

43.8 (3) is a veteran who has left service in the two years preceding the date of license
 43.9 application, and has confirmation of an honorable or general discharge status.

43.10 (b) A qualified applicant under this subdivision must provide evidence of:

43.11 (1) a current, valid license in another state without history of disciplinary action by a
 43.12 regulatory authority in the other state; and

43.13 (2) a current criminal background study without a criminal conviction that is
 43.14 determined by the board to adversely affect the applicant's ability to become licensed.

43.15 (c) The board shall issue a license for up to six months to a doctor of podiatric
 43.16 medicine eligible for licensure under this subdivision. Doctors of podiatric medicine
 43.17 licensed in another state who have complied with all other requirements may receive a
 43.18 temporary license valid for up to six months. No extension is available.

43.19 (d) A temporary license issued under this subdivision permits a qualified individual
 43.20 to perform podiatric medicine for a limited length of time as determined by the licensing
 43.21 board. During the temporary license period, the individual shall complete the full
 43.22 application procedure and be approved as required by applicable law.

43.23 (e) The fee for the temporary military license is \$250.

43.24 Sec. 26. Minnesota Statutes 2014, section 154.003, is amended to read:

43.25 **154.003 FEES.**

43.26 (a) The fees collected, as required in this chapter, chapter 214, and the rules of the
 43.27 board, shall be paid to the board. The board shall deposit the fees in the general fund
 43.28 in the state treasury.

43.29 (b) The board shall charge the following fees:

43.30 (1) examination and certificate, registered barber, \$85;

43.31 (2) retake of written examination, registered barber, \$10;

43.32 (3) examination and certificate, apprentice, \$80;

43.33 (4) retake of written examination, apprentice, \$10;

43.34 (5) examination, instructor, \$180;

43.35 (6) certificate, instructor, \$65;

- 44.1 (7) temporary teacher or apprentice permit, \$80;
- 44.2 (8) temporary registered barber, military, \$85;
- 44.3 (9) temporary barber instructor, military, \$180;
- 44.4 (10) temporary apprentice barber, military, \$80;
- 44.5 (11) renewal of registration, registered barber, \$80;
- 44.6 ~~(9)~~ (12) renewal of registration, apprentice, \$70;
- 44.7 ~~(10)~~ (13) renewal of registration, instructor, \$80;
- 44.8 ~~(11)~~ (14) renewal of temporary teacher permit, \$65;
- 44.9 ~~(12)~~ (15) student permit, \$45;
- 44.10 ~~(13)~~ (16) renewal of student permit, \$25;
- 44.11 ~~(14)~~ (17) initial shop registration, \$85;
- 44.12 ~~(15)~~ (18) initial school registration, \$1,030;
- 44.13 ~~(16)~~ (19) renewal shop registration, \$85;
- 44.14 ~~(17)~~ (20) renewal school registration, \$280;
- 44.15 ~~(18)~~ (21) restoration of registered barber registration, \$95;
- 44.16 ~~(19)~~ (22) restoration of apprentice registration, \$90;
- 44.17 ~~(20)~~ (23) restoration of shop registration, \$105;
- 44.18 ~~(21)~~ (24) change of ownership or location, \$55;
- 44.19 ~~(22)~~ (25) duplicate registration, \$40;
- 44.20 ~~(23)~~ (26) home study course, \$75;
- 44.21 ~~(24)~~ (27) letter of registration verification, \$25; and
- 44.22 ~~(25)~~ (28) reinspection, \$100.

44.23 Sec. 27. Minnesota Statutes 2014, section 154.11, subdivision 3, is amended to read:

44.24 Subd. 3. **Temporary military license permits.** (a) In accordance with section
 44.25 197.4552, the board shall establish issue a temporary license:

44.26 (1) permit for apprentice barbers and master;

44.27 (2) certificate for registered barbers; and a temporary permit for apprentices in
 44.28 accordance with section 197.4552. The fee for a temporary license under this subdivision
 44.29 for a master barber is \$85. The fee for a temporary license under this subdivision for a
 44.30 barber is \$180. The fee for a temporary permit under this subdivision for an apprentice is
 44.31 \$80.

44.32 (3) certificate for registered barber instructors.

44.33 (b) Fees for temporary military permits and certificates of registration under this
 44.34 subdivision are listed under section 154.003.

45.1 (c) Permits or certificates of registration issued under this subdivision are valid
 45.2 for one year from the date of issuance, after which the individual must complete a full
 45.3 application as required by section 197.4552.

45.4 Sec. 28. Minnesota Statutes 2014, section 155A.21, is amended to read:

45.5 **155A.21 POLICY.**

45.6 The legislature finds that the health and safety of the people of the state are served
 45.7 by the licensing of the practice of cosmetology because of infection control and the use
 45.8 of chemicals, implements, apparatus, and other appliances requiring special skills and
 45.9 education.

45.10 To this end, the public will best be served by vesting these responsibilities in the
 45.11 Board of Cosmetologist Examiners.

45.12 Sec. 29. Minnesota Statutes 2014, section 155A.23, subdivision 8, is amended to read:

45.13 Subd. 8. **Manager.** A "manager" is any person who ~~conducts, operates, or manages~~
 45.14 ~~a cosmetology school or salon and who also instructs in or~~ is a cosmetologist, esthetician,
 45.15 advanced practice esthetician, or nail technician practitioner, and who has a manager
 45.16 license and provides any services under that license, as defined in subdivision 3. A school
 45.17 ~~manager must maintain an active salon manager's license.~~

45.18 Sec. 30. Minnesota Statutes 2014, section 155A.23, is amended by adding a
 45.19 subdivision to read:

45.20 Subd. 8a. **Mobile salon.** A "mobile salon" is a salon that is operated in a mobile
 45.21 vehicle or mobile structure for exclusive use to offer personal services, as defined in
 45.22 subdivision 3.

45.23 **EFFECTIVE DATE.** This section is effective July 1, 2017.

45.24 Sec. 31. Minnesota Statutes 2014, section 155A.23, is amended by adding a
 45.25 subdivision to read:

45.26 Subd. 14. **Advanced practice esthetician.** An "advanced practice esthetician" is a
 45.27 person who for compensation performs personal services for the cosmetic care of the skin,
 45.28 including the use of mechanical or electrical skin care apparatuses or appliances that are
 45.29 used on the epidermal layer of the skin.

45.30 **EFFECTIVE DATE.** This section is effective August 1, 2015, except that a license
 45.31 for an advanced practice esthetician must not be issued prior to January 1, 2018.

46.1 Sec. 32. Minnesota Statutes 2014, section 155A.23, is amended by adding a
46.2 subdivision to read:

46.3 Subd. 15. **Designated licensed salon manager.** A "designated licensed salon
46.4 manager" is a manager designated by a salon owner and registered with the board, who is
46.5 responsible with the salon owner for salon and practitioner compliance.

46.6 Sec. 33. Minnesota Statutes 2014, section 155A.23, is amended by adding a
46.7 subdivision to read:

46.8 Subd. 16. **School manager.** A "school manager" is a cosmetologist who is a salon
46.9 manager and who has a school manager license. A school manager must maintain an
46.10 active salon manager's license.

46.11 Sec. 34. Minnesota Statutes 2014, section 155A.23, is amended by adding a
46.12 subdivision to read:

46.13 Subd. 17. **Designated school manager.** A "designated school manager" is a school
46.14 manager who is designated by the school owner and registered with the board, who is
46.15 responsible with the school owner for school and instructor compliance.

46.16 Sec. 35. Minnesota Statutes 2014, section 155A.23, is amended by adding a
46.17 subdivision to read:

46.18 Subd. 18. **Practitioner.** A "practitioner" is any person licensed in the practice of
46.19 cosmetology, esthiology, or nail technology services.

46.20 Sec. 36. Minnesota Statutes 2014, section 155A.24, subdivision 2, is amended to read:

46.21 Subd. 2. **Hiring and assignment of employees.** The board has the authority to hire
46.22 qualified personnel in the classified service to assist in administering the law, including
46.23 those for the testing and licensing of applicants ~~and the continuing inspections required.~~
46.24 All staff must receive periodic training to improve and maintain customer service skills,
46.25 conducting inspections, and complaint investigations.

46.26 Sec. 37. Minnesota Statutes 2014, section 155A.25, subdivision 1a, is amended to read:

46.27 Subd. 1a. **Schedule.** (a) The fee schedule for licensees fees and penalties is as
46.28 follows: provided in this subdivision.

46.29 (a) (b) Three-year license fees are as follows:

46.30 (1) ~~cosmetologist, nail technician, or esthetician~~ \$195 initial practitioner, manager,
46.31 or instructor license, divided as follows:

- 47.1 (i) ~~\$90~~ \$155 for each initial license and a ~~\$40 nonrefundable initial license~~
 47.2 ~~application fee, for a total of \$130; and~~
- 47.3 (ii) ~~\$60 for each renewal and a \$15 nonrefundable renewal application fee, for a total~~
 47.4 ~~of \$75~~ \$40 for each initial license application fee;
- 47.5 (2) ~~instructor or manager~~ \$115 renewal of practitioner license, divided as follows:
- 47.6 (i) ~~\$120~~ \$100 for each initial renewal license and a ~~\$40 nonrefundable initial license~~
 47.7 ~~application fee, for a total of \$160; and~~
- 47.8 (ii) ~~\$90~~ \$15 for each renewal and a ~~\$15 nonrefundable renewal application fee;~~
 47.9 ~~for a total of \$105;~~
- 47.10 (3) \$145 renewal of manager or instructor license, divided as follows:
- 47.11 (i) \$130 for each renewal license; and
- 47.12 (ii) \$15 for each renewal application fee;
- 47.13 (4) \$350 initial salon license, divided as follows:
- 47.14 (i) ~~\$130~~ \$250 for each initial license and a ~~\$100 nonrefundable initial license~~
 47.15 ~~application fee, for a total of \$230; and~~
- 47.16 (ii) ~~\$100 for each renewal and a \$50 nonrefundable renewal~~ initial license
 47.17 ~~application fee, for a total of \$150; and~~
- 47.18 ~~(4) school~~ (5) \$225 renewal of salon license, divided as follows:
- 47.19 (i) ~~\$1,500~~ \$175 for each initial license and a ~~\$1,000 nonrefundable initial license~~
 47.20 ~~application fee, for a total of \$2,500~~ renewal; and
- 47.21 (ii) ~~\$1,500~~ \$50 for each renewal and a ~~\$500 nonrefundable renewal application~~
 47.22 ~~fee, for a total of \$2,000;~~
- 47.23 (6) \$4,000 initial school license, divided as follows:
- 47.24 (i) \$3,000 for each initial license; and
- 47.25 (ii) \$1,000 for each initial license application fee; and
- 47.26 (7) \$2,500 renewal of school license, divided as follows:
- 47.27 (i) \$2,000 for each renewal; and
- 47.28 (ii) \$500 for each renewal application fee.
- 47.29 ~~(b)~~ (c) Penalties may be assessed in amounts up to the following:
- 47.30 (1) reinspection fee, ~~variable~~ \$150;
- 47.31 (2) manager and owner with lapsed practitioner found on inspection, \$150 each;
- 47.32 (3) lapsed practitioner or instructor found on inspection, \$200;
- 47.33 (4) lapsed salon found on inspection, \$500;
- 47.34 (5) lapsed school found on inspection, \$1,000;
- 47.35 (6) failure to display current license, \$100;

48.1 (7) failure to dispose of single-use equipment, implements, or materials as provided
48.2 under section 155A.355, subdivision 1, \$500;

48.3 (8) use of prohibited razor-type callus shavers, rasps, or graters under section
48.4 155A.355, subdivision 2, \$500;

48.5 (9) performing nail or cosmetology services in esthetician salon, or performing
48.6 esthetician or cosmetology services in a nail salon, \$500;

48.7 (10) owner and manager allowing an operator to work as an independent contractor,
48.8 \$200;

48.9 (11) operator working as an independent contractor, \$100;

48.10 (12) refusal or failure to cooperate with an inspection, \$500;

48.11 (13) ~~expired cosmetologist, nail technician, esthetician, manager, school manager,~~
48.12 ~~and instructor license practitioner late renewal fee, \$45; and~~

48.13 (14) ~~expired salon or school license late renewal fee, \$50.~~

48.14 ~~(e)~~ (d) Administrative fees are as follows:

48.15 (1) ~~certificate of identification, \$20~~ homebound service permit, \$50 three-year fee;

48.16 (2) name change, \$20;

48.17 (3) ~~letter of license verification~~ certification of licensure, \$30 each;

48.18 (4) duplicate license, \$20;

48.19 (5) ~~processing fee, \$10;~~

48.20 ~~(6)~~ special event permit, \$75 per year; ~~and~~

48.21 ~~(7)~~ (6) registration of hair braiders, \$20 per year;

48.22 (7) \$100 for each temporary military license for a cosmetologist, nail technician,
48.23 esthetician, or advanced practice esthetician one-year fee;

48.24 (8) expedited initial individual license, \$150;

48.25 (9) expedited initial salon license, \$300;

48.26 (10) instructor continuing education provider approval, \$150 each year; and

48.27 (11) practitioner continuing education provider approval, \$150 each year.

48.28 Sec. 38. Minnesota Statutes 2014, section 155A.25, subdivision 5, is amended to read:

48.29 Subd. 5. **Board must approve or deny application; timeline.** Within 15 working
48.30 days of receiving a complete application and the required fees ~~for an initial or renewal~~
48.31 to apply for or renew an individual or salon license that is not an expedited license or a
48.32 military license, the board must (1) either grant or deny the application issue the license,
48.33 (2) issue deny the license or and notify the applicant of the denial, or (3) ~~issue a temporary~~
48.34 ~~license to an applicant for whom no record exists regarding: (i) a complaint filed with the~~
48.35 ~~board against the applicant; or (ii) a negative action by the board against the applicant if~~

49.1 the conditions in subdivision 6 are met, notify the applicant that the board must conduct
49.2 additional review.

49.3 Sec. 39. Minnesota Statutes 2014, section 155A.25, is amended by adding a
49.4 subdivision to read:

49.5 Subd. 6. **Additional review for certain licenses.** If an application contains
49.6 discrepancies, the applicant is the subject of a complaint investigation, or the applicant
49.7 has pending disciplinary actions before the board, the board will comply with the time
49.8 limits prescribed in section 15.992 to process the application.

49.9 Sec. 40. Minnesota Statutes 2014, section 155A.25, is amended by adding a
49.10 subdivision to read:

49.11 Subd. 7. **Temporary military license or expedited license.** Within five business
49.12 days of receiving a completed application and the required fees for an individual or salon
49.13 license that meets requirements for an expedited license or a temporary military license,
49.14 the board must (1) issue the license, (2) deny the license and notify the applicant of the
49.15 denial, or (3) notify the applicant that the board must conduct additional review if the
49.16 application meets the conditions in subdivision 8.

49.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, except that an
49.18 expedited license must not be issued prior to January 1, 2016.

49.19 Sec. 41. Minnesota Statutes 2014, section 155A.25, is amended by adding a
49.20 subdivision to read:

49.21 Subd. 8. **Additional review for certain temporary military license or expedited**
49.22 **license.** If an application under subdivision 7 contains discrepancies, the applicant is the
49.23 subject of a complaint investigation, or the applicant has pending disciplinary actions
49.24 before the board, the board will process the application according to the time limits in
49.25 section 15.992.

49.26 Sec. 42. Minnesota Statutes 2014, section 155A.27, subdivision 1, is amended to read:

49.27 Subdivision 1. **Licensing.** Individual licensing shall be required for persons seeking
49.28 A person must hold an individual license to practice in the state as a cosmetologist,
49.29 esthetician, nail technician, advanced practice esthetician, manager, or instructor.

49.30 Sec. 43. Minnesota Statutes 2014, section 155A.27, subdivision 2, is amended to read:

50.1 Subd. 2. **Qualifications.** Qualifications for licensing in each classification shall
 50.2 be determined by the board and established by rule, and shall include educational
 50.3 and experiential prerequisites. The rules shall require a demonstrated knowledge of
 50.4 procedures necessary to protect the health and safety of the practitioner and the consumer
 50.5 of cosmetology services, including but not limited to ~~chemical applications~~ infection
 50.6 control, use of implements, apparatuses and other appliances, and the use of chemicals.

50.7 Sec. 44. Minnesota Statutes 2014, section 155A.27, subdivision 5a, is amended to read:

50.8 Subd. 5a. **Temporary military license.** The board shall establish temporary
 50.9 licenses for a cosmetologist, nail technician, and esthetician in accordance with section
 50.10 197.4552. ~~The fee for a temporary license under this subdivision for a cosmetologist, nail~~
 50.11 ~~technician, or esthetician is \$100.~~

50.12 Sec. 45. Minnesota Statutes 2014, section 155A.271, is amended to read:

50.13 **155A.271 CONTINUING EDUCATION REQUIREMENTS.**

50.14 Subdivision 1. **Continuing education requirements.** (a) Effective August 1, 2014,
 50.15 to qualify for license renewal under this chapter as an individual cosmetologist, nail
 50.16 technician, esthetician, advanced practice esthetician, or salon manager, the applicant
 50.17 must attest to the completion of four hours of continuing education credits from an
 50.18 accredited school or a professional association of cosmetology during the three years
 50.19 prior to the applicant's renewal date. One credit hour of the requirement must include
 50.20 instruction pertaining to state laws and rules governing the practice of cosmetology. Three
 50.21 credit hours must include instruction pertaining to health, safety, and sanitation matters
 50.22 consistent with the United States Department of Labor's Occupational Safety and Health
 50.23 Administration standards applicable to the practice of cosmetology, or other applicable
 50.24 federal health, sanitation, and safety standards, and must be regularly updated so as to
 50.25 incorporate newly developed standards and accepted professional best practices. Credit
 50.26 hours earned are valid for three years and may be applied simultaneously to all individual
 50.27 licenses held by a licensee under this chapter. ~~This subdivision does not apply to~~
 50.28 ~~instructors or inactive licenses.~~

50.29 (b) Effective August 1, 2017, in addition to the hours of continuing education credits
 50.30 required under paragraph (a), to qualify for license renewal under this chapter as an
 50.31 individual cosmetologist, nail technician, esthetician, advanced practice esthetician, or
 50.32 salon manager, the applicant must also attest to the completion of one four-hour continuing
 50.33 education course from a continuing education provider based on any or all of the following:

50.34 (1) product chemistry and chemistry interaction;

- 51.1 (2) proper use of machines and instruments;
 51.2 (3) business management and human relations; or
 51.3 (4) techniques relevant to the type of license held.

51.4 Credits must be completed during the three years prior to the applicant's renewal date and
 51.5 may be applied simultaneously to other individual licenses held as applicable, except
 51.6 that credits completed under this paragraph must not duplicate credits completed under
 51.7 paragraph (a).

51.8 (c) Paragraphs (a) and (b) do not apply to an instructor license, a school manager
 51.9 license, or an inactive license.

51.10 Subd. 1a. **Product sales or marketing prohibited.** The marketing or sale of
 51.11 any product is prohibited during a continuing education class receiving credit under
 51.12 subdivision 1.

51.13 Subd. 2. ~~Schools and professional associations~~ **Continuing education providers.**

51.14 (a) Only a board-licensed school of cosmetology, a postsecondary institution as defined in
 51.15 section 136A.103, paragraph (a), or a board-recognized professional association organized
 51.16 under chapter 317A may offer continuing education curriculum for credit under ~~this~~
 51.17 ~~section~~ subdivision 1, paragraph (a). Continuing education curriculum under subdivision
 51.18 1, paragraph (b), may be offered by a:

- 51.19 (1) board-licensed school of cosmetology;
 51.20 (2) board-recognized professional association organized under chapter 317A; or
 51.21 (3) board-licensed salon.

51.22 The school and professional association may offer online and independent study
 51.23 options to achieve maximum involvement of licensees ~~and is~~. Continuing education
 51.24 providers are encouraged to offer classes available in foreign language formats.

51.25 (b) ~~Board recognition authorization~~ authorization of a ~~professional association~~ continuing
 51.26 education provider under paragraph (a) is valid for ~~three years~~ one calendar year and is
 51.27 contingent upon submission and preapproval of the ~~general-curriculum~~ lesson plan or
 51.28 plans with learning objectives for the class to be offered and the payment of the application
 51.29 fee in section 155A.25, subdivision 1a, paragraph (d), clause (11). The board may revoke
 51.30 ~~recognition~~ authorization of a continuing education provider at any time for just cause and
 51.31 the board may demand return of documents required under subdivision 3. ~~The professional~~
 51.32 ~~association offering continuing education must be organized under chapter 317A.~~

51.33 Subd. 3. **Proof of credits.** The ~~school or professional association~~ continuing
 51.34 education provider shall provide to licensees who attend a class a receipt to prove
 51.35 completion of the class. Licensees shall retain proof of their continuing education credits
 51.36 for one year beyond the credit's expiration. The ~~school or professional association~~

52.1 continuing education provider shall retain documentation of all licensees successfully
 52.2 completing a class and the licensee's credit hours for five years.

52.3 Subd. 4. **Audit.** The board shall conduct random audits of active licensees
 52.4 periodically to ensure compliance with continuing education requirements. To initiate
 52.5 an audit, the board shall notify an active licensee of the audit and request proof of
 52.6 credits earned during a specified period. The licensee must provide the requested proof
 52.7 to the board within 30 days of an audit notice. The board may request that a school or
 52.8 professional association verify a licensee's credits. ~~The school or professional association~~
 52.9 continuing education provider must furnish verification, or a written statement that the
 52.10 credits are not verified, within 15 days of the board's request for verification. If the board
 52.11 determines that a licensee has failed to provide proof of necessary credits earned during
 52.12 the specified time, the board may revoke the individual's license and may deem the
 52.13 individual a lapsed practitioner subject to penalty under section 155A.25 or 155A.36.

52.14 **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 2017. Subdivision 1a is
 52.15 effective the day following final enactment. Subdivisions 2 to 4 are effective July 1, 2015.

52.16 Sec. 46. Minnesota Statutes 2014, section 155A.29, subdivision 1, is amended to read:

52.17 Subdivision 1. **Licensing.** ~~Any A person who offers must not offer~~ cosmetology
 52.18 ~~services for compensation in this state shall be (1) licensed as a salon if not employed by~~
 52.19 ~~another licensed salon or (2) employed as an esthetician or cosmetologist in connection~~
 52.20 ~~with medical care in relation to esthiology in the office of a licensed physician unless the~~
 52.21 services are provided by a licensee in a licensed salon or as otherwise provided in this
 52.22 section. Each salon must be licensed as a cosmetology salon, a nail salon, esthetician
 52.23 salon, or advanced practice esthetician salon. A salon may hold more than one type of
 52.24 salon license.

52.25 Sec. 47. Minnesota Statutes 2014, section 155A.29, subdivision 2, is amended to read:

52.26 Subd. 2. **Requirements.** (a) The conditions and process by which a salon is licensed
 52.27 shall be established by the board by rule. In addition to those requirements, no license
 52.28 shall be issued unless the board first determines that the conditions in clauses (1) to (5)
 52.29 have been satisfied:

52.30 (1) compliance with all local and state laws, particularly relating to matters of
 52.31 sanitation, health, and safety;

52.32 (2) the employment of a manager, as defined in section 155A.23, subdivision 8;

52.33 (3) if applicable, evidence of compliance with workers' compensation section
 52.34 176.182; and

53.1 (4) evidence of continued professional liability insurance coverage of at least
 53.2 \$25,000 for each claim and \$50,000 total coverage for each policy year for each operator.

53.3 ~~(b) A licensed esthetician or nail technician who complies with the health, safety,~~
 53.4 ~~sanitation, inspection, and insurance rules promulgated by the board to operate a salon~~
 53.5 ~~solely for the performance of those personal services defined in section 155A.23,~~
 53.6 ~~subdivision 5, in the case of an esthetician, or subdivision 7, in the case of a nail technician.~~

53.7 Sec. 48. Minnesota Statutes 2014, section 155A.29, is amended by adding a
 53.8 subdivision to read:

53.9 Subd. 2a. **Requirements for mobile salon.** In addition to complying with the
 53.10 requirements for a salon in subdivision 2, the holder of a salon license for a mobile salon
 53.11 must:

53.12 (1) maintain a permanent business address; and

53.13 (2) notify the board of the locations and schedule of operation of a mobile salon.

53.14 **EFFECTIVE DATE.** This section is effective July 1, 2017.

53.15 Sec. 49. Minnesota Statutes 2014, section 155A.30, subdivision 5, is amended to read:

53.16 Subd. 5. **Conditions precedent to issuance.** A license must not be issued unless the
 53.17 board first determines that the applicant has met the requirements in clauses (1) to (8):

53.18 (1) the applicant must have a sound financial condition with sufficient resources
 53.19 available to meet the school's financial obligations; to refund all tuition and other charges,
 53.20 within a reasonable period of time, in the event of dissolution of the school or in the event
 53.21 of any justifiable claims for refund against the school; to provide adequate service to its
 53.22 students and prospective students; and to maintain proper use and support of the school;

53.23 (2) the applicant must have satisfactory training facilities with sufficient tools and
 53.24 equipment and the necessary number of work stations to adequately train the students
 53.25 currently enrolled, and those proposed to be enrolled;

53.26 (3) the applicant must employ a sufficient number of qualified instructors trained by
 53.27 experience and education to give the training contemplated;

53.28 (4) the premises and conditions under which the students work and study must be
 53.29 sanitary, healthful, and safe according to modern standards;

53.30 (5) each occupational course or program of instruction or study must be of such
 53.31 quality and content as to provide education and training ~~which~~ that will adequately prepare
 53.32 enrolled students for testing, licensing, and entry level positions as a cosmetologist,
 53.33 esthetician, or nail technician;

54.1 (6) the school must have coverage by professional liability insurance of at least
54.2 \$25,000 per incident and an accumulation of \$150,000 for each premium year;

54.3 (7) the applicant shall provide evidence of the school's compliance with section
54.4 176.182;

54.5 (8) the applicant, except the state and its political subdivisions as described in
54.6 section 471.617, subdivision 1, shall file with the board a continuous corporate surety
54.7 bond in the amount of \$10,000, conditioned upon the faithful performance of all contracts
54.8 and agreements with students made by the applicant. The bond shall run to the state of
54.9 Minnesota and to any person who may have a cause of action against the applicant arising
54.10 at any time after the bond is filed and before it is canceled for breach of any contract or
54.11 agreement made by the applicant with any student. The aggregate liability of the surety for
54.12 all breaches of the conditions of the bond shall not exceed \$10,000. The surety of the bond
54.13 may cancel it upon giving 60 days' notice in writing to the board and shall be relieved of
54.14 liability for any breach of condition occurring after the effective date of cancellation; and

54.15 (9) the applicant must, at all times during the term of the license, employ a
54.16 designated licensed school manager who maintains a cosmetology salon manager license.

54.17 Sec. 50. Minnesota Statutes 2014, section 155A.30, subdivision 10, is amended to read:

54.18 Subd. 10. **Discrimination prohibited.** ~~No Each school, duly approved under~~
54.19 ~~sections 155A.21 to 155A.36, shall refuse to teach any student, otherwise qualified, on~~
54.20 ~~account of race, sex, creed, color, citizenship, national origin, or sexual preference must~~
54.21 ~~comply with the Minnesota Human Rights Act under chapter 363A.~~

54.22 Sec. 51. Minnesota Statutes 2014, section 161.1419, subdivision 8, is amended to read:

54.23 Subd. 8. **Expiration.** The commission expires on June 30, ~~2016~~ 2020.

54.24 Sec. 52. Minnesota Statutes 2014, section 211B.37, is amended to read:

54.25 **211B.37 COSTS ASSESSED.**

54.26 Except as otherwise provided in section 211B.36, subdivision 3, the chief
54.27 administrative law judge shall assess the cost of considering complaints filed under section
54.28 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot
54.29 question or an election for a statewide or legislative office ~~must be assessed against the~~
54.30 ~~appropriation from the general fund to the general account of the state elections campaign~~
54.31 ~~account in section 10A.31, subdivision 4 paid from appropriations to the Office of~~
54.32 Administrative Hearings for this purpose. Costs of complaints relating to any other ballot
54.33 question or elective office must be paid from appropriations to the office for this purpose.

55.1 Sec. 53. Minnesota Statutes 2014, section 272.484, is amended to read:

55.2 **272.484 FEES.**

55.3 The fee for filing and indexing each notice of lien or certificate or notice affecting
55.4 the lien is:

55.5 (1) for a lien, certificate of discharge or subordination, and for all other notices,
55.6 including a certificate of release or nonattachment filed with the secretary of state, the fee
55.7 provided by section 336.9-525, except that the filing fee charged to the district directors
55.8 of internal revenue for filing a federal tax lien is \$15 ~~for up to two debtor names and~~
55.9 ~~\$15 for each additional name;~~ and

55.10 (2) for a lien, certificate of discharge or subordination, and for all other notices,
55.11 including a certificate of release or nonattachment filed with the county recorder, the fee
55.12 for filing a real estate mortgage in the county where filed.

55.13 The officer shall bill the district directors of internal revenue or other appropriate
55.14 federal officials on a monthly basis for fees for documents filed by them.

55.15 Sec. 54. Minnesota Statutes 2014, section 303.19, is amended to read:

55.16 **303.19 REINSTATEMENT.**

55.17 Subdivision 1. **Application Required filing.** Any foreign corporation whose
55.18 certificate of authority to do business in this state shall have been revoked or canceled may
55.19 ~~file~~ reinstate that authority by filing an annual renewal and the fee required by subdivision
55.20 2 with the secretary of state an application for reinstatement. Such application shall be
55.21 ~~on forms prescribed by the secretary of state, shall contain all the matters required to be~~
55.22 ~~set forth in an original application for a certificate of authority, and such other pertinent~~
55.23 ~~information as may be required by the secretary of state. If any of the information in the~~
55.24 original application for authority has changed, the foreign corporation must also file an
55.25 amended certificate setting forth the currently accurate information, with the fee required
55.26 by section 303.21, subdivision 3.

55.27 Subd. 2. **Fee.** If the certificate of authority was revoked by the secretary of state
55.28 pursuant to section 303.17, ~~the corporation shall pay to the commissioner of management~~
55.29 ~~and budget \$250 before it may be reinstated.~~

55.30 ~~If the certificate of authority was canceled~~ or by a judgment pursuant to section
55.31 303.18, the corporation shall pay to the commissioner of management and budget \$500
55.32 before it may be reinstated.

55.33 Subd. 3. **Certificate of reinstatement.** Upon the filing of the application and upon
55.34 payment of ~~all penalties, fees and charges required by law, not including an initial license~~
55.35 ~~fee or additional license fees to the extent that they have previously been paid by the~~

56.1 ~~corporation~~ the fees imposed by this section, the secretary of state shall reinstate the
56.2 license of the corporation.

56.3 Sec. 55. Minnesota Statutes 2014, section 304A.301, subdivision 1, is amended to read:

56.4 Subdivision 1. **Report required.** ~~No later than 90 days after the conclusion of~~
56.5 ~~each calendar year~~ Before each April 1, a public benefit corporation must deliver to the
56.6 secretary of state for filing an annual benefit report covering the 12-month period ending
56.7 on December 31 of ~~that~~ the previous year and pay a fee of \$35 to the secretary of state.
56.8 The annual benefit report must state the name of the public benefit corporation, be signed
56.9 by the public benefit corporation's chief executive officer not more than 30 days before the
56.10 report is delivered to the secretary of state for filing, and must be current when signed.

56.11 Sec. 56. Minnesota Statutes 2014, section 304A.301, subdivision 5, is amended to read:

56.12 Subd. 5. **Failure to file an annual benefit report.** If a public benefit corporation
56.13 fails to file ~~an~~, before April 1 of any calendar year, the annual benefit report ~~in accordance~~
56.14 ~~with this section within 90 days of the date on which an annual benefit report is due~~
56.15 required by this section, the secretary of state shall revoke the corporation's status as a
56.16 public benefit corporation under this chapter and must notify the public benefit corporation
56.17 of the revocation using the information provided by the corporation pursuant to section
56.18 5.002 or 5.34 or provided in the articles.

56.19 Sec. 57. Minnesota Statutes 2014, section 304A.301, subdivision 6, is amended to read:

56.20 Subd. 6. **Effects of revocation; reinstatement.** (a) A public benefit corporation
56.21 that has lost its public benefit corporation status for failure to timely file an annual benefit
56.22 report or by terminating that status pursuant to section 304A.103 is not entitled to the
56.23 benefits afforded to a public benefit corporation under this chapter as of the date of
56.24 revocation or termination and must amend the articles of incorporation to reflect a name
56.25 compliant with section 302A.115, but which does not include the corporate designation
56.26 provided for in section 304A.101, subdivision 2.

56.27 (b) Within 30 days of issuance of revocation of public benefit corporation status by
56.28 the secretary of state, filing a renewal complying with this section and a \$500 fee with
56.29 the secretary of state will reinstate the corporation as a public benefit corporation under
56.30 this chapter as of the date of revocation.

56.31 Sec. 58. Minnesota Statutes 2014, section 304A.301, is amended by adding a
56.32 subdivision to read:

57.1 Subd. 8. **Failure to change corporate name.** The duration of a corporation that has
 57.2 had public benefit status terminated or revoked and which fails to change the corporate
 57.3 name as provided in subdivision 6 expires automatically 30 days after termination or
 57.4 revocation of the public benefit corporation status.

57.5 Sec. 59. Minnesota Statutes 2014, section 326A.01, subdivision 2, is amended to read:

57.6 Subd. 2. **Attest.** "Attest" means ~~to provide~~ providing any of the following financial
 57.7 statement services:

57.8 (1) an audit or other engagement performed in accordance with the Statements on
 57.9 Auditing Standards (SAS);

57.10 (2) a review of a financial statement performed in accordance with the Statements on
 57.11 Standards for Accounting and Review Services (SSARS);

57.12 (3) an examination of prospective financial information performed in accordance
 57.13 with the Statements on Standards for Attestation Engagements (SSAE); ~~and~~

57.14 (4) ~~any an~~ an engagement performed in accordance with ~~auditing and related the~~
 57.15 standards of the Public Company Accounting Oversight Board (PCAOB); and

57.16 (5) an examination, review, or agreed-upon procedures engagement performed in
 57.17 accordance with SSAE, other than an examination described in clause (3).

57.18 Sec. 60. Minnesota Statutes 2014, section 326A.01, subdivision 12, is amended to read:

57.19 Subd. 12. **Peer review.** "Peer review" means an independent study, appraisal, or
 57.20 review of one or more aspects of the professional work of a licensee or CPA firm that
 57.21 issues attest or compilation reports, or the professional work of a person registered under
 57.22 section 326A.06, paragraph (b), by persons who are not affiliated with the licensee or
 57.23 CPA firm being reviewed.

57.24 Sec. 61. Minnesota Statutes 2014, section 326A.01, subdivision 13a, is amended to read:

57.25 Subd. 13a. **Principal place of business.** "Principal place of business" means the
 57.26 office location designated by the licensee for purposes of substantial equivalency and
 57.27 reciprocity ~~in this state and in other states.~~

57.28 Sec. 62. Minnesota Statutes 2014, section 326A.01, subdivision 15, is amended to read:

57.29 Subd. 15. **Report.** "Report," when used with reference to ~~financial statements an~~
 57.30 attest or compilation service, means an opinion, report, or other form of language that
 57.31 states or implies assurance as to the reliability of ~~any~~ the attested information or compiled
 57.32 financial statements and that also includes or is accompanied by a statement or implication

58.1 that the person or firm issuing it has special knowledge or competence in accounting or
58.2 auditing. Such a statement or implication of special knowledge or competence may arise
58.3 from use by the issuer of the report of names or titles indicating that the person or firm is an
58.4 accountant or auditor, or from the language of the report itself. The term "report" includes
58.5 any form of language that disclaims an opinion when the form of language is conventionally
58.6 understood to imply any positive assurance as to the reliability of the attested information
58.7 or compiled financial statements referred to or special competence on the part of the person
58.8 or firm issuing the language. It includes any other form of language that is conventionally
58.9 understood to imply such assurance or such special knowledge or competence.

58.10 Sec. 63. Minnesota Statutes 2014, section 326A.01, subdivision 16, is amended to read:

58.11 Subd. 16. **State.** "State" means any state of the United States, the District of
58.12 Columbia, Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern
58.13 Mariana Islands, and Guam; except that "this state" means the state of Minnesota.

58.14 Sec. 64. Minnesota Statutes 2014, section 326A.02, subdivision 3, is amended to read:

58.15 Subd. 3. **Officers; proceedings.** The board shall elect one of its ~~number~~ members
58.16 as chair, another as vice-chair, and another as secretary and treasurer. The officers shall
58.17 hold their respective offices for a term of one year and until their successors are elected.
58.18 The affirmative vote of a majority of the qualified members of the board, or a majority of
58.19 a quorum of the board at any meeting duly called, is considered the action of the board.
58.20 The board shall meet at such times and places as may be fixed by the board. Meetings
58.21 of the board are subject to chapter 13D. A majority of the board members then in office
58.22 constitutes a quorum at any meeting duly called. The board shall retain or arrange for the
58.23 retention of all applications and all documents under oath that are filed with the board and
58.24 also records of its proceedings, and it shall maintain a registry of the names and addresses
58.25 of all licensees and registrants under this chapter. In any proceeding in court, civil or
58.26 criminal, arising out of or founded upon any provision of this chapter, copies of records of
58.27 the proceeding certified as true copies by the board chair or executive director shall be
58.28 admissible in evidence as tending to prove the contents of the records.

58.29 Sec. 65. Minnesota Statutes 2014, section 326A.02, subdivision 5, is amended to read:

58.30 Subd. 5. **Rules.** The board may adopt rules governing its administration and
58.31 enforcement of this chapter and the conduct of licensees and persons registered under
58.32 section 326A.06, paragraph (b), including:

58.33 (1) rules governing the board's meetings and the conduct of its business;

59.1 (2) rules of procedure governing the conduct of investigations and hearings and
 59.2 discipline by the board;

59.3 (3) rules specifying the educational and experience qualifications required for the
 59.4 issuance of certificates and the continuing professional education required for renewal
 59.5 of certificates;

59.6 (4) rules of professional conduct directed to controlling the quality and probity
 59.7 of services by licensees, and dealing among other things with independence, integrity,
 59.8 and objectivity; competence and technical standards; and responsibilities to the public
 59.9 and to clients;

59.10 (5) rules governing the professional standards applicable to licensees including
 59.11 adoption of the standards specified in section 326A.01, subdivision 2, and as developed
 59.12 for general application by recognized national accountancy organizations such as the
 59.13 American Institute of Certified Public Accountants or the Public Company Accounting
 59.14 Oversight Board;

59.15 (6) rules that incorporate by reference the standards for attesting listed in section
 59.16 326A.01, subdivision 2, that are consistent with the standards of general applicability
 59.17 recognized by national accountancy organizations, including the American Institute of
 59.18 Certified Public Accountants and the Public Company Accounting Oversight Board;

59.19 ~~(6)~~ (7) rules governing the manner and circumstances of use of the titles "certified
 59.20 public accountant," "CPA," "registered accounting practitioner," and "RAP";

59.21 ~~(7)~~ (8) rules regarding peer review that may be required to be performed under
 59.22 provisions of this chapter;

59.23 ~~(8)~~ (9) rules on substantial equivalence to implement section 326A.14;

59.24 ~~(9)~~ (10) rules regarding the conduct of the certified public accountant examination;

59.25 ~~(10)~~ (11) rules regarding the issuance and renewals of certificates, permits, and
 59.26 registrations;

59.27 ~~(11)~~ (12) rules regarding transition provisions to implement this chapter;

59.28 ~~(12)~~ (13) rules specifying the educational and experience qualifications for
 59.29 registration, rules of professional conduct, rules regarding peer review, rules governing
 59.30 standards for providing services, and rules regarding the conduct and content of
 59.31 examination for those persons registered under section 326A.06, paragraph (b);

59.32 ~~(13)~~ (14) rules regarding fees for examinations, certificate issuance and renewal,
 59.33 firm permits, registrations under section 326A.06, paragraph (b), notifications made under
 59.34 section 326A.14, and late processing fees; and

60.1 ~~(14)~~ (15) upon any change to this chapter, if the board determines a change in
60.2 Minnesota Rules is required, the board may initiate the expedited process under section
60.3 14.389 up to one year after the effective date of the change to this chapter.

60.4 Sec. 66. Minnesota Statutes 2014, section 326A.05, subdivision 1, is amended to read:

60.5 Subdivision 1. **General.** The board shall grant or renew permits to practice as
60.6 a CPA firm to entities that make application and demonstrate their qualifications in
60.7 accordance with this section.

60.8 (a) The following must hold a permit issued under this section:

60.9 (1) any firm with an office in this state performing attest services as defined in
60.10 section 326A.01, subdivision 2;

60.11 (2) to the extent required by section 326A.10, paragraph (k), any firm with an office
60.12 in this state performing compilation services as defined in section 326A.01, subdivision 6;

60.13 (3) any firm with an office in this state that uses the title "CPA" or "CPA firm"; or

60.14 (4) any firm that does not have an office in this state but performs attest services
60.15 as described in section 326A.01, subdivision 2, paragraph (1), (3), or (4), for a client
60.16 having its headquarters in this state.

60.17 (b) A firm possessing a valid permit from another state which does not have an office
60.18 in this state may perform services described in section 326A.01, subdivision 2, clause (2)
60.19 or (5), or subdivision 6, for a client having its headquarters in this state and may use the
60.20 title "CPA" or "CPA firm" without a permit issued under this section only if:

60.21 (1) it has the qualifications described in subdivision 3, paragraph (b);

60.22 (2) as a condition to the renewal of the firm's permit issued by the other state, that
60.23 state requires a peer review which contains the requirements equivalent to subdivision 8,
60.24 paragraphs (a) and (e); and

60.25 (3) it performs the services through an individual who has been granted practice
60.26 privileges under section 326A.14.

60.27 (c) A firm possessing a valid permit from another state that does not have an office
60.28 in this state and which is not subject to the requirements of paragraph (a), clause (4), or
60.29 (b), may perform other professional services while using the title "CPA" or "CPA firm" in
60.30 this state without a permit issued under this section only if the firm:

60.31 (1) has the qualifications described in subdivision 3, paragraph (b);

60.32 (2) performs the services through an individual who has been granted practice
60.33 privileges under section 326A.14; and

60.34 (3) can lawfully perform the services in the state where the individuals with practice
60.35 privileges have their principal place of business.

61.1 Sec. 67. Minnesota Statutes 2014, section 326A.05, subdivision 3, is amended to read:

61.2 Subd. 3. **Qualifications.** (a) An applicant for initial issuance or renewal of a permit
61.3 to practice under this section shall comply with the requirements in this subdivision.

61.4 (b) Notwithstanding chapter 319B or any other provision of law, a simple majority
61.5 of the ownership of the firm, in terms of financial interests and voting rights of all partners,
61.6 officers, shareholders, members, or managers, must belong to holders of certificates who
61.7 are licensed in some state, and the partners, officers, shareholders, members, or managers,
61.8 whose principal place of business is in this state, and who perform professional services in
61.9 this state, must hold valid certificates issued under section 326A.04 or the corresponding
61.10 provision of prior law. Although firms may include nonlicensee owners, the firm and
61.11 its ownership must comply with rules adopted by the board. The firm shall register all
61.12 nonlicensee owners with the state board as set forth by rule. An individual who has been
61.13 granted practice privileges under section 326A.14 and who performs services for which
61.14 a firm permit is required under section 326A.14, subdivision 1, paragraph (d), is not
61.15 required to obtain a certificate from the board under section 326A.04.

61.16 (c) A CPA firm may include nonlicensee owners provided that:

61.17 (1) the firm designates a licensee of this state, or in the case of a firm that must
61.18 have a permit according to section 326A.14, subdivision 1, paragraph (d), a licensee of
61.19 another state who meets the requirements in section 326A.14, subdivision 1, paragraph
61.20 (a) or (b), who is responsible for the proper registration of the firm and identifies that
61.21 individual to the board;

61.22 (2) all nonlicensee owners are persons of good moral character and are active
61.23 individual participants in the CPA firm or affiliated entities; and

61.24 (3) the firm complies with other requirements imposed by the board in rule.

61.25 (d) An individual licensee and any individual granted practice privileges under
61.26 section 326A.14 who is responsible for supervising attest or compilation services and
61.27 signs or authorizes someone to sign the accountant's report ~~on the financial statements~~
61.28 on behalf of the firm, shall meet the competency requirements set out in the professional
61.29 standards for such services.

61.30 (e) An individual licensee and any individual granted practice privileges under section
61.31 326A.14 who signs or authorizes someone to sign the accountants' report ~~on the financial~~
61.32 ~~statements~~ on behalf of the firm shall meet the competency requirement of paragraph (d).

61.33 Sec. 68. Minnesota Statutes 2014, section 326A.08, subdivision 7, is amended to read:

62.1 Subd. 7. **Violation; penalties; costs of proceeding.** (a) The board may impose
 62.2 a civil penalty not to exceed ~~\$2,000~~ \$5,000 per violation upon a person or a firm that
 62.3 violates an order, statute, or rule that the board has issued or is empowered to enforce.

62.4 (b) The board may, in addition, impose a fee to reimburse the board for all or
 62.5 part of the cost of the proceedings, including reasonable investigative costs, resulting
 62.6 in disciplinary or corrective action authorized by this section, the imposition of civil
 62.7 penalties, or the issuance of a cease and desist order. The fee may be imposed when the
 62.8 board shows that the position of the person or firm that violates a statute, rule, or order
 62.9 that the board has issued or is empowered to enforce is not substantially justified, unless
 62.10 special circumstances make an award unjust, notwithstanding the provisions of Minnesota
 62.11 Rules, part 1400.8401. The costs include, but are not limited to, the amount paid by the
 62.12 board for services from the office of administrative hearings, attorney and reasonable
 62.13 investigative fees, court reporters, witnesses, reproduction of records, board members' per
 62.14 diem compensation, board staff time, and expense incurred by board members and staff.

62.15 Sec. 69. Minnesota Statutes 2014, section 326A.10, is amended to read:

62.16 **326A.10 UNLAWFUL ACTS.**

62.17 (a) Only a licensee and individuals who have been granted practice privileges
 62.18 under section 326A.14 may issue a report on financial statements of any person, firm,
 62.19 organization, or governmental unit that results from providing attest services, or offer to
 62.20 render or render any attest service. Only a certified public accountant, an individual who
 62.21 has been granted practice privileges under section 326A.14, a CPA firm, or, to the extent
 62.22 permitted by board rule, a person registered under section 326A.06, paragraph (b), may
 62.23 issue a report on financial statements of any person, firm, organization, or governmental
 62.24 unit that results from providing compilation services or offer to render or render any
 62.25 compilation service. These restrictions do not prohibit any act of a public official or
 62.26 public employee in the performance of that person's duties or prohibit the performance
 62.27 by any nonlicensee of other services involving the use of accounting skills, including
 62.28 the preparation of tax returns, management advisory services, and the preparation of
 62.29 financial statements without the issuance of reports on them. Nonlicensees may prepare
 62.30 financial statements and issue nonattest transmittals or information on them which do not
 62.31 purport to be in compliance with the Statements on Standards for Accounting and Review
 62.32 Services (SSARS). Nonlicensees registered under section 326A.06, paragraph (b), may,
 62.33 to the extent permitted by board rule, prepare financial statements and issue nonattest
 62.34 transmittals or information on them.

63.1 (b) Licensees and individuals who have been granted practice privileges under
63.2 section 326A.14 performing attest or compilation services must provide those services in
63.3 accordance with professional standards. To the extent permitted by board rule, registered
63.4 accounting practitioners performing compilation services must provide those services in
63.5 accordance with standards specified in board rule.

63.6 (c) A person who does not hold a valid certificate issued under section 326A.04
63.7 or a practice privilege granted under section 326A.14 shall not use or assume the title
63.8 "certified public accountant," the abbreviation "CPA," or any other title, designation,
63.9 words, letters, abbreviation, sign, card, or device tending to indicate that the person is a
63.10 certified public accountant.

63.11 (d) A firm shall not provide attest services or assume or use the title "certified public
63.12 accountants," the abbreviation "CPA's," or any other title, designation, words, letters,
63.13 abbreviation, sign, card, or device tending to indicate that the firm is a CPA firm unless
63.14 (1) the firm has complied with section 326A.05, and (2) ownership of the firm is in
63.15 accordance with this chapter and rules adopted by the board.

63.16 (e) A person or firm that does not hold a valid certificate or permit issued under
63.17 section 326A.04 or 326A.05 or has not otherwise complied with section 326A.04 or
63.18 326A.05 as required in this chapter shall not assume or use the title "certified accountant,"
63.19 "chartered accountant," "enrolled accountant," "licensed accountant," "registered
63.20 accountant," "accredited accountant," "accounting practitioner," "public accountant,"
63.21 "licensed public accountant," or any other title or designation likely to be confused
63.22 with the title "certified public accountant," or use any of the abbreviations "CA," "LA,"
63.23 "RA," "AA," "PA," "AP," "LPA," or similar abbreviation likely to be confused with the
63.24 abbreviation "CPA." The title "enrolled agent" or "EA" may only be used by individuals
63.25 so designated by the Internal Revenue Service.

63.26 (f) Persons registered under section 326A.06, paragraph (b), may use the title
63.27 "registered accounting practitioner" or the abbreviation "RAP." A person who does not
63.28 hold a valid registration under section 326A.06, paragraph (b), shall not assume or use
63.29 such title or abbreviation.

63.30 (g) Except to the extent permitted in paragraph (a), nonlicensees may not use
63.31 language in any statement relating to the financial affairs of a person or entity that is
63.32 conventionally used by licensees in reports on financial statements or on an attest service.
63.33 In this regard, the board shall issue by rule safe harbor language that nonlicensees may
63.34 use in connection with such financial information. A person or firm that does not hold a
63.35 valid certificate or permit, or a registration issued under section 326A.04, 326A.05, or
63.36 326A.06, paragraph (b), or has not otherwise complied with section 326A.04 or 326A.05

64.1 as required in this chapter shall not assume or use any title or designation that includes the
64.2 word "accountant" or "accounting" in connection with any other language, including the
64.3 language of a report, that implies that the person or firm holds such a certificate, permit,
64.4 or registration or has special competence as an accountant. A person or firm that does
64.5 not hold a valid certificate or permit issued under section 326A.04 or 326A.05 or has not
64.6 otherwise complied with section 326A.04 or 326A.05 as required in this chapter shall not
64.7 assume or use any title or designation that includes the word "auditor" in connection with
64.8 any other language, including the language of a report, that implies that the person or firm
64.9 holds such a certificate or permit or has special competence as an auditor. However,
64.10 this paragraph does not prohibit any officer, partner, member, manager, or employee of
64.11 any firm or organization from affixing that person's own signature to any statement in
64.12 reference to the financial affairs of such firm or organization with any wording designating
64.13 the position, title, or office that the person holds, nor prohibit any act of a public official or
64.14 employee in the performance of the person's duties as such.

64.15 (h)(1) No person holding a certificate or registration or firm holding a permit under
64.16 this chapter shall use a professional or firm name or designation that is misleading about
64.17 the legal form of the firm, or about the persons who are partners, officers, members,
64.18 managers, or shareholders of the firm, or about any other matter. However, names of one
64.19 or more former partners, members, managers, or shareholders may be included in the
64.20 name of a firm or its successor.

64.21 (2) A common brand name or network name part, including common initials, used
64.22 by a CPA firm in its name, is not misleading if the firm is a network firm as defined in
64.23 the American Institute of Certified Public Accountants (AICPA) Code of Professional
64.24 Conduct in effect July 1, 2011, and when offering or rendering services that require
64.25 independence under AICPA standards, the firm must comply with the AICPA code's
64.26 applicable standards on independence.

64.27 (i) Paragraphs (a) to (h) do not apply to a person or firm holding a certification,
64.28 designation, degree, or license granted in a foreign country entitling the holder to engage
64.29 in the practice of public accountancy or its equivalent in that country, if:

64.30 (1) the activities of the person or firm in this state are limited to the provision of
64.31 professional services to persons or firms who are residents of, governments of, or business
64.32 entities of the country in which the person holds the entitlement;

64.33 (2) the person or firm performs no attest or compilation services and issues no
64.34 reports with respect to the ~~financial statements~~ information of any other persons, firms, or
64.35 governmental units in this state; and

65.1 (3) the person or firm does not use in this state any title or designation other than
65.2 the one under which the person practices in the foreign country, followed by a translation
65.3 of the title or designation into English, if it is in a different language, and by the name
65.4 of the country.

65.5 (j) No holder of a certificate issued under section 326A.04 may perform attest services
65.6 through any business form that does not hold a valid permit issued under section 326A.05.

65.7 (k) No individual licensee may issue a report in standard form upon a compilation
65.8 of financial information through any form of business that does not hold a valid permit
65.9 issued under section 326A.05, unless the report discloses the name of the business through
65.10 which the individual is issuing the report, and the individual:

65.11 (1) signs the compilation report identifying the individual as a certified public
65.12 accountant;

65.13 (2) meets the competency requirement provided in applicable standards; and

65.14 (3) undergoes no less frequently than once every three years, a peer review
65.15 conducted in a manner specified by the board in rule, and the review includes verification
65.16 that the individual has met the competency requirements set out in professional standards
65.17 for such services.

65.18 (l) No person registered under section 326A.06, paragraph (b), may issue a report
65.19 in standard form upon a compilation of financial information unless the board by rule
65.20 permits the report and the person:

65.21 (1) signs the compilation report identifying the individual as a registered accounting
65.22 practitioner;

65.23 (2) meets the competency requirements in board rule; and

65.24 (3) undergoes no less frequently than once every three years a peer review conducted
65.25 in a manner specified by the board in rule, and the review includes verification that the
65.26 individual has met the competency requirements in board rule.

65.27 (m) Nothing in this section prohibits a practicing attorney or firm of attorneys from
65.28 preparing or presenting records or documents customarily prepared by an attorney or firm
65.29 of attorneys in connection with the attorney's professional work in the practice of law.

65.30 (n) The board shall adopt rules that place limitations on receipt by a licensee or a
65.31 person who holds a registration under section 326A.06, paragraph (b), of:

65.32 (1) contingent fees for professional services performed; and

65.33 (2) commissions or referral fees for recommending or referring to a client any
65.34 product or service.

65.35 (o) Anything in this section to the contrary notwithstanding, it shall not be a violation
65.36 of this section for a firm not holding a valid permit under section 326A.05 and not having

66.1 an office in this state to provide its professional services in this state so long as it complies
66.2 with the applicable requirements of section 326A.05, subdivision 1.

66.3 Sec. 70. Minnesota Statutes 2014, section 336A.09, subdivision 1, is amended to read:

66.4 Subdivision 1. **Procedure.** (a) ~~Oral~~ Online and written inquiries regarding
66.5 information provided by the filing of effective financing statements or lien notices may
66.6 be ~~made at any filing office~~ submitted to the secretary of state during regular business
66.7 hours or, if submitted online, at any time.

66.8 (b) ~~A filing office receiving an oral or written inquiry shall, upon request~~ The
66.9 secretary of state must, upon receiving an inquiry, provide an oral or facsimile a prompt
66.10 response to the inquiry.

66.11 (c) ~~A filing office~~ The secretary of state shall maintain a record of inquiries made
66.12 under this section including:

- 66.13 (1) the date of the inquiry;
66.14 (2) the name of the debtor inquired about; and
66.15 (3) identification of the person making the request for inquiry.

66.16 Sec. 71. Minnesota Statutes 2014, section 349.16, subdivision 6a, is amended to read:

66.17 Subd. 6a. **Monthly regulatory fee.** An organization must pay a monthly regulatory
66.18 fee of ~~0.1~~ 0.125 percent of the organization's gross receipts from lawful gambling
66.19 conducted each month. The fee must be reported and paid on a monthly basis in a format
66.20 as determined by the commissioner of revenue, and remitted to the commissioner of
66.21 revenue with the organization's monthly tax return. All monthly regulatory fees received
66.22 by the commissioner of revenue under this subdivision must be deposited in the lawful
66.23 gambling regulation account in the special revenue fund according to section 349.151.
66.24 Failure to pay the monthly regulatory fees in a timely manner may result in disciplinary
66.25 action by the board.

66.26 **EFFECTIVE DATE.** This section is effective July 1, 2015.

66.27 Sec. 72. Minnesota Statutes 2014, section 349.161, subdivision 4, is amended to read:

66.28 Subd. 4. **Fees.** (a) The annual fee for a distributor's license is ~~\$6,000~~ \$7,000.

66.29 (b) The annual fee for a distributor salesperson license is ~~\$100~~ \$150.

66.30 **EFFECTIVE DATE.** This section is effective the day following final enactment
66.31 and applies to distributor and distributor salesperson licenses with an effective date
66.32 of July 1, 2015, or later.

67.1 Sec. 73. Minnesota Statutes 2014, section 349.163, subdivision 2, is amended to read:

67.2 Subd. 2. **License; fee.** The annual fee for a manufacturer's license is ~~\$9,000~~ \$10,000.

67.3 **EFFECTIVE DATE.** This section is effective the day following final enactment
67.4 and applies to manufacturer licenses with an effective date of July 1, 2015, or later.

67.5 Sec. 74. Minnesota Statutes 2014, section 349.163, subdivision 6, is amended to read:

67.6 Subd. 6. **Samples of gambling equipment.** (a) The board shall require each
67.7 licensed manufacturer to submit to the board one or more samples of each item of
67.8 gambling equipment manufactured for use or resale in this state. For purposes of this
67.9 subdivision, a manufacturer is also required to submit the applicable version of any
67.10 software necessary to operate electronic devices and related systems.

67.11 (b) The board shall inspect and test all the equipment, including software and
67.12 software upgrades, it deems necessary to determine the equipment's compliance with law
67.13 and board rules. Samples required under this subdivision must be approved by the board
67.14 before the equipment being sampled is shipped into or sold for use or resale in this state.
67.15 The board shall impose a fee of ~~\$25~~ \$30 for each item of gambling equipment that the
67.16 manufacturer submits for approval or for which the manufacturer requests approval. The
67.17 board shall impose a fee of ~~\$100~~ \$125 for each sample of gambling equipment that it tests.

67.18 (c) The board may require samples of gambling equipment to be tested by an
67.19 independent testing laboratory prior to submission to the board for approval. All costs
67.20 of testing by an independent testing laboratory must be borne by the manufacturer. An
67.21 independent testing laboratory used by a manufacturer to test samples of gambling
67.22 equipment must be approved by the board before the equipment is submitted to the
67.23 laboratory for testing.

67.24 (d) The board may request the assistance of the commissioner of public safety and
67.25 the director of the State Lottery in performing the tests.

67.26 **EFFECTIVE DATE.** This section is effective the day following final enactment
67.27 and applies to games submitted for approval on July 1, 2015, or later.

67.28 Sec. 75. Minnesota Statutes 2014, section 349.166, subdivision 2, is amended to read:

67.29 Subd. 2. **Exemptions.** (a) Lawful gambling, with the exception of linked bingo
67.30 games, may be conducted by an organization without a license and without complying
67.31 with sections 349.168, subdivisions 1 and 2; 349.17, subdivision 4; 349.18, subdivision 1;
67.32 and 349.19 if:

67.33 (1) the organization conducts lawful gambling on five or fewer days in a calendar year;

68.1 (2) the organization does not award more than \$50,000 in prizes for lawful gambling
68.2 in a calendar year;

68.3 (3) the organization submits a board-prescribed application and pays a fee of \$50
68.4 \$100 to the board for each gambling occasion, and receives an exempt permit number
68.5 from the board. If the application is postmarked or received less than 30 days before the
68.6 gambling occasion, the fee is ~~\$100~~ \$150 for that application. The application must include
68.7 the date and location of the occasion, the types of lawful gambling to be conducted, and
68.8 the prizes to be awarded;

68.9 (4) the organization notifies the local government unit 30 days before the lawful
68.10 gambling occasion, or 60 days for an occasion held in a city of the first class;

68.11 (5) the organization purchases all gambling equipment and supplies from a licensed
68.12 distributor; and

68.13 (6) the organization reports to the board, on a single-page form prescribed by the
68.14 board, within 30 days of each gambling occasion, the gross receipts, prizes, expenses,
68.15 expenditures of net profits from the occasion, and the identification of the licensed
68.16 distributor from whom all gambling equipment was purchased.

68.17 (b) If the organization fails to file a timely report as required by paragraph (a), clause
68.18 (6), the board shall not issue any authorization, license, or permit to the organization to
68.19 conduct lawful gambling on an exempt, excluded, or licensed basis until the report has
68.20 been filed and the organization may be subject to penalty as determined by the board. The
68.21 board may refuse to issue any authorization, license, or permit if a report or application is
68.22 determined to be incomplete or knowingly contains false or inaccurate information.

68.23 (c) Merchandise prizes must be valued at their fair market value.

68.24 (d) Organizations that qualify to conduct exempt raffles under paragraph (a), are
68.25 exempt from section 349.173, paragraph (b), clause (2), if the raffle tickets are sold
68.26 only in combination with an organization's membership or a ticket for an organization's
68.27 membership dinner and are not included with any other raffle conducted under the exempt
68.28 permit.

68.29 (e) Unused pull-tab and tipboard deals must be returned to the distributor within
68.30 seven working days after the end of the lawful gambling occasion. The distributor must
68.31 accept and pay a refund for all returns of unopened and undamaged deals returned under
68.32 this paragraph.

68.33 (f) The organization must maintain all required records of exempt gambling activity
68.34 for 3-1/2 years.

68.35 **EFFECTIVE DATE.** This section is effective the day following final enactment
68.36 and applies to all permits with an effective date of July 1, 2015, or later.

69.1 Sec. 76. **[383B.83] LIMITS ON RAILROAD CONDEMNATION POWERS**
 69.2 **OVER CERTAIN GOVERNMENTAL PROPERTY INTERESTS.**

69.3 Notwithstanding anything to the contrary in chapter 117, sections 222.26, 222.27,
 69.4 222.36, or any other law, the powers of a railroad corporation or a railroad company
 69.5 or a railroad interest acting as a public service corporation or a common carrier do not
 69.6 include the power to exercise eminent domain over a property interest owned by Hennepin
 69.7 County, the Hennepin County Housing and Redevelopment Authority, or the Hennepin
 69.8 County Regional Railroad Authority if such governmental power, by resolution of its
 69.9 governing board, determines based on findings that the public safety or access of first
 69.10 responders would be detrimentally affected by the exercise.

69.11 **EFFECTIVE DATE.** This section is effective retroactively from March 2, 2015,
 69.12 and applies to any eminent domain action to acquire any property interest of any of the
 69.13 named entities.

69.14 Sec. 77. Laws 2013, chapter 142, article 1, section 10, is amended to read:

69.15 Sec. 10. **OFFICE OF ENTERPRISE**
 69.16 **TECHNOLOGY MN.IT SERVICES** \$ 2,431,000 \$ 2,431,000

69.17 During the biennium ending June 30, 2015,
 69.18 the Office of ~~Enterprise Technology~~ MN.IT
 69.19 Services must not charge fees to a public
 69.20 noncommercial educational television
 69.21 broadcast station eligible for funding under
 69.22 Minnesota Statutes, chapter 129D, for
 69.23 access to the state broadcast infrastructure.

69.24 If the access fees not charged to public
 69.25 noncommercial educational television
 69.26 broadcast stations total more than \$400,000
 69.27 for the biennium, the office may charge for
 69.28 access fees in excess of these amounts.

69.29 The commissioner of Minnesota management
 69.30 and budget is authorized to provide cash
 69.31 flow assistance of up to \$110,000,000 from
 69.32 the special revenue fund or other statutory
 69.33 general funds as defined in Minnesota
 69.34 Statutes, section 16A.671, subdivision 3,

70.1 paragraph (a), to the Office of Enterprise
 70.2 Technology MN.IT Services for the purpose
 70.3 of managing revenue and expenditure
 70.4 differences during the initial phases of IT
 70.5 consolidation. These funds shall be repaid
 70.6 with interest by ~~June 30, 2015~~ the end of the
 70.7 fiscal year 2015 closing period.

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

70.9 Sec. 78. Laws 2014, chapter 287, section 25, is amended to read:

70.10 Sec. 25. **PARKING RAMP; REQUIRED USER FINANCING.**

70.11 The amount equivalent to debt service on the design and construction costs allocated
 70.12 to the parking garage to be located on the block bounded by Sherburne Avenue on the north,
 70.13 Park Street on the west, University Avenue on the south, and North Capitol Boulevard on
 70.14 the east ~~must be user-financed from~~ must be transferred from parking fees collected and
 70.15 deposited into the state parking account and credited to the debt service account for the
 70.16 Legislative Office Facility. to the general fund to offset any direct appropriations made to
 70.17 the senate for debt service payments for the legislative parking garage.

70.18 Sec. 79. **CAPITOL ROOM NUMBERS.**

70.19 After the Capitol renovation has been completed, the commissioner of administration
 70.20 must use the same room numbers on signage to identify legacy rooms that were used to
 70.21 identify the rooms before the Capitol renovation. For purposes of this section, "Capitol
 70.22 renovation" means the construction project for which funds were appropriated in Laws
 70.23 2013, chapter 136, section 3; "legacy rooms" means any room in the Capitol after Capitol
 70.24 renovation that has dimensions and a location that are substantially similar to a room
 70.25 within the Capitol that existed before renovation; and "signage" means any posting on any
 70.26 surface in the Capitol building.

70.27 Sec. 80. **IN-LIEU OF RENT EVALUATION.**

70.28 (a) The commissioner of administration must evaluate and provide recommendations
 70.29 regarding the base appropriation to the Department of Administration for an in-lieu of rent
 70.30 payment for space costs of the legislature and veterans organizations, vending operators,
 70.31 ceremonial space, and statutorily free space in the Capitol building and in other buildings
 70.32 on the Capitol grounds under the custodial control of the Department of Administration.

71.1 (b) By January 15, 2017, the commissioner must report to the chairs and
 71.2 ranking minority members of the committees and divisions in the senate and the
 71.3 house of representatives with jurisdiction over the appropriation to the Department of
 71.4 Administration for the in-lieu of rent payment. The report must:

71.5 (1) identify the amount and quality of space that will be occupied by the senate, the
 71.6 house of representatives, and veterans organizations, ceremonial space, and statutorily free
 71.7 space, in fiscal years 2018 and 2019, including a comparison to the amount and quality of
 71.8 space occupied by the same tenants in fiscal year 2013;

71.9 (2) evaluate and justify the expense components included and assumptions made in
 71.10 determining lease rates and make comparisons to market rates; and

71.11 (3) evaluate whether the base funding for fiscal years 2018 and 2019 for the in-lieu
 71.12 of rent appropriation is justified, and if not, recommend an increase or decrease.

71.13 (c) In conducting the evaluation and preparing the report, the commissioner must
 71.14 consult with the secretary of the senate, the chief clerk of the house of representatives, the
 71.15 commissioner of employment and economic development on behalf of the services for the
 71.16 blind, and the commissioner of veterans affairs on behalf of veterans organizations that use
 71.17 space for which the Department of Administration receives an in-lieu of rent appropriation.

71.18 **Sec. 81. RULEMAKING.**

71.19 (a) The Board of Cosmetologist Examiners shall adopt rules governing the licensure,
 71.20 operation, and inspection of mobile salons, including facility requirements; safety and
 71.21 infection control requirements; a process for a salon licensee to notify the board of the
 71.22 mobile salon's location and times of operation; requirements for supplying and disposing
 71.23 of water and waste products; and the scope of personal services to be provided in mobile
 71.24 salons. The rules must prohibit mobile salons from violating reasonable municipal
 71.25 restrictions on time and place of operation of a mobile salon within its jurisdiction,
 71.26 and shall establish penalties, up to and including revocation of a license, for repeated
 71.27 violations of municipal laws.

71.28 (b) The Board of Cosmetologist Examiners shall adopt rules governing the advanced
 71.29 practice esthetician license, including the educational and training requirements, scope of
 71.30 practice, and the conditions and process of issuing and renewing the license.

71.31 **EFFECTIVE DATE.** Paragraph (a) of this section is effective the day following
 71.32 final enactment. Paragraph (b) of this section is effective January 1, 2016, and expires
 71.33 January 1, 2019.

71.34 **Sec. 82. POLITICAL CONTRIBUTION CREDIT.**

72.1 Notwithstanding the provisions of Minnesota Statutes, section 290.06, subdivision
72.2 23, or any other law to the contrary, the political contribution refund does not apply to
72.3 contributions made after June 30, 2015, and before July 1, 2017.

72.4 **Sec. 83. STATE AGENCY TECHNOLOGY PROJECTS.**

72.5 Any appropriation in this chapter for information technology project services and
72.6 support is subject to Minnesota Statutes, section 16E.0466. If an agency needs ongoing
72.7 information technology services as a result of the services and support paid for with an
72.8 appropriation in this chapter, the agency must enter into an agreement with the Office of
72.9 MN.IT Services to provide those services. The agreement must require the agency to pay
72.10 the Office of MN.IT Services under rates and mechanisms specified in the agreement.

72.11 **Sec. 84. EXAMINATION OF COUNTY RECORDS; REPORT.**

72.12 Consistent with the authority granted under Minnesota Statutes, section 3.971,
72.13 the Office of the Legislative Auditor shall report on the efficiency of the examinations
72.14 conducted by the state auditor under Minnesota Statutes, section 6.48. The report must be
72.15 forwarded to the house of representatives and senate chairs of legislative committees with
72.16 jurisdiction over state government finance by January 15, 2016.

72.17 **Sec. 85. REPORT ON AGENCY CHIEF INFORMATION OFFICERS.**

72.18 The chief information officer of MN.IT must report to the legislature by January 15,
72.19 2016, on reduction in the number of chief information officers (CIOs) in state agencies.
72.20 The report must include the number of CIOs on July 1, 2015, the number on January
72.21 15, 2016, and plans to reduce that number.

72.22 **Sec. 86. TRANSITION.**

72.23 (a) Members of an ethnic council specified in new Minnesota Statutes, section
72.24 15.0145, on July 1, 2015, continue to serve on the council until the end of their current
72.25 term. However, if a member of a council has served eight years or more on the council
72.26 at any time before December 31, 2015, the term of that member expires December 31,
72.27 2015. If a council has more members on July 1, 2015, than is provided for by Minnesota
72.28 Statutes, section 15.0145, positions on the council shall not be filled until the expiration of
72.29 a term results in fewer members on the council than provided for in Minnesota Statutes,
72.30 section 15.0145. Membership qualifications newly specified in Minnesota Statutes, section
72.31 15.0145, must be complied with as soon as possible when terms of current members expire.

73.1 (b) The Legislative Coordinating Commission must appoint an executive director
 73.2 for each council no later than November 15, 2015. The authority of the Legislative
 73.3 Coordinating Commission to recruit and select persons to serve as executive directors
 73.4 is effective the day following final enactment. An incumbent executive director of a
 73.5 council may apply to be appointed by the Legislative Coordinating Commission but, if
 73.6 not selected, the employment of the incumbent ends when the Legislative Coordinating
 73.7 Commission appoints a new executive director, or on another date determined by the
 73.8 Legislative Coordinating Commission. Other council staff are transferred to employment
 73.9 with the reformulated councils specified in Minnesota Statutes, section 15.0145.

73.10 (c) Minnesota Statutes, section 15.039, subdivisions 1 to 6, apply to the ethnic
 73.11 councils that are reformulated in this act.

73.12 **Sec. 87. REVISOR'S INSTRUCTION.**

73.13 Subdivision 1. **Cosmetology.** The revisor of statutes shall change the word
 73.14 "sanitation" to "infection control" and the word "lapsed" to "expired" wherever they
 73.15 appear in Minnesota Statutes, chapter 155A, or Minnesota Rules, chapter 2105 or 2110.

73.16 Subd. 2. **County audits.** In the next and subsequent edition of Minnesota Statutes,
 73.17 the Revisor of Statutes shall substitute a reference to section 6.481 for each reference
 73.18 to section 6.48.

73.19 Subd. 3. **Ethnic councils.** (a) In the next and subsequent editions of Minnesota
 73.20 Statutes, the revisor of statutes shall substitute the names of councils as follows in each
 73.21 place where the names occur:

73.22 (1) Council for Minnesotans of African Heritage, in place of Council on Black
 73.23 Minnesotans; and

73.24 (2) Minnesota Council on Latino Affairs, in place of Council on Affairs of
 73.25 Chicano/Latino People.

73.26 (b) The revisor of statutes shall change cross-references to sections 3.9223, 3.9225,
 73.27 and 3.9226, with Minnesota Statutes, section 15.0145, and make changes necessary to
 73.28 correct punctuation, grammar, or sentence structure.

73.29 **EFFECTIVE DATE.** Subdivision 2 is effective August 1, 2016.

73.30 **Sec. 88. REPEALER.**

73.31 (a) Minnesota Statutes 2014, sections 3.9223; 3.9225; and 3.9226, subdivisions 1,
 73.32 2, 3, 4, 5, 6, and 7, are repealed.

73.33 (b) Minnesota Statutes 2014, sections 6.48; and 375.23, are repealed.

73.34 (c) Minnesota Statutes 2014, section 155A.23, subdivision 6, is repealed.

74.1 **ARTICLE 3**

74.2 **MILITARY AND VETERANS AFFAIRS**

74.3 Section 1. Minnesota Statutes 2014, section 190.19, subdivision 2a, is amended to read:

74.4 Subd. 2a. **Uses; veterans.** (a) Money appropriated to the Department of Veterans
 74.5 Affairs from the Minnesota "Support Our Troops" account may be used for:

74.6 (1) grants to veterans service organizations;

74.7 (2) outreach to underserved veterans;

74.8 (3) providing services and programs for veterans and their families; ~~and~~

74.9 (4) transfers to the vehicle services account for Gold Star license plates under
 74.10 section 168.1253;

74.11 (5) grants of up to \$100,000 to any organization approved by the commissioner of
 74.12 veterans affairs for the purpose of supporting and improving the lives of veterans and
 74.13 their families; and

74.14 (6) grants to an eligible foundation.

74.15 (b) For purposes of this subdivision, "eligible foundation" includes any organization
 74.16 that:

74.17 (1) is a tax-exempt organization under section 501(c) of the Internal Revenue
 74.18 Code; and

74.19 (2) is a nonprofit corporation under chapter 317A and the organization's articles of
 74.20 incorporation specify that a purpose of the organization includes (i) providing assistance
 74.21 to veterans and their families or (ii) enhancing the lives of veterans and their families.

74.22 Sec. 2. Minnesota Statutes 2014, section 190.19, subdivision 3, is amended to read:

74.23 Subd. 3. **Annual report.** The adjutant general and commissioner of veterans affairs
 74.24 must report by February 1, 2007, and each year thereafter, to the chairs and ranking minority
 74.25 members of the legislative committees and divisions with jurisdiction over military and
 74.26 veterans' affairs on the number, amounts, and use of grants made by the adjutant general
 74.27 each agency from the Minnesota "Support Our Troops" account in the previous year.

74.28 Sec. 3. Minnesota Statutes 2014, section 192.38, subdivision 1, is amended to read:

74.29 Subdivision 1. **Temporary emergency relief.** If any officer or enlisted member
 74.30 of the military forces is wounded or otherwise disabled, dies from disease contracted or
 74.31 injuries received, or is killed while in state active service as defined in section 190.05,
 74.32 subdivision 5a, the officer or member, or in the case of death the officer's or member's
 74.33 dependent spouse, child, or parent, may be provided with immediate temporary relief as

75.1 necessary in cases of severe hardship, in an amount to be determined by the adjutant general
 75.2 and approved by the governor or a death gratuity payment equal to the amount allowed for
 75.3 service members in a federal active service status. All payments under this subdivision
 75.4 shall be made from appropriations for ~~the maintenance of the state military forces~~
 75.5 emergency services. The adjutant general shall notify the Department of Management and
 75.6 Budget of any payments made pursuant to this subdivision and the amount of it shall be
 75.7 subtracted from any award made by the Department of Management and Budget.

75.8 Sec. 4. Minnesota Statutes 2014, section 192.501, is amended by adding a subdivision
 75.9 to read:

75.10 Subd. 1d. **Reclassification bonus program.** (a) The adjutant general must establish
 75.11 a program to provide a bonus to eligible members of the Minnesota National Guard who
 75.12 complete training that results in the award of a new military occupational specialty or
 75.13 Air Force specialty code in specialties that are identified by the adjutant general to be
 75.14 necessary for the enhanced readiness of the Minnesota National Guard.

75.15 (b) Eligibility for the bonus is limited to a member of the National Guard who:

75.16 (1) is serving satisfactorily as determined by the adjutant general;

75.17 (2) has 16 or fewer years of services creditable for retirement; and

75.18 (3) undergoes military training deemed by the adjutant general as sufficiently

75.19 important to the readiness of the National Guard or a unit of the National Guard to warrant
 75.20 the payment of a bonus in an amount to generally encourage the member's participation
 75.21 in the training.

75.22 The adjutant general may, within the limitations of this paragraph and other applicable
 75.23 laws, determine additional eligibility criteria for the bonus, and must specify all of the
 75.24 criteria in regulations and publish changes as necessary.

75.25 (c) The bonus payments must be made on a schedule that is determined and
 75.26 published in department regulations by the adjutant general.

75.27 (d) If a member fails to complete a term of reenlistment or an obligated term of
 75.28 commissioned service for which a bonus was paid, the adjutant general may seek to
 75.29 recoup a prorated amount of the bonus as determined by the adjutant general.

75.30 Sec. 5. Minnesota Statutes 2014, section 197.133, is amended to read:

75.31 **197.133 DISPOSAL OF PROPERTY AND EXPIRATION OF BOARD OF**
 75.32 **GOVERNORS.**

75.33 (a) If a majority of the board determines that the disposal of the Big Island Veterans
 75.34 camp or a portion of the camp is in the best interests of Minnesota veterans, or if the camp

76.1 is not used solely as a camp for and by disabled and other veterans and their families and
 76.2 operated and maintained in compliance with all state, federal, and local laws, the board
 76.3 may dispose of the property at market value as provided in this section. Before disposing
 76.4 of the property, the board shall give notice by certified mail to the commissioner of
 76.5 veterans affairs of its decision to dispose of the property. The commissioner shall publish
 76.6 the notice in the State Register. Interested governmental agencies have until the end of the
 76.7 next legislative session after the notice to appropriate money to purchase the property.

76.8 (b) Proceeds realized from the disposal of the property and any assets on hand at
 76.9 the time of the disposal of the property, must be placed in an irrevocable trust to be used
 76.10 for the initiation or maintenance of veterans programs in the state of Minnesota. Trustees
 76.11 must be appointed in the same manner as provided for under Minnesota Statutes 2014,
 76.12 section 197.131. The trustees shall consult with the commissioner of veterans affairs to
 76.13 determine the needs of Minnesota veterans and provide the commissioner with an annual
 76.14 written report on the trust. The commissioner must approve all expenditures from the
 76.15 trust. A certified audit of all assets, expenditures, and property must be conducted prior
 76.16 to any disposition of any assets under the control of the board. Any board member who
 76.17 would benefit directly or indirectly financially from the sale of this property must be
 76.18 removed by the board and a successor appointed as provided by Minnesota Statutes 2014,
 76.19 section 197.131. Upon final disposition of all assets to the trust, the board must disband.
 76.20 Should the assets of the trust be exhausted, the trust must be terminated.

76.21 (c) The trustees appointed under paragraph (b) shall have the exclusive authority
 76.22 to remove a trustee of the trust established under paragraph (b). A trustee may be
 76.23 removed at any time without cause upon a majority vote of the trustees with consent
 76.24 of the commissioner of veterans affairs.

76.25 (d) A vacancy in a trusteeship of the trust established under paragraph (b) must
 76.26 be filled for the remainder of the unexpired term in the same manner as the original
 76.27 appointment.

76.28 Sec. 6. Minnesota Statutes 2014, section 197.46, is amended to read:

76.29 **197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT**
 76.30 **OF MANDAMUS.**

76.31 (a) Any person whose rights may be in any way prejudiced contrary to any of the
 76.32 provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong.
 76.33 No person holding a position by appointment or employment in the several counties,
 76.34 cities, towns, school districts and all other political subdivisions in the state, who is a
 76.35 veteran separated from the military service under honorable conditions, shall be removed

77.1 from such position or employment except for incompetency or misconduct shown after a
77.2 hearing, upon due notice, upon stated charges, in writing.

77.3 (b) Any veteran who has been notified of the intent to discharge the veteran from an
77.4 appointed position or employment pursuant to this section shall be notified in writing of
77.5 such intent to discharge and of the veteran's right to request a hearing within 60 days of
77.6 receipt of the notice of intent to discharge. The failure of a veteran to request a hearing
77.7 within the provided 60-day period shall constitute a waiver of the right to a hearing. Such
77.8 failure shall also waive all other available legal remedies for reinstatement.

77.9 Request for a hearing concerning such a discharge shall be made in writing and
77.10 submitted by mail or personal service to the employment office of the concerned employer
77.11 or other appropriate office or person. If the veteran requests a hearing under this section,
77.12 such written request must also contain the veteran's election to be heard by a civil service
77.13 board or commission, a merit authority, or a three-person panel as defined in paragraph
77.14 (c). If the veteran fails to identify the veteran's election, the governmental subdivision
77.15 may select the hearing body.

77.16 (c) In all governmental subdivisions having an established civil service board or
77.17 commission, or merit system authority, such hearing for removal or discharge shall be
77.18 held before such civil service board or commission or merit system authority. Where no
77.19 such civil service board or commission or merit system authority exists, such hearing
77.20 shall be held by a board of three persons appointed as follows: one by the governmental
77.21 subdivision, one by the veteran, and the third by the two so selected. In the event that
77.22 the hearing is authorized to be held before a three-person board, the governmental
77.23 subdivision's notice of intent to discharge shall state that the veteran must respond within
77.24 60 days of receipt of the notice of intent to discharge, and provide in writing to the
77.25 governmental subdivision the name, United States mailing address, and telephone number
77.26 of the veteran's selected representative for the three-person board. The failure of a veteran
77.27 to submit the name, address, and telephone number of the veteran's selected representative
77.28 to the governmental subdivision by mail or by personal service within the provided
77.29 notice's 60-day period, shall constitute a waiver of the veteran's right to the hearing and all
77.30 other legal remedies available for reinstatement of the veteran's employment position. In
77.31 the event the two persons selected by the veteran and governmental subdivision do not
77.32 appoint the third person within ten days after the appointment of the last of the two,
77.33 then the judge of the district court of the county wherein the proceeding is pending, or
77.34 if there be more than one judge in said county then any judge in chambers, shall have
77.35 jurisdiction to appoint, and upon application of either or both of the two so selected shall

78.1 appoint, the third person to the board and the person so appointed by the judge with the
78.2 two first selected shall constitute the board.

78.3 (d) Either the veteran or the governmental subdivision may appeal from the decision
78.4 of the board upon the charges to the district court by causing written notice of appeal,
78.5 stating the grounds thereof, to be served upon the other party within 15 days after notice of
78.6 the decision and by filing the original notice of appeal with proof of service thereof in the
78.7 office of the court administrator of the district court within ten days after service thereof.
78.8 Nothing in section 197.455 or this section shall be construed to apply to the position of
78.9 private secretary, superintendent of schools, or one chief deputy of any elected official
78.10 or head of a department, or to any person holding a strictly confidential relation to the
78.11 appointing officer. Nothing in this section shall be construed to apply to the position of
78.12 teacher. The burden of establishing such relationship shall be upon the appointing officer
78.13 in all proceedings and actions relating thereto.

78.14 (e) For disputes heard by a civil service board, the political subdivisions shall
78.15 bear all costs associated with the hearing but not including attorney fees for attorneys
78.16 representing the veteran. For disputes heard by a three-person panel, all parties shall bear
78.17 equally all costs associated with the hearing, but not including attorney fees for attorneys
78.18 representing the veteran. If the veteran prevails in a dispute heard by a civil service board
78.19 or a three-person panel and the hearing reverses all aspects of discharge, the governmental
78.20 subdivision shall pay the veteran's reasonable attorney fees.

78.21 (f) All officers, boards, commissions, and employees shall conform to, comply with,
78.22 and aid in all proper ways in carrying into effect the provisions of section 197.455 and this
78.23 section notwithstanding any laws, charter provisions, ordinances or rules to the contrary.
78.24 Any willful violation of such sections by officers, officials, or employees is a misdemeanor.

78.25 **EFFECTIVE DATE.** This section is effective the day following final enactment
78.26 and applies to all notices of intent to discharge issued on or after that date.

78.27 **Sec. 7. [197.987] HONOR AND REMEMBER FLAG.**

78.28 Subdivision 1. **Legislative findings.** The legislature of the state of Minnesota finds
78.29 and determines that:

78.30 (1) since the Revolutionary War, more than 1,000,000 members of the United States
78.31 armed forces have paid the ultimate price by sacrificing their lives in active military
78.32 service for the United States of America;

78.33 (2) the contribution made by those fallen members of the armed forces is deserving
78.34 of state and national recognition; and

79.1 (3) the Honor and Remember Flag is an appropriate symbol that acknowledges the
79.2 selfless sacrifice of those members of the United States armed forces.

79.3 Subd. 2. **Designation.** The Honor and Remember Flag described in subdivision
79.4 3 is designated as the symbol of our state's concern and commitment to honoring and
79.5 remembering the lives of all members of the United States armed forces who have lost
79.6 their lives in the line of duty while serving honorably in active military service in the
79.7 United States armed forces or of a service-connected cause due to or aggravated by that
79.8 service, as determined by the United States Department of Defense or the United States
79.9 Department of Veterans Affairs. This designation is contingent on the flag being available
79.10 for purchase at a reasonable price.

79.11 Subd. 3. **Description.** The Honor and Remember Flag shall conform substantially
79.12 to the following description: The Honor and Remember Flag is the same standard
79.13 proportions as the flag of the United States of America. Its design contains a red field that
79.14 occupies the top three-quarters and a white field that occupies the bottom quarter of the
79.15 flag. In the center of the red field is a five-pointed, gold star with the top point located
79.16 near the top of the red field and the two bottom points extending about one-quarter of the
79.17 way into the white field. The gold star has a white border surrounded by a blue border.
79.18 Between the two bottom points of the star is a tri-folded American flag displaying the blue
79.19 field and some stars, which is the configuration of the American flag presented to the
79.20 family of the deceased at a military memorial service. At the top of the tri-folded flag,
79.21 extending into the center of the gold star, is a stylized, three-part flame, with one blue part
79.22 and two red parts. In the white field below the tri-folded flag, the words "Honor and
79.23 Remember" are centered. The Honor and Remember Flag is protected by U. S. copyright,
79.24 registration number VA0001670661, owned by Honor and Remember, Inc.

79.25 Subd. 4. **Suggested days for flag display.** (a) The chief administrator of each
79.26 governmental building or facility within this state, as defined in paragraph (b), is
79.27 encouraged to display the Honor and Remember Flag on the following days each year:

79.28 (1) Armed Forces Day, the third Saturday in May;

79.29 (2) Flag Day, June 14;

79.30 (3) July 2nd and July 3rd, in remembrance of the 262 soldiers of the 1st Regiment
79.31 Minnesota Volunteer Infantry who, at the Battle of Gettysburg during the American Civil
79.32 War, fought so gallantly and successfully to repulse two major Confederate attacks on the
79.33 main Union line, suffering over 80 percent casualties, thereby turning the battle and the
79.34 war and helping to preserve the Union itself at that pivotal moment in our nation's history;

79.35 (4) July 4th, Independence Day;

79.36 (5) the third Friday of September, National POW/MIA Recognition Day;

80.1 (6) November 11, Veterans Day;
 80.2 (7) July 27, Korean War Armistice Day;
 80.3 (8) March 29, Vietnam Veterans Day; and
 80.4 (9) any day on which the United States flag is displayed at a governmental building
 80.5 or facility within this state.

80.6 (b) For purposes of this section, "governmental building or facility within this state"
 80.7 means the following locations:

80.8 (1) the Minnesota State Capitol, the Office of the Governor and each other Minnesota
 80.9 constitutional office, the chambers of the Minnesota Senate and the Minnesota House of
 80.10 Representatives, the Minnesota Judicial Center and each Minnesota District Court House,
 80.11 any official state of Minnesota veterans memorial, Minnesota veterans home, Minnesota
 80.12 veterans cemetery, state veterans service centers, and state veterans community-based
 80.13 outreach centers; and

80.14 (2) any appropriate local government building or facility, as determined by the
 80.15 governing body of that local government.

80.16 Subd. 5. **Limitation.** This section may not be construed or interpreted to require
 80.17 any employee to report to work solely for the purpose of providing for the display of the
 80.18 Honor and Remember Flag or any other flag.

80.19 Subd. 6. **Implementation.** If a governmental building or facility within this state
 80.20 opts to display the Honor and Remember Flag, the chief administrator of that facility shall
 80.21 prescribe procedures necessary for the display.

80.22 Subd. 7. **Flag donation.** Notwithstanding sections 10A.071 and 471.895, any
 80.23 named public office or public official may accept a donation of one or more Honor and
 80.24 Remember Flags for the purpose of this section.

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

80.26 Sec. 8. Minnesota Statutes 2014, section 198.01, is amended to read:

80.27 **198.01 VETERANS HOME; ELIGIBILITY OF VETERANS.**

80.28 The Minnesota veterans homes shall provide nursing care and related health
 80.29 and social services for veterans and their spouses who meet eligibility and admission
 80.30 requirements of the Minnesota veterans homes. The commissioner may not close a
 80.31 veterans home unless closure of the home is specifically authorized or required by a law
 80.32 enacted after July 1, 2015. The word "veteran" as used in this section has the meaning
 80.33 provided in section 197.447.

81.1 Sec. 9. **REPEALER.**

81.2 Minnesota Statutes 2014, sections 197.131; and 197.132, are repealed.

81.3 **ARTICLE 4**

81.4 **PARI-MUTUEL HORSE RACING**

81.5 Section 1. Minnesota Statutes 2014, section 240.01, subdivision 22, is amended to read:

81.6 Subd. 22. **Racing season.** "Racing season" means that portion of the calendar
81.7 year starting at the beginning of the day of the first live horse race conducted by the
81.8 licensee and concluding at the end of the day of the last live horse race conducted by
81.9 the licensee in any year.

81.10 ~~For purposes of this chapter, the racing season begins before the first Saturday in~~
81.11 ~~May and continues for not less than 25 consecutive weeks.~~

81.12 **EFFECTIVE DATE.** This section is effective January 1, 2016.

81.13 Sec. 2. Minnesota Statutes 2014, section 240.01, is amended by adding a subdivision
81.14 to read:

81.15 Subd. 28. **Takeout.** "Takeout" means the total amount of money, excluding
81.16 breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

81.17 Sec. 3. Minnesota Statutes 2014, section 240.01, is amended by adding a subdivision
81.18 to read:

81.19 Subd. 29. **Handle** "Handle" means the aggregate of all pari-mutuel pools, excluding
81.20 refundable wagers or cancellations.

81.21 Sec. 4. Minnesota Statutes 2014, section 240.01, is amended by adding a subdivision
81.22 to read:

81.23 Subd. 30. **Mixed meet.** "Mixed meet" means a racing day or series of racing days
81.24 on which the racing of more than one breed of horse occurs.

81.25 Sec. 5. Minnesota Statutes 2014, section 240.01, is amended by adding a subdivision
81.26 to read:

81.27 Subd. 31. **Banked.** "Banked" means any game of chance that is played with the
81.28 house as a participant in the game, where the house takes on all players, collects from all
81.29 losers, and pays all winners, and the house can win.

82.1 Sec. 6. Minnesota Statutes 2014, section 240.01, is amended by adding a subdivision
82.2 to read:

82.3 Subd. 32. **Steward.** A "steward" means an official described in section 240.16. The
82.4 term steward includes the terms "judge," "chief steward," and "presiding judge," and
82.5 applies to stewards and judges of the commission or a class B licensee, but not to other
82.6 racing officials, such as paddock or placement judges, who are employees or agents of
82.7 a class B licensee.

82.8 Sec. 7. Minnesota Statutes 2014, section 240.011, is amended to read:

82.9 **240.011 APPOINTMENT OF DIRECTOR.**

82.10 The governor shall appoint the director of the Minnesota Racing Commission,
82.11 who serves in the unclassified service at the governor's pleasure. The director must be
82.12 a person qualified by experience ~~in the administration and regulation of pari-mutuel~~
82.13 ~~racing~~ and training to possess the skills necessary to discharge the duties of the director.
82.14 The governor must select a director from a list of one or more names submitted by the
82.15 Minnesota Racing Commission.

82.16 Sec. 8. Minnesota Statutes 2014, section 240.03, is amended to read:

82.17 **240.03 COMMISSION POWERS AND DUTIES.**

82.18 The commission has the following powers and duties:

82.19 (1) to regulate horse racing in Minnesota to ensure that it is conducted in the public
82.20 interest;

82.21 (2) to issue licenses as provided in this chapter;

82.22 (3) to enforce all laws and rules governing horse racing;

82.23 (4) to collect and distribute all taxes provided for in this chapter;

82.24 (5) to conduct necessary investigations and inquiries and to issue subpoenas to
82.25 compel the attendance of witnesses and the submission of information, documents, ~~and~~
82.26 records, and other evidence it deems necessary to carry out its duties;

82.27 (6) to supervise the conduct of pari-mutuel betting on horse racing;

82.28 (7) to employ and supervise personnel under this chapter;

82.29 (8) to determine the number of racing days to be held in the state and at each
82.30 licensed racetrack;

82.31 (9) to take all necessary steps to ensure the integrity of racing in Minnesota; and

82.32 (10) to impose fees on the racing and card playing industries sufficient to recover the
82.33 operating costs of the commission with the approval of the legislature according to section
82.34 16A.1283. Notwithstanding section 16A.1283, when the legislature is not in session, the

83.1 commissioner of management and budget may grant interim approval for any new fees
 83.2 or adjustments to existing fees that are not statutorily specified, until such time as the
 83.3 legislature reconvenes and acts upon the new fees or adjustments. As part of its biennial
 83.4 budget request, the commission must propose changes to its fees that will be sufficient to
 83.5 recover the operating costs of the commission.

83.6 Sec. 9. Minnesota Statutes 2014, section 240.08, subdivision 2, is amended to read:

83.7 Subd. 2. **Application.** (a) An application for a class C license must be on a form
 83.8 the commission prescribes and must be accompanied by an affidavit of qualification
 83.9 that the applicant:

83.10 ~~(a)~~ (1) is not in default in the payment of an obligation or debt to the state under
 83.11 Laws 1983, chapter 214;

83.12 ~~(b)~~ (2) does not have a felony conviction of record in a state or federal court and
 83.13 does not have a state or federal felony charge pending;

83.14 ~~(c)~~ (3) is not and never has been connected with or engaged in an illegal business;

83.15 ~~(d)~~ (4) has never been found guilty of fraud or misrepresentation in connection
 83.16 with racing or breeding;

83.17 ~~(e)~~ (5) has never been found guilty of a violation of law or rule relating to horse
 83.18 racing, pari-mutuel betting or any other form of gambling which is a serious violation
 83.19 as defined by the commission's rules; and

83.20 ~~(f)~~ (6) has never been found to have knowingly violated a rule or an order of the
 83.21 commission or a law or rule of Minnesota or another jurisdiction relating to horse racing,
 83.22 pari-mutuel betting, or any other form of gambling.

83.23 (b) The application must also contain an irrevocable consent statement, to be signed
 83.24 by the applicant, which states that suits and actions relating to the subject matter of the
 83.25 application or acts or omissions arising from it may be commenced against the applicant in
 83.26 any court of competent jurisdiction in this state by the service on the secretary of state of
 83.27 any summons, process, or pleading authorized by the laws of this state. If any summons,
 83.28 process, or pleading is served upon the secretary of state, it must be by duplicate copies.
 83.29 One copy must be retained in the Office of the Secretary of State and the other copy must
 83.30 be forwarded immediately by certified mail to the address of the applicant, as shown by
 83.31 the records of the commission.

83.32 Sec. 10. Minnesota Statutes 2014, section 240.08, subdivision 4, is amended to read:

83.33 Subd. 4. **License issuance and renewal.** If the commission determines that
 83.34 the applicant is qualified for the occupation for which licensing is sought and will

84.1 not adversely affect the public health, welfare, and safety or the integrity of racing in
 84.2 Minnesota, it may issue a class C license to the applicant. If it makes a similar finding for
 84.3 a renewal of a class C license it may renew the license. Class C licenses are effective for
 84.4 ~~one year~~; until December 31 of the calendar year for which they are issued. Certain types
 84.5 of class C licenses, to be determined by the commission, are effective until December 31
 84.6 of the third calendar year for which they have been issued.

84.7 **EFFECTIVE DATE.** This section is effective July 1, 2015.

84.8 Sec. 11. Minnesota Statutes 2014, section 240.08, subdivision 5, is amended to read:

84.9 Subd. 5. **Revocation and suspension.** (a) The commission may revoke a class C
 84.10 license for a violation of law or rule which in the commission's opinion adversely affects
 84.11 the integrity of horse racing in Minnesota, the public health, welfare, or safety, or for an
 84.12 intentional false statement made in a license application.

84.13 The commission may suspend a class C license for up to one year for a violation of
 84.14 law, order or rule.

84.15 The commission may delegate to its designated agents the authority to impose
 84.16 suspensions of class C licenses, and the revocation or suspension of a class C license may
 84.17 be appealed to the commission according to its rules.

84.18 (b) A license revocation or suspension for more than 90 days is a contested case
 84.19 under sections 14.57 to 14.69 of the Administrative Procedure Act and is in addition to
 84.20 criminal penalties imposed for a violation of law or rule. The commission may summarily
 84.21 suspend a license for more than 90 days prior to a contested case hearing where it is
 84.22 necessary to ensure the integrity of racing or to protect the public health, welfare, or safety.
 84.23 A contested case hearing must be held within ~~20~~ 30 days of the summary suspension and
 84.24 the administrative law judge's report must be issued within ~~20~~ 30 days from the close of
 84.25 the hearing record. In all cases involving summary suspension the commission must issue
 84.26 its final decision within 30 days from receipt of the report of the administrative law judge
 84.27 and subsequent exceptions and argument under section 14.61.

84.28 Sec. 12. Minnesota Statutes 2014, section 240.10, is amended to read:

84.29 **240.10 LICENSE FEES.**

84.30 The fee for a class A license is \$253,000 per year and must be remitted on July 1.
 84.31 The fee for a class B license is \$500 for each assigned racing day and \$100 for each day
 84.32 on which simulcasting is authorized and must be remitted on July 1. ~~Included herein are~~
 84.33 ~~all days assigned to be conducted after January 1, 2003.~~ The fee for a class D license is

85.1 \$50 for each assigned racing day on which racing is actually conducted. Fees imposed on
 85.2 class D licenses must be paid to the commission at a time and in a manner as provided by
 85.3 rule of the commission.

85.4 The commission shall by rule establish an annual license fee for each occupation it
 85.5 licenses under section 240.08 ~~but no annual fee for a class C license may exceed \$100.~~

85.6 **EFFECTIVE DATE.** This section is effective July 1, 2015.

85.7 Sec. 13. Minnesota Statutes 2014, section 240.13, subdivision 5, is amended to read:

85.8 Subd. 5. **Purses.** (a) From the amounts deducted from all pari-mutuel pools by a
 85.9 licensee, an amount equal to not less than the following percentages of all money in all
 85.10 pools must be set aside by the licensee and used for purses for races conducted by the
 85.11 licensee, provided that a licensee may agree by contract with an organization representing
 85.12 a majority of the horsepersons racing the breed involved to set aside amounts in addition
 85.13 to the following percentages, if the contract is in writing and filed with the commission:

85.14 (1) for live races conducted at a class A facility, ~~and for races that are part of full~~
 85.15 ~~racing card simulcasting that takes place within the time period of the live races,~~ 8.4
 85.16 percent of handle;

85.17 (2) ~~for simulcasts conducted during the racing season other than as provided for in~~
 85.18 ~~clause (1), 50 percent of the takeout remaining after deduction for taxes on pari-mutuel~~
 85.19 ~~pools, payment to the breeders fund, and payment to the sending out-of-state racetrack for~~
 85.20 ~~receipt of the signal; and~~

85.21 (3) ~~(2) for simulcasts conducted outside of the racing season,~~ 25 any day a class A
 85.22 facility is licensed, not less than 37 percent of the takeout remaining after deduction for the
 85.23 state pari-mutuel tax, payment to the breeders fund, and payment to the sending out-of-state
 85.24 racetrack for receipt of the signal ~~and, before January 1, 2005, a further deduction of~~
 85.25 ~~eight percent of all money in all pools. In the event that wagering on simulcasts outside~~
 85.26 ~~of the racing season exceeds \$125 million in any calendar year, the amount set aside for~~
 85.27 ~~purses by this formula is increased to 30 percent on amounts between \$125,000,000 and~~
 85.28 ~~\$150,000,000 wagered; 40 percent on amounts between \$150,000,000 and \$175,000,000~~
 85.29 ~~wagered; and 50 percent on amounts in excess of \$175,000,000 wagered. In lieu of~~
 85.30 ~~the eight percent deduction, A deduction as agreed to between the licensee and the~~
 85.31 ~~horsepersons' organization representing the majority of horsepersons racing at the licensee's~~
 85.32 ~~class A facility during the preceding 12 months, is allowed after December 31, 2004.~~

85.33 The commission may by rule provide for the administration and enforcement of
 85.34 this subdivision. The deductions for payment to the sending out-of-state racetrack must
 85.35 be actual, except that when there exists any overlap of ownership, control, or interest

86.1 between the sending out-of-state racetrack and the receiving licensee, the deduction
86.2 must not be greater than three percent unless agreed to between the licensee and the
86.3 horsepersons' organization representing the majority of horsepersons racing the breed
86.4 racing the majority of races during the existing racing meeting or, if outside of the racing
86.5 season, during the most recent racing meeting.

86.6 ~~In lieu of the amount the licensee must pay to the commission for deposit in the~~
86.7 ~~Minnesota breeders fund under section 240.15, subdivision 1, The licensee shall pay to the~~
86.8 ~~commission for deposit in the Minnesota breeders fund 5-1/2 percent of the takeout from~~
86.9 ~~all pari-mutuel pools generated by wagering at the licensee's facility on full racing card~~
86.10 ~~simulcasts of races not conducted in this state.~~

86.11 (b) From the money set aside for purses, the licensee shall pay to the horseperson's
86.12 organization representing the majority of the horsepersons racing the breed involved
86.13 and contracting with the licensee with respect to purses and the conduct of the racing
86.14 meetings and providing representation to its members, an amount as may be determined
86.15 by agreement by the licensee and the horsepersons' organization sufficient to provide
86.16 benevolent programs, benefits, and services for horsepersons and their on-track employees;
86.17 ~~an amount, sufficient to perform these services, as may be determined by agreement by~~
86.18 ~~the licensee and the horseperson's organization.~~ The amount paid may be deducted only
86.19 from the money set aside for purses to be paid in races for the breed represented by the
86.20 horseperson's organization. With respect to racing meetings where more than one breed
86.21 is racing, the licensee may contract independently with the horseperson's organization
86.22 representing each breed racing.

86.23 (c) Notwithstanding sections 325D.49 to 325D.66, a horseperson's organization
86.24 representing the majority of the horsepersons racing a breed at a meeting, and the members
86.25 thereof, may agree to withhold horses during a meeting.

86.26 ~~(d) Money set aside for purses from wagering, during the racing season, on~~
86.27 ~~simulcasts must be used for purses for live races conducted at the licensee's class A facility~~
86.28 ~~during the same racing season, over and above the 8.4 percent purse requirement or any~~
86.29 ~~higher requirement to which the parties agree, for races conducted in this state. Money~~
86.30 ~~set aside for purses from wagering, outside of the racing season, on simulcasts must be~~
86.31 ~~for purses for live races conducted at the licensee's class A facility during the next racing~~
86.32 ~~season, over and above the 8.4 percent purse requirement or any higher requirement to~~
86.33 ~~which the parties agree, for races conducted in this state.~~

86.34 ~~(e)~~ (d) Money set aside for purses from wagering on simulcasts must be used for
86.35 purses for live races involving the same breed involved in the simulcast except that money
86.36 set aside for purses and payments to the breeders fund from wagering on full racing card

87.1 simulcasts of races not conducted in this state, occurring during a live mixed meet, must
87.2 be allotted to the purses and breeders fund for each breed participating in the mixed meet
87.3 as agreed upon by the breed organizations participating in the live mixed meet. The
87.4 agreement shall be in writing and filed with the commission prior to the first day of the live
87.5 mixed meet. In the absence of a written agreement filed with the commission, the money
87.6 set aside for purses and payments to the breeders fund from wagering on simulcasts,
87.7 occurring during a live mixed meet, shall be allotted to each breed participating in the live
87.8 mixed meet in the same proportion that the number of live races run by each breed bears
87.9 to the total number of live races conducted during the period of the mixed meet.

87.10 ~~(f)~~ (e) The allocation of money set aside for purses to particular racing meets may be
87.11 adjusted, relative to overpayments and underpayments, by contract between the licensee
87.12 and the horsepersons' organization representing the majority of horsepersons racing the
87.13 breed involved at the licensee's facility.

87.14 ~~(g)~~ (f) Subject to the provisions of this chapter, money set aside from pari-mutuel
87.15 pools for purses must be for the breed involved in the race that generated the pool, except
87.16 that if the breed involved in the race generating the pari-mutuel pool is not racing in the
87.17 current racing meeting, or has not raced within the preceding 12 months at the licensee's
87.18 class A facility, money set aside for purses may be distributed proportionately to those
87.19 breeds that have run during the preceding 12 months or paid to the commission and
87.20 used for purses or to promote racing for the breed involved in the race generating the
87.21 pari-mutuel pool, or both, in a manner prescribed by the commission.

87.22 ~~(h)~~ (g) This subdivision does not apply to a class D licensee.

87.23 **EFFECTIVE DATE.** This section is effective January 1, 2016.

87.24 Sec. 14. Minnesota Statutes 2014, section 240.13, subdivision 6, is amended to read:

87.25 Subd. 6. **Simulcasting.** (a) The commission may permit an authorized licensee to
87.26 conduct simulcasting at the licensee's facility on any day authorized by the commission.
87.27 All simulcasts must comply with the Interstate Horse Racing Act of 1978, United States
87.28 Code, title 15, sections 3001 to 3007.

87.29 (b) The commission may not authorize any day for simulcasting at a class A facility
87.30 during the racing season, and a licensee may not be allowed to transmit out-of-state
87.31 telecasts of races the licensee conducts, unless the licensee has obtained the approval of
87.32 the horsepersons' organization representing the majority of the horsepersons racing the
87.33 breed involved at the licensed racetrack during the preceding 12 months. In the case of
87.34 a class A facility licensed under section 240.06, subdivision 5a, the approval applicable
87.35 to the first year of the racetrack's operation may be obtained from the horsepersons'

88.1 organization that represents the majority of horsepersons who will race the breed involved
88.2 at the licensed racetrack during the first year of the racetrack's operation.

88.3 (c) The licensee may pay fees and costs to an entity transmitting a telecast of a
88.4 race to the licensee for purposes of conducting pari-mutuel wagering on the race. The
88.5 licensee may deduct fees and costs related to the receipt of televised transmissions from a
88.6 pari-mutuel pool on the televised race, provided that one-half of any amount recouped in
88.7 this manner must be added to the amounts required to be set aside for purses.

88.8 (d) With the approval of the commission and subject to the provisions of this
88.9 subdivision, a licensee may transmit telecasts of races it conducts, for wagering purposes,
88.10 to locations outside the state, and the commission may allow this to be done on a
88.11 commingled pool basis.

88.12 (e) Except as otherwise provided in this section, simulcasting may be conducted on a
88.13 ~~separate commingled~~ pool basis or, with the approval of the commission, on a ~~commingled~~
88.14 separate pool basis. All provisions of law governing pari-mutuel betting apply to
88.15 simulcasting except as otherwise provided in this subdivision or in the commission's
88.16 rules. If pools are commingled, wagering at the licensed facility must be on equipment
88.17 electronically linked with the equipment at the licensee's class A facility or with the
88.18 sending racetrack via the totalizator computer at the licensee's class A facility. Subject to
88.19 the approval of the commission, the types of betting, takeout, and distribution of winnings
88.20 on commingled pari-mutuel pools are those in effect at the sending racetrack. Breakage
88.21 for pari-mutuel pools on a televised race must be calculated in accordance with the law or
88.22 rules governing the sending racetrack for these pools, and must be distributed in a manner
88.23 agreed to between the licensee and the sending racetrack. Notwithstanding subdivision 7
88.24 and section 240.15, subdivision 5, the commission may approve procedures governing the
88.25 definition and disposition of unclaimed tickets that are consistent with the law and rules
88.26 governing unclaimed tickets at the sending racetrack. For the purposes of this section,
88.27 "sending racetrack" is either the racetrack outside of this state where the horse race is
88.28 conducted or, with the consent of the racetrack, an alternative facility that serves as the
88.29 racetrack for the purpose of commingling pools.

88.30 (f) Except as otherwise provided in section 240.06, subdivision 5b, paragraph (2),
88.31 if there is more than one class B licensee conducting racing within the seven-county
88.32 metropolitan area, simulcasting may be conducted only on races run by a breed that ran at
88.33 the licensee's class A facility within the 12 months preceding the event.

88.34 Sec. 15. Minnesota Statutes 2014, section 240.135, is amended to read:

88.35 **240.135 CARD CLUB REVENUE.**

89.1 (a) From the amounts received from charges authorized under section 240.30,
 89.2 subdivision 4, the licensee shall set aside the amounts specified in this section to be
 89.3 used for purse payments. These amounts are in addition to the breeders fund and purse
 89.4 requirements set forth elsewhere in this chapter.

89.5 (1) For amounts between zero and \$6,000,000, the licensee shall set aside not less
 89.6 than ten percent to be used as purses.

89.7 (2) For amounts in excess of \$6,000,000, the licensee shall set aside not less than
 89.8 14 percent to be used as purses.

89.9 (b) From all amounts set aside under paragraph (a), the licensee shall set aside
 89.10 ten percent to be deposited in the breeders fund. ~~The licensee and the horseperson's~~
 89.11 ~~organization representing the majority of horsepersons who have raced at the racetrack~~
 89.12 ~~during the preceding 12 months may negotiate percentages different from those stated in~~
 89.13 ~~this section if the agreement is in writing and filed with the Racing Commission.~~

89.14 (c) It is the intent of the legislature that the proceeds of the card playing activities
 89.15 authorized by this chapter be used to improve the horse racing industry by improving purses.
 89.16 The licensee and the horseperson's organization representing the majority of horsepersons
 89.17 who have raced at the racetrack during the preceding 12 months may negotiate percentages
 89.18 that exceed those stated in this section if the agreement is in writing and filed with the
 89.19 commission. The commission shall annually review the financial details of card playing
 89.20 activities and determine if the present use of card playing proceeds is consistent with the
 89.21 policy established by this paragraph. If the commission determines that the use of the
 89.22 proceeds does not comply with the policy set forth herein, then the commission shall direct
 89.23 the parties to make the changes necessary to ensure compliance. If these changes require
 89.24 legislation, the commission shall make the appropriate recommendations to the legislature.

89.25 Sec. 16. Minnesota Statutes 2014, section 240.15, subdivision 1, is amended to read:

89.26 Subdivision 1. **Taxes imposed.** (a) There is imposed a tax at the rate of six percent
 89.27 of the amount in excess of \$12,000,000 annually withheld from all pari-mutuel pools by
 89.28 the licensee, including breakage and amounts withheld under section 240.13, subdivision
 89.29 4. For the purpose of this subdivision, "annually" is the period from July 1 to June 30 of
 89.30 the next year.

89.31 In addition to the above tax, the licensee must designate and pay to the commission
 89.32 a tax of one percent of the ~~total amount bet on each racing day~~ handle for live races
 89.33 conducted at a class A facility, for deposit in the Minnesota breeders fund.

89.34 The taxes imposed by this clause must be paid from the amounts permitted to be
 89.35 withheld by a licensee under section 240.13, subdivision 4.

90.1 (b) The commission may impose an admissions tax of not more than ten cents on
 90.2 each paid admission at a licensed racetrack on a racing day if:

90.3 (1) the tax is requested by a local unit of government within whose borders the
 90.4 track is located;

90.5 (2) a public hearing is held on the request; and

90.6 (3) the commission finds that the local unit of government requesting the tax is in
 90.7 need of its revenue to meet extraordinary expenses caused by the racetrack.

90.8 Sec. 17. Minnesota Statutes 2014, section 240.15, subdivision 6, is amended to read:

90.9 Subd. 6. **Disposition of proceeds; account.** The commission shall distribute all
 90.10 money received under this section, and all money received from license fees and fines it
 90.11 collects, according to this subdivision. All money designated for deposit in the Minnesota
 90.12 breeders fund must be paid into that fund for distribution under section 240.18 except that
 90.13 all money generated by ~~full-racing-card~~ simulcasts must be distributed as provided in
 90.14 section 240.18, subdivisions 2, paragraph (d), clauses (1), (2), and (3); and 3. Revenue
 90.15 from an admissions tax imposed under subdivision 1 must be paid to the local unit of
 90.16 government at whose request it was imposed, at times and in a manner the commission
 90.17 determines. Taxes received under this section and fines collected under section 240.22
 90.18 must be paid to the commissioner of management and budget for deposit in the general
 90.19 fund. All revenues from licenses and other fees imposed by the commission must be
 90.20 deposited in the state treasury and credited to a racing and card playing regulation account
 90.21 in the special revenue fund. Receipts in this account are available for the operations of the
 90.22 commission up to the amount authorized in biennial appropriations from the legislature.

90.23 Sec. 18. Minnesota Statutes 2014, section 240.16, subdivision 1, is amended to read:

90.24 Subdivision 1. **Powers and duties.** All horse races run at a licensed racetrack must
 90.25 be presided over by a board of three stewards, who must be appointees of the commission or
 90.26 persons approved by it. The commission shall designate one steward as chair. At least two
 90.27 stewards for all races either shall be employees of the commission who shall serve in the
 90.28 unclassified service, or shall be under contract with the commission to serve as stewards.
 90.29 The commission may delegate the following duties and powers to a board of stewards:

90.30 (a) to ensure that races are run in accordance with the commission's rules;

90.31 (b) to supervise the conduct of racing to ensure the integrity of the sport;

90.32 (c) to settle disputes arising from the running of horse races, and to certify official
 90.33 results;

91.1 (d) to impose on licensees, for violation of law or commission rules, fines not
 91.2 exceeding ~~\$2,000~~ \$5,000 and license suspensions not exceeding 90 days;

91.3 (e) to recommend to the commission where warranted penalties in excess of those
 91.4 in clause (d);

91.5 (f) to otherwise enforce the laws and rules of racing; and

91.6 (g) to perform other duties and have other powers assigned by the commission.

91.7 Sec. 19. Minnesota Statutes 2014, section 240.22, is amended to read:

91.8 **240.22 FINES.**

91.9 (a) The commission shall by rule establish a graduated schedule of civil fines for
 91.10 violations of laws related to horse racing or of the commission's rules. The schedule
 91.11 must include minimum and maximum fines for each violation and be based on and
 91.12 reflect the culpability, frequency and severity of the violator's actions. The commission
 91.13 may impose a fine from this schedule on a licensee for a violation of those rules or laws
 91.14 relating to horse racing. The fine is in addition to any criminal penalty imposed for the
 91.15 same violation. Fines imposed by the commission must be paid to the commission and
 91.16 except as provided in paragraph (b), forwarded to the commissioner of management and
 91.17 budget for deposit in the general fund. A fine in excess of ~~\$2,000~~ \$5,000 is a contested
 91.18 case under the Administrative Procedure Act.

91.19 (b) If the commission is the prevailing party in a contested case proceeding, the
 91.20 commission may recover, from amounts to be forwarded under paragraph (a), reasonable
 91.21 attorney fees and costs associated with the contested case.

91.22 **EFFECTIVE DATE.** This section is effective July 1, 2016.

91.23 Sec. 20. Minnesota Statutes 2014, section 240.23, is amended to read:

91.24 **240.23 RULEMAKING AUTHORITY.**

91.25 The commission has the authority, in addition to all other rulemaking authority
 91.26 granted elsewhere in this chapter to promulgate rules governing:

91.27 (a) the conduct of horse races held at licensed racetracks in Minnesota, including but
 91.28 not limited to the rules of racing, standards of entry, operation of claiming races, filing and
 91.29 handling of objections, carrying of weights, and declaration of official results;

91.30 (b) ~~wire~~ wired and wireless communications between the premises of a licensed
 91.31 racetrack and any place outside the premises;

91.32 (c) information on horse races which is sold on the premises of a licensed racetrack;

- 92.1 (d) liability insurance which it may require of all class A, class B, and class D
 92.2 licensees;
- 92.3 (e) the auditing of the books and records of a licensee by an auditor employed
 92.4 or appointed by the commission;
- 92.5 (f) emergency action plans maintained by licensed racetracks and their periodic
 92.6 review;
- 92.7 (g) safety, security, and sanitation of stabling facilities at licensed racetracks;
- 92.8 (h) entry fees and other funds received by a licensee in the course of conducting
 92.9 racing which the commission determines must be placed in escrow accounts;
- 92.10 (i) affirmative action in employment and contracting by class A, class B, and class D
 92.11 licensees; ~~and~~
- 92.12 (j) procedures for the sampling and testing of any horse that is eligible to race in
 92.13 Minnesota for substances or practices that are prohibited by law or rule; and
- 92.14 ~~(j)~~ (k) any other aspect of horse racing or pari-mutuel betting which in its opinion
 92.15 affects the integrity of racing or the public health, welfare, or safety.

92.16 Rules of the commission are subject to chapter 14, the Administrative Procedure Act.

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

92.18 Sec. 21. Minnesota Statutes 2014, section 364.09, is amended to read:

92.19 **364.09 EXCEPTIONS.**

92.20 (a) This chapter does not apply to the licensing process for peace officers; to law
 92.21 enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); to fire
 92.22 protection agencies; to eligibility for a private detective or protective agent license; to the
 92.23 licensing and background study process under chapters 245A and 245C; to the licensing
 92.24 and background investigation process under chapter 240; to eligibility for school bus
 92.25 driver endorsements; to eligibility for special transportation service endorsements; to
 92.26 eligibility for a commercial driver training instructor license, which is governed by section
 92.27 171.35 and rules adopted under that section; to emergency medical services personnel, or
 92.28 to the licensing by political subdivisions of taxicab drivers, if the applicant for the license
 92.29 has been discharged from sentence for a conviction within the ten years immediately
 92.30 preceding application of a violation of any of the following:

92.31 (1) sections 609.185 to 609.2114, 609.221 to 609.223, 609.342 to 609.3451, or
 92.32 617.23, subdivision 2 or 3; or Minnesota Statutes 2012, section 609.21;

92.33 (2) any provision of chapter 152 that is punishable by a maximum sentence of
 92.34 15 years or more; or

93.1 (3) a violation of chapter 169 or 169A involving driving under the influence, leaving
93.2 the scene of an accident, or reckless or careless driving.

93.3 This chapter also shall not apply to eligibility for juvenile corrections employment, where
93.4 the offense involved child physical or sexual abuse or criminal sexual conduct.

93.5 (b) This chapter does not apply to a school district or to eligibility for a license
93.6 issued or renewed by the Board of Teaching or the commissioner of education.

93.7 (c) Nothing in this section precludes the Minnesota Police and Peace Officers
93.8 Training Board or the state fire marshal from recommending policies set forth in this
93.9 chapter to the attorney general for adoption in the attorney general's discretion to apply to
93.10 law enforcement or fire protection agencies.

93.11 (d) This chapter does not apply to a license to practice medicine that has been denied
93.12 or revoked by the Board of Medical Practice pursuant to section 147.091, subdivision 1a.

93.13 (e) This chapter does not apply to any person who has been denied a license to
93.14 practice chiropractic or whose license to practice chiropractic has been revoked by the
93.15 board in accordance with section 148.10, subdivision 7.

93.16 (f) This chapter does not apply to any license, registration, or permit that has
93.17 been denied or revoked by the Board of Nursing in accordance with section 148.261,
93.18 subdivision 1a.

93.19 (g) This chapter does not supersede a requirement under law to conduct a criminal
93.20 history background investigation or consider criminal history records in hiring for
93.21 particular types of employment.

93.22 Sec. 22. **REVISOR'S INSTRUCTION.**

93.23 (a) The revisor of statutes shall renumber the subdivisions in Minnesota Statutes,
93.24 section 240.01, to put the definitions contained in that section in alphabetical order.

93.25 (b) The revisor of statutes shall correct any cross-references in Minnesota Statutes
93.26 and Minnesota Rules as a result of the renumbering in paragraph (a).

93.27 Sec. 23. **REPEALER.**

93.28 Minnesota Statutes 2014, section 240.01, subdivisions 12 and 23, are repealed.

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Article locations in S0888-4

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ARTICLE 2	STATE GOVERNMENT OPERATIONS	Page.Ln 22.19
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ARTICLE 4	PARI-MUTUEL HORSE RACING	Page.Ln 81.3

3.9223 COUNCIL ON AFFAIRS OF CHICANO/LATINO PEOPLE.

Subdivision 1. **Membership.** The state Council on Affairs of Chicano/Latino People consists of 11 members appointed by the governor, including eight members representing each of the state's congressional districts and three members appointed at large. The demographic composition of the council members must accurately reflect the demographic composition of Minnesota's Chicano/Latino community, including migrant workers, as determined by the state demographer. Membership, terms, compensation, removal of members, and filling of vacancies are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Subd. 2. **Chicano/Latino people.** For purposes of subdivisions 3 to 7, the term "Chicano/Latino person" means a person who was born in, or whose ancestors are from, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Panama, Paraguay, Puerto Rico, Uruguay, or Venezuela.

Subd. 3. **Duties.** The council shall:

(1) advise the governor and the legislature on the nature of the issues confronting Chicano/Latino people in this state, including the unique problems encountered by Chicano/Latino migrant agricultural workers;

(2) advise the governor and the legislature on statutes or rules necessary to ensure Chicano/Latino people access to benefits and services provided to people in this state;

(3) recommend to the governor and the legislature legislation to improve the economic and social condition of Chicano/Latino people in this state;

(4) serve as a conduit to state government for organizations of Chicano/Latino people in the state;

(5) serve as a referral agency to assist Chicano/Latino people to secure access to state agencies and programs;

(6) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Chicano/Latino people of this state;

(7) perform or contract for the performance of studies designed to suggest solutions to problems of Chicano/Latino people in the areas of education, employment, human rights, health, housing, social welfare, and other related programs;

(8) implement programs designed to solve problems of Chicano/Latino people when authorized by other statute, rule, or order; and

(9) publicize the accomplishments of Chicano/Latino people and their contributions to this state.

Subd. 4. **Review and recommendation authority.** All applications for the receipt of federal money and proposed rules of a state agency that will have their primary effect on Chicano/Latino people must be submitted to the council for review and recommendation at least 15 days before submission to a federal agency or initial publication in the State Register.

Subd. 5. **Powers.** The council may contract in its own name. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in this section.

The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Chicano/Latino people. The council may delegate to the executive director powers and duties under this section that do not require council approval. The executive director and council staff serve in the unclassified service. The executive director may be removed at any time by a majority vote of the entire council. The executive director shall recommend to the council the appropriate staffing necessary to carry out its duties. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the

APPENDIX

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council since its last report, list receipts and expenditures, identify the major problems and issues confronting Chicano/Latino people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.

3.9225 COUNCIL ON BLACK MINNESOTANS.

Subdivision 1. **Creation.** A state Council on Black Minnesotans consists of 13 members appointed by the governor. The members of the council must be broadly representative of the Black community of the state and include at least five males and at least five females. One member of the council must be a person whose ethnic heritage is from West Africa, and one member of the council must be a person whose ethnic heritage is from East Africa. Membership terms, compensation, removal of members, and filling of vacancies for nonlegislative members are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Subd. 2. **Definitions.** For the purpose of this section:

(1) "Black" describes persons who consider themselves as having origin in any of the Black racial groups of Africa;

(2) "East Africa" means the eastern region of the continent of Africa, comprising areas occupied by the countries of Burundi, Kenya, Rwanda, Tanzania, Uganda, and Somalia; and

(3) "West Africa" means the western region of the continent of Africa comprising areas occupied by the countries of Mauritania, Senegal, The Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Cote d'Ivoire, Ghana, Togo, Benin, Nigeria, Burkina Faso, and those parts of Mali and Niger south of the Sahara.

Subd. 3. **Duties.** The council shall:

(a) advise the governor and the legislature on the nature of the issues confronting Black people in this state;

(b) advise the governor and the legislature on statutes or rules necessary to ensure that Black people have access to benefits and services provided to people in this state;

(c) recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Blacks in the state's work force;

(d) recommend to the governor and the legislature legislation to improve the economic and social condition of Black people in this state;

(e) serve as a conduit to state government for organizations of Black people in the state;

(f) serve as a referral agency to assist Black people to secure access to state agencies and programs;

(g) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Black people of this state;

(h) perform or contract for the performance of studies designed to suggest solutions to problems of Black people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;

(i) implement programs designed to solve problems of Black people when authorized by other statute, rule, or order;

(j) review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations on the out-of-home placement of Black children. Recommendations must be presented to the commissioner and the legislature by February 1, 1990; November 1, 1990; and November 1 of each year thereafter; and

(k) publicize the accomplishments of Black people and their contributions to this state.

Subd. 4. **Review of grant applications.** All applications by a state department or agency for the receipt of federal funds which will have their primary effect on Black Minnesotans shall be submitted to the council for review and recommendation at least 30 days before submission to a federal agency.

Subd. 5. **Powers.** (a) The council may contract in its own name, but no money shall be accepted or received as a loan nor indebtedness incurred except as otherwise provided by law. Contracts shall be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in subdivisions 1 to 7.

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(b) The council may solicit and accept payments for advertising, use of exhibition space, or commemorative videos or other items in connection with publications, events, media productions, and informational programs that are sponsored by the council. These revenues must be deposited in an account in the special revenue fund and are appropriated to the council to defray costs of publications, events, media productions, or informational programs consistent with the powers and duties specified in subdivisions 1 to 7. The council may not publish advertising or provide exhibition space for any elected official or candidate for elective office. The council must report by January 15 each year to the chairs and ranking minority members of the house of representatives and senate funding divisions with jurisdiction over the council on the amount and source of each payment received under this paragraph in the prior fiscal year.

(c) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Black people. The council may delegate to the executive director powers and duties under subdivisions 1 to 7 which do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council, and the council may appoint the appropriate staff necessary to carry out its duties. Staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Black people, make recommendations to address issues, and list the specific objectives which the council seeks to attain during the next biennium. The council shall report on outcome measures.

3.9226 COUNCIL ON ASIAN-PACIFIC MINNESOTANS.

Subdivision 1. **Membership.** The state Council on Asian-Pacific Minnesotans consists of 23 members. Nineteen members are appointed by the governor and must be broadly representative of the Asian-Pacific community of the state. Each Asian-Pacific ethnic community from the area described in subdivision 2 may be represented by no more than one council member. In making appointments, the governor shall consider an appointee's proven dedication and commitment to the Asian-Pacific community and any special skills possessed by the appointee that might be beneficial to the council, including at a minimum experience in public policy, legal affairs, social work, business, management, or economics. Terms, compensation, and filling of vacancies for appointed members are as provided in section 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed under the rules of the house of representatives and two members of the senate appointed under the rules of the senate shall serve as nonvoting members of the council. In making legislative appointments, the speaker of the house and the Subcommittee on Committees of the Committee on Rules and Administration of the senate shall consult with the council in an effort to select appointees knowledgeable and interested in the affairs of the Asian-Pacific community. The council shall annually elect from its membership a chair and other officers it deems necessary. The council shall encourage Asian-Pacific ethnic communities and organizations to designate persons to serve as liaisons with the council. Liaisons may participate in council meetings, but may not vote, and may serve on council committees.

The council shall adopt rules to implement designation of Asian-Pacific ethnic communities to be represented with seats on the council.

Subd. 2. **Definition.** For the purpose of this section, the term Asian-Pacific means a person whose ethnic heritage is from any of the countries in Asia east of, and including, Afghanistan, or the Pacific Islands.

Subd. 3. **Duties.** The council shall:

(1) advise the governor and the legislature on issues confronting Asian-Pacific people in this state, including the unique problems of non-English-speaking immigrants and refugees;

(2) advise the governor and the legislature of administrative and legislative changes necessary to ensure that Asian-Pacific people have access to benefits and services provided to people in this state;

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- (3) recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Asian-Pacific people in the state's work force;
- (4) recommend to the governor and the legislature legislation to improve the economic and social condition of Asian-Pacific people in this state;
- (5) serve as a conduit to state government for organizations of Asian-Pacific people in the state;
- (6) serve as a referral agency to assist Asian-Pacific people to secure access to state agencies and programs;
- (7) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Asian-Pacific people of this state;
- (8) perform or contract for the performance of studies designed to suggest solutions to the problems of Asian-Pacific people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;
- (9) implement programs designed to solve the problems of Asian-Pacific people when authorized by other law;
- (10) publicize the accomplishments of Asian-Pacific people and their contributions to this state;
- (11) work with other state and federal agencies and organizations to develop small business opportunities and promote economic development for Asian-Pacific Minnesotans;
- (12) supervise development of an Asian-Pacific trade primer, outlining Asian and Pacific customs, cultural traditions, and business practices, including language usage, for use by Minnesota's export community;
- (13) cooperate with other state and federal agencies and organizations to develop improved state trade relations with Asian and Pacific countries; and
- (14) assist recent immigrants in adaptation into the culture and promote the study of English as a second language.

Subd. 4. **Review of grant applications and budget requests.** State departments and agencies shall consult with the council concerning any application for federal money that will have its primary effect on Asian-Pacific Minnesotans before development of the application. The council shall advise the governor and the commissioner of management and budget concerning any state agency request that will have its primary effect on Asian-Pacific Minnesotans.

Subd. 5. **Powers.** (a) The council may contract in its own name but may not accept or receive a loan or incur indebtedness except as otherwise provided by law. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

(b) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Asian-Pacific people. The council may delegate to the executive director powers and duties under this section that do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall appoint the appropriate staff necessary to carry out the duties of the council. All staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. **State agency assistance.** At its request, state agencies shall supply the council with advisory staff services on matters relating to its jurisdiction. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and submit a report to the governor and legislature by November 15 of each year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting Asian-Pacific people, make recommendations to address issues, and list the specific objectives that the council seeks to attain during the next biennium. The council shall report on outcome measures.

6.48 EXAMINATION OF COUNTIES; COST, FEES.

All the powers and duties conferred and imposed upon the state auditor shall be exercised and performed by the state auditor in respect to the offices, institutions, public property, and improvements of several counties of the state. At least once in each year, if funds and personnel permit, the state auditor may visit, without previous notice, each county and make a thorough examination of all accounts and records relating to the receipt and disbursement of the public funds and the custody of the public funds and other property. If the audit is performed by a private

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certified public accountant, the state auditor may require additional information from the private certified public accountant as the state auditor deems in the public interest. The state auditor may accept the audit or make additional examinations as the state auditor deems to be in the public interest. The state auditor shall prescribe and install systems of accounts and financial reports that shall be uniform, so far as practicable, for the same class of offices. A copy of the report of such examination shall be filed and be subject to public inspection in the office of the state auditor and another copy in the office of the auditor of the county thus examined. The state auditor may accept the records and audit, or any part thereof, of the Department of Human Services in lieu of examination of the county social welfare funds, if such audit has been made within any period covered by the state auditor's audit of the other records of the county. If any such examination shall disclose malfeasance, misfeasance, or nonfeasance in any office of such county, such report shall be filed with the county attorney of the county, and the county attorney shall institute such civil and criminal proceedings as the law and the protection of the public interests shall require.

The county receiving any examination shall pay to the state auditor enterprise fund the total cost and expenses of such examinations, including the salaries paid to the examiners while actually engaged in making such examination. The state auditor on deeming it advisable may bill counties periodically for services rendered and the officials responsible for approving and paying claims shall cause said bill to be promptly paid. The state auditor enterprise fund shall be credited with all collections made for any such examinations.

155A.23 DEFINITIONS.

Subd. 6. **Licensed practice.** "Licensed practice" means (1) the practice of cosmetology in a licensed salon or (2) the practice of an esthetician or cosmetologist employed in the office of a licensed physician in connection with medical care related to esthology.

197.131 BOARD OF GOVERNORS OF BIG ISLAND VETERANS CAMP.

Subdivision 1. **Creation and membership.** The board of governors of the Big Island Veterans Camp - Lake Minnetonka supervises and manages the camp. The board consists of eight members. Two members each are appointed by the state level organization of the American Legion, the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chair and secretary from its membership who serve terms of one year.

Subd. 2. **Vacancies and removal.** A member of the board may be removed at any time by the organization appointing that member. Also, by written notice to the appointing organization, the board may remove the member if the member has been absent for three consecutive meetings of the board. To remove a member, the board must notify in writing the appointing organization and the member after the second consecutive missed meeting that the member may be removed if the next meeting is missed. Any vacancy on the board is filled for the remainder of the unexpired term in the same manner as the original appointment.

197.132 POWERS AND DUTIES.

The board of governors of the Big Island Veterans Camp - Lake Minnetonka establishes policies for the proper management of the camp. The board may contract for services needed to operate the camp including the services of a manager, may hire employees, and may make other expenditures for the procurement of materials, services, or equipment necessary for the operation of the camp. Expenditures are made upon the approval of the chair. The board must prepare an annual report detailing a complete report of financial transactions, usage levels, and other activities regarding the management and operation of the camp. Copies of the annual reports must be submitted to each appointing organization and to the commissioner of veterans affairs. The board may accept donations, contributions, gifts, and bequests of real or personal property that may be made for the maintenance or operation of the camp.

The board shall make the camp available to veterans using the following priorities:

- (1) qualified disabled veterans and their dependents;
- (2) qualified veterans, their dependents, and surviving spouses of qualified veterans who were campers prior to the deed transfer; and
- (3) qualified veterans, their dependents, and surviving spouses of qualified veterans.

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The camp must be operated as a family camp for the rest and relaxation of veterans and their dependents rather than as a program-oriented camp.

The board must publicize the camp to the greatest extent possible to make the camp's facilities known to Minnesota veterans.

The board is not a state agency. The board shall purchase liability and related insurance sufficient to indemnify the state against all claims arising from the conduct or management of the activities conducted by the board, its agents, or contractors.

240.01 DEFINITIONS.

Subd. 12. **Average daily handle.** "Average daily handle" means the total amount bet in all pari-mutuel pools at a licensed racetrack during the racing meeting divided by the number of days that horse racing was conducted at the racetrack during the racing meeting.

Subd. 23. **Full racing card.** "Full racing card" means three or more races that are: (1) part of a horse racing program being conducted at a racetrack; and (2) being simulcast or telereace simulcast at a licensed racetrack.

375.23 ASSESSMENT AND ROAD DISTRICTS IN UNORGANIZED TERRITORY.

Subdivision 1. **Appoint residents as assessor, road overseer; terms.** The county board of any county, any part of which is not organized into towns, shall, at its meeting in January, in each year, divide the unorganized territory into one or more assessment and road districts and appoint a qualified person residing there as assessor for each district and another as overseer of roads, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads, respectively. Each shall hold office for one year.

Subd. 2. **Compensation; assessor's mileage allowance.** The compensation of an overseer of roads shall be fixed by the county board, not exceeding \$4 per day. The compensation of an assessor shall be fixed by the county board, not exceeding \$6 per day, or on an annual basis not exceeding \$400 nor less than \$75. The county board may also allow the assessor five cents per mile for each mile necessarily traveled in assessment work.