

EIGHTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, April 5, 2006

The Senate met at 8:45 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Andrea Bowe.

The roll was called, and the following Senators answered to their names:

Anderson	Foley	Kubly	Olson	Senjem
Bachmann	Frederickson	Langseth	Ortman	Skoe
Bakk	Gerlach	Larson	Pappas	Skoglund
Belanger	Hann	LeClair	Pariseau	Solon
Berglin	Higgins	Limmer	Pogemiller	Sparks
Betzold	Hottinger	Lourey	Ranum	Stumpf
Bonoff	Johnson, D.E.	Marko	Reiter	Tomassoni
Chaudhary	Johnson, D.J.	Marty	Rest	Vickerman
Clark	Jungbauer	McGinn	Robling	Wergin
Cohen	Kelley	Metzen	Rosen	Wiger
Day	Kierlin	Michel	Ruud	
Dibble	Kiscaden	Murphy	Sams	
Dille	Koch	Neuville	Saxhaug	
Fischbach	Koering	Nienow	Scheid	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 31, 2006

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. No. 1878.

Sincerely,
Tim Pawlenty, Governor

April 3, 2006

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2006 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2006	Date Filed 2006
1878		173	6:04 p.m. March 31	April 3

Sincerely,
Mary Kiffmeyer,
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2749.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 3, 2006

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2806, 2514, 3076, 3169, 2721, 3488, 3747 and 3771.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 3, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2806: A bill for an act relating to human services; requiring a study and report on the qualifications of all licensed mental health practitioners and licensed mental health professionals to receive medical assistance reimbursement.

Referred to the Committee on Health and Family Security.

H.F. No. 2514: A bill for an act relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties; amending Minnesota Statutes 2004, sections 60A.077, subdivision 9; 82.23; 82.43, subdivision 7; 144A.01, subdivision 4; 245A.02, subdivision 5a; 302A.011, subdivision 26; 302A.251, subdivision 4; 308A.505; 308B.465, subdivision 2; 322B.03, subdivision 43; 322B.663, subdivision 4; 356A.06, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 2004, sections 80A.01; 80A.02; 80A.03; 80A.04; 80A.041; 80A.05; 80A.06; 80A.07; 80A.08; 80A.09; 80A.10; 80A.11; 80A.115; 80A.12; 80A.122; 80A.125; 80A.13; 80A.14; 80A.15; 80A.16; 80A.17; 80A.18; 80A.19; 80A.22; 80A.23; 80A.24; 80A.25; 80A.26; 80A.27; 80A.28; 80A.29; 80A.30; 80A.31.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2319, now on General Orders.

H.F. No. 3076: A bill for an act relating to business organizations; regulating business corporations; clarifying terms; updating terminology to include new forms of business activity; including references to limited liability companies and their governance attributes where appropriate; regulating limited liability companies; clarifying terms; amending Minnesota Statutes 2004, sections 302A.011, subdivisions 7, 8, 12, 21, 25, 28, 31, 41, 45, 46, 58, by adding subdivisions; 302A.111, subdivision 3, by adding a subdivision; 302A.115, subdivisions 1, 5; 302A.135, by adding a subdivision; 302A.241, by adding a subdivision; 302A.401, subdivision 3; 302A.417, subdivision 7; 302A.441, subdivision 1; 302A.447, subdivision 1; 302A.461, subdivision 2; 302A.471, subdivisions 1, 3, 4; 302A.553, subdivision 1; 302A.601, subdivisions 1, 2; 302A.611, subdivision 1; 302A.613, subdivisions 1, 2; 302A.621, subdivisions 1, 2, 3, 5, 6, by adding a subdivision; 302A.626, subdivision 1; 302A.661, subdivisions 1, 4; 322B.03, subdivisions 6, 12, 19a, 20, 23, 28, 36a, 45a; 322B.115, subdivision 3, by adding a subdivision; 322B.12, subdivision 1; 322B.15, by adding a subdivision; 322B.23; 322B.31, subdivision 2; 322B.35, subdivision 1; 322B.63, subdivision 1; 322B.66, by adding a subdivision; 322B.686, subdivision 2; 322B.70, subdivisions 1, 2; 322B.71, subdivision 1; 322B.72; 322B.74; 322B.75, subdivisions 2, 3; 322B.755, subdivision 3; 322B.76; 322B.77, subdivisions 1, 4; 322B.80, subdivision 1; Minnesota Statutes 2005 Supplement, sections 302A.011, subdivision 4; 322B.02; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B; repealing Minnesota Statutes 2004, section 302A.011, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2520, now on General Orders.

H.F. No. 3169: A bill for an act relating to local government; prohibiting units of local government from imposing certain fees related to students at postsecondary institutions; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3254.

H.F. No. 2721: A bill for an act relating to environment; extending the individual sewage treatment system pilot program; modifying application of storm water rules; amending Laws 2003, chapter 128, article 1, section 165.

Referred to the Committee on Finance.

H.F. No. 3488: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2004, sections 3.736, subdivision 8; 13.322, subdivision 3, by adding a subdivision; 13.6905, by adding a subdivision; 16B.85, subdivision 5; 45.011, subdivision 1; 62D.03, subdivision 4; 62D.30, subdivision 8; 62Q.19, subdivision 2; 82.50, subdivision 7; 97A.445, subdivision 3; 103F.205, subdivision 1; 103G.293; 115A.0716, subdivision 3;

145A.09, subdivision 4; 168.187, subdivision 12; 169.781, subdivision 1; 253B.045, subdivision 2; 256.9831, subdivision 1; 256B.0917, subdivision 13; 256B.093, subdivision 3a; 256J.88; 260C.007, subdivision 6; 273.03, subdivision 3; 273.111, subdivision 3; 290.48, subdivision 10; 295.50, subdivision 10b; 297E.01, subdivision 8; 299A.292, subdivision 2; 299A.80, subdivision 1; 299C.091, subdivision 2; 349.12, subdivision 21; 353.27, subdivision 9; 353.33, subdivision 1; 353.656, subdivision 8; 354.05, subdivision 13; 466.06; 581.02; 609.652, subdivision 2; 609.671, subdivision 1; 626.5572, subdivision 2; Minnesota Statutes 2005 Supplement, sections 16C.33, subdivision 3; 116J.575, subdivision 1; 138.17, subdivision 10; 144.225, subdivision 7; 144.335, subdivision 1; 144.602, subdivision 1; 148B.60, subdivision 3; 148D.240, subdivision 5; 168.128, subdivision 2; 168.33, subdivision 2; 169.18, subdivision 11; 216B.1612, subdivision 2; 237.763; 245C.15, subdivision 3; 256B.441, subdivision 13; 270C.96; 289A.42, subdivision 1; 296A.22, subdivision 9; 325E.61, subdivision 5; 349.153; 357.021, subdivision 1a; 604A.33, subdivision 1; Laws 2005, chapter 20, article 2, section 1; Laws 2005, chapter 88, article 3, section 10; Laws 2005, First Special Session chapter 6, article 3, section 95; repealing Minnesota Statutes 2004, sections 155A.03, subdivision 11; 299J.061; 309.50, subdivision 8; 326.991, subdivision 2; Laws 2001, First Special Session chapter 5, article 12, sections 31; 32; Laws 2005, chapter 156, article 5, section 20; Laws 2005, First Special Session chapter 4, article 5, section 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3128, now on General Orders.

H.F. No. 3747: A bill for an act relating to commerce; regulating motor fuel franchises; providing an exemption from certain regulation; amending Minnesota Statutes 2004, section 80C.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 80C.

Referred to the Committee on Commerce.

H.F. No. 3771: A bill for an act relating to health occupations; modifying Board of Medical Practice examination provision; amending Minnesota Statutes 2004, section 147.02, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3457, now on General Orders.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 2293: A bill for an act relating to insurance; regulating the filing and use of individual health insurance policy forms; establishing a minimum loss ratio guarantee; amending Minnesota Statutes 2004, sections 62A.02, subdivision 3, by adding a subdivision; 62A.021, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 62A.02, is amended by adding a subdivision to read:

Subd. 3a. **Individual policy rates file and use; minimum lifetime loss ratio guarantee.** (a) Notwithstanding subdivisions 2, 3, 4a, 5a, and 6, individual premium rates may be used upon filing with the department of an individual policy form if the filing is accompanied by the individual policy form filing and a minimum lifetime loss ratio guarantee. Insurers may use the filing procedure specified in this subdivision only if the affected individual policy forms disclose the benefit of

a minimum lifetime loss ratio guarantee. Insurers may amend individual policy forms to provide for a minimum lifetime loss ratio guarantee. If an insurer elects to use the filing procedure in this subdivision for an individual policy rate, the insurer shall not use a filing of premium rates that does not provide a minimum lifetime loss ratio guarantee for that individual policy rate.

(b) The minimum lifetime loss ratio guarantee must be in writing and must contain at least the following:

(1) an actuarial memorandum specifying the expected loss ratio that complies with the standards as set forth in this subdivision;

(2) a statement certifying that all rates, fees, dues, and other charges are not excessive, inadequate, or unfairly discriminatory;

(3) detailed experience information concerning the policy forms;

(4) a step-by-step description of the process used to develop the minimum lifetime loss ratio, including demonstration with supporting data;

(5) guarantee of specific minimum lifetime loss ratio that must be greater than or equal to 65 percent for policies issued to individuals or for certificates issued to members of an association that does not offer coverage to small employers, taking into consideration adjustments for duration;

(6) a guarantee that the actual Minnesota loss ratio for the calendar year in which the new rates take effect, and for each year thereafter until new rates are filed, will meet or exceed the minimum lifetime loss ratio standards referred to in clause (5), adjusted for duration;

(7) a guarantee that the actual Minnesota lifetime loss ratio shall meet or exceed the minimum lifetime loss ratio standards referred to in clause (5); and

(8) if the annual earned premium volume in Minnesota under the particular policy form is less than \$2,500,000, the minimum lifetime loss ratio guarantee must be based partially on the Minnesota earned premium and other credible factors as specified by the commissioner.

(c) The actual Minnesota minimum loss ratio results for each year at issue must be independently audited at the insurer's expense, and the audit report must be filed with the commissioner not later than 120 days after the end of the year at issue.

(d) The insurer shall refund premiums in the amount necessary to bring the actual loss ratio up to the guaranteed minimum lifetime loss ratio. For the purpose of this paragraph, loss ratio and guaranteed minimum lifetime loss ratio are the expected aggregate loss ratio of all approved individual policy forms that provide for a minimum lifetime loss ratio guarantee.

(e) A Minnesota policyholder affected by the guaranteed minimum lifetime loss ratio shall receive a portion of the premium refund relative to the premium paid by the policyholder. The refund must be made to all Minnesota policyholders insured under the applicable policy form during the year at issue if the refund would equal \$10 or more per policy. The refund must include statutory interest from July 1 of the year at issue until the date of payment. Payment must be made not later than 180 days after the end of the year at issue.

(f) Premium refunds of less than \$10 per insured must be credited to the policyholder's account.

(g) Subdivisions 2 and 3 do not apply if premium rates are filed with the department and accompanied by a minimum lifetime loss ratio guarantee that meets the requirements of this subdivision. Such filings are deemed approved. When determining a loss ratio for the purposes of a minimum lifetime loss ratio guarantee, the insurer shall divide the total of the claims incurred, plus preferred provider organization expenses, case management, and utilization review expenses, plus reinsurance premiums less reinsurance recoveries by the premiums earned less state and local taxes less other assessments. The insurer shall identify any assessment allocated.

(h) The policy form filing of an insurer using the filing procedure with a minimum lifetime loss ratio guarantee must disclose to the enrollee, member, or subscriber an explanation of the minimum lifetime loss ratio guarantee, and the actual loss ratio, and any adjustments for duration.

(i) The insurer who elects to use the filing procedure with a minimum lifetime loss ratio guarantee shall notify all policyholders of the refund calculation, the result of the refund calculation, the percentage of premium on an aggregate basis to be refunded, if any, any amount of the refund attributed to the payment of interests, and an explanation of amounts less than \$10.

Sec. 2. Minnesota Statutes 2004, section 62A.021, subdivision 1, is amended to read:

Subdivision 1. **Loss ratio standards.** (a) Notwithstanding section 62A.02, subdivision 3, relating to loss ratios, and except as otherwise authorized by section 62A.02, subdivision 3a, for individual policies or certificates, health care policies or certificates shall not be delivered or issued for delivery to an individual or to a small employer as defined in section 62L.02, unless the policies or certificates can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to Minnesota policyholders and certificate holders in the form of aggregate benefits not including anticipated refunds or credits, provided under the policies or certificates, (1) at least 75 percent of the aggregate amount of premiums earned in the case of policies issued in the small employer market, as defined in section 62L.02, subdivision 27, calculated on an aggregate basis; and (2) at least 65 percent of the aggregate amount of premiums earned in the case of each policy form or certificate form issued in the individual market; calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and according to accepted actuarial principles and practices. Assessments by the reinsurance association created in chapter 62L and all types of taxes, surcharges, or assessments created by Laws 1992, chapter 549, or created on or after April 23, 1992, are included in the calculation of incurred claims experience or incurred health care expenses. The applicable percentage for policies and certificates issued in the small employer market, as defined in section 62L.02, increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until an 82 percent loss ratio is reached on July 1, 2000. The applicable percentage for policy forms and certificate forms issued in the individual market increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until a 72 percent loss ratio is reached on July 1, 2000. A health carrier that enters a market after July 1, 1993, does not start at the beginning of the phase-in schedule and must instead comply with the loss ratio requirements applicable to other health carriers in that market for each time period. Premiums earned and claims incurred in markets other than the small employer and individual markets are not relevant for purposes of this section.

(b) All filings of rates and rating schedules shall demonstrate that actual expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards, and aggregate loss ratio from inception of the policy form or certificate form shall equal or exceed the appropriate loss ratio standards.

(c) A health carrier that issues health care policies and certificates to individuals or to small employers, as defined in section 62L.02, in this state shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy form or certificate form duration for approval by the commissioner according to the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. If the data submitted does not confirm that the health carrier has satisfied the loss ratio requirements of this section, the commissioner shall notify the health carrier in writing of the deficiency. The health carrier shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this section. If the health carrier fails to file amended rates within the prescribed time, the commissioner shall order that the health

carrier's filed rates for the nonconforming policy form or certificate form be reduced to an amount that would have resulted in a loss ratio that complied with this section had it been in effect for the reporting period of the supplement. The health carrier's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the health carrier from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

(d) Each sale of a policy or certificate that does not comply with the loss ratio requirements of this section is an unfair or deceptive act or practice in the business of insurance and is subject to the penalties in sections 72A.17 to 72A.32.

(e)(1) For purposes of this section, health care policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(2) For purposes of this section, (i) "health care policy" or "health care certificate" is a health plan as defined in section 62A.011; and (ii) "health carrier" has the meaning given in section 62A.011 and includes all health carriers delivering or issuing for delivery health care policies or certificates in this state or offering these policies or certificates to residents of this state.

(f) The loss ratio phase-in as described in paragraph (a) does not apply to individual policies and small employer policies issued by a health plan company that is assessed less than three percent of the total annual amount assessed by the Minnesota Comprehensive Health Association. These policies must meet a 68 percent loss ratio for individual policies, a 71 percent loss ratio for small employer policies with fewer than ten employees, and a 75 percent loss ratio for all other small employer policies.

(g) Notwithstanding paragraphs (a) and (f), the loss ratio shall be 60 percent for a health plan as defined in section 62A.011, offered by an insurance company licensed under chapter 60A that is assessed less than ten percent of the total annual amount assessed by the Minnesota Comprehensive Health Association. For purposes of the percentage calculation of the association's assessments, an insurance company's assessments include those of its affiliates.

(h) The commissioners of commerce and health shall each annually issue a public report listing, by health plan company, the actual loss ratios experienced in the individual and small employer markets in this state by the health plan companies that the commissioners respectively regulate. The commissioners shall coordinate release of these reports so as to release them as a joint report or as separate reports issued the same day. The report or reports shall be released no later than June 1 for loss ratios experienced for the preceding calendar year. Health plan companies shall provide to the commissioners any information requested by the commissioners for purposes of this paragraph.

Sec. 3. Minnesota Statutes 2004, section 62A.65, subdivision 3, is amended to read:

Subd. 3. **Premium rate restrictions.** No individual health plan may be offered, sold, issued, or renewed to a Minnesota resident unless the premium rate charged is determined in accordance with the following requirements:

(a) Premium rates must be no more than 25 percent above and no more than 25 percent below the index rate charged to individuals for the same or similar coverage, adjusted pro rata for rating periods of less than one year. The premium variations permitted by this paragraph must be based only upon health status, claims experience, and occupation. For purposes of this paragraph, health status includes refraining from tobacco use or other actuarially valid lifestyle factors associated with good health, provided that the lifestyle factor and its effect upon premium rates have been determined by the commissioner to be actuarially valid and have been approved by the commissioner. Variations permitted under this paragraph must not be based upon age or applied differently at different ages. This paragraph does not prohibit use of a constant percentage adjustment for factors permitted to

be used under this paragraph.

(b) Premium rates may vary based upon the ages of covered persons only as provided in this paragraph. In addition to the variation permitted under paragraph (a), each health carrier may use an additional premium variation based upon age of up to plus or minus 50 percent of the index rate.

(c) A health carrier may request approval by the commissioner to establish no more than three geographic regions and to establish separate index rates for each region, provided that the index rates do not vary between any two regions by more than 20 percent. Health carriers that do not do business in the Minneapolis/St. Paul metropolitan area may request approval for no more than two geographic regions, and clauses (2) and (3) do not apply to approval of requests made by those health carriers. The commissioner may grant approval if the following conditions are met:

(1) the geographic regions must be applied uniformly by the health carrier;

(2) one geographic region must be based on the Minneapolis/St. Paul metropolitan area;

(3) for each geographic region that is rural, the index rate for that region must not exceed the index rate for the Minneapolis/St. Paul metropolitan area; and

(4) the health carrier provides actuarial justification acceptable to the commissioner for the proposed geographic variations in index rates, establishing that the variations are based upon differences in the cost to the health carrier of providing coverage.

(d) Health carriers may use rate cells and must file with the commissioner the rate cells they use. Rate cells must be based upon the number of adults or children covered under the policy and may reflect the availability of Medicare coverage. The rates for different rate cells must not in any way reflect generalized differences in expected costs between principal insureds and their spouses.

(e) In developing its index rates and premiums for a health plan, a health carrier shall take into account only the following factors:

(1) actuarially valid differences in rating factors permitted under paragraphs (a) and (b); and

(2) actuarially valid geographic variations if approved by the commissioner as provided in paragraph (c).

(f) All premium variations must be justified in initial rate filings and upon request of the commissioner in rate revision filings. All rate variations are subject to approval by the commissioner.

(g) The loss ratio must comply with the section 62A.021 requirements for individual health plans.

(h) The rates must not be approved, unless the commissioner has determined that the rates are reasonable. In determining reasonableness, the commissioner shall consider the growth rates applied under section 62J.04, subdivision 1, paragraph (b), to the calendar year or years that the proposed premium rate would be in effect, actuarially valid changes in risks associated with the enrollee populations, and actuarially valid changes as a result of statutory changes in Laws 1992, chapter 549.

(i) An insurer may, as part of a minimum lifetime loss ratio guarantee filing under section 62A.02, subdivision 3a, include a rating practices guarantee as provided in this paragraph. The rating practices guarantee must be in writing and must guarantee that the policy form will be offered, sold, issued, and renewed only with premium rates and premium rating practices that comply with subdivisions 2, 3, 4, and 5. The rating practices guarantee must be accompanied by an actuarial memorandum that demonstrates that the premium rates and premium rating system used in connection with the policy form will satisfy the guarantee. The guarantee must guarantee refunds of any excess premiums to policyholders charged premiums that exceed those permitted under

subdivision 2, 3, 4, or 5. An insurer that complies with this paragraph in connection with a policy form is exempt from the requirement of prior approval by the commissioner under paragraphs (c), (f), and (h)."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 2941: A bill for an act relating to public safety; establishing the fire safety account from revenues on fire premiums and assessments; abolishing the fire insurance tax; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299F; repealing Minnesota Statutes 2004, section 297I.05, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[299F.012] FIRE SAFETY ACCOUNT.**

Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in subdivision 6, each insurer engaged in writing policies of homeowners insurance authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies shall collect a surcharge equal to .75 percent of the gross premiums and assessments, less return premiums, on direct business received by the company, or by its agents for it, for homeowner's and commercial fire insurance policies in this state. The definitions under section 297I.01 apply for purposes of this section.

(b) The surcharge amount collected under paragraph (a) may not be considered premium for any purpose, including the computation of premium tax or agents' commissions. The surcharge amount must be separately stated on either a billing or policy declaration sent to an insured. Insurers shall remit the revenue derived from this section at least quarterly to the Department of Revenue for deposit in the fire safety account established pursuant to subdivision 2.

Subd. 2. **Fire safety account, annual transfers, allocation.** A special account, to be known as the fire safety account, is created in the state treasury. The account consists of the proceeds under subdivision 1. \$250,000 of the revenue in the account each year is appropriated to the Department of Revenue to offset the cost of collecting and transferring the funds. Revenue in excess of \$250,000 is appropriated to the Department of Public Safety and must be used for the activities and programs identified by the commissioner of the Department of Public Safety as essential fire service programs within Minnesota.

Subd. 3. **Authorized programs within department.** From the revenues appropriated under subdivision 2, the commissioner of public safety shall expend funds for the activities and programs identified by the advisory committee established under subdivision 4 and recommended to the commissioner of public safety. These funds are to be used to provide resources needed for identified activities and programs of the Minnesota fire service and to ensure the State Fire Marshal Division responsibilities are fulfilled.

Subd. 4. **Fire service advisory committee.** The Fire Service Advisory Committee shall provide recommendations to the commissioner of public safety on fire service related issues and shall consist of representatives of each of the following organizations: two appointed by the president of the Minnesota State Fire Chiefs Association, two appointed by the president of the Minnesota State Fire Department Association, two appointed by the president of the Minnesota Professional Firefighters, two appointed by the president of the League of Minnesota Cities, one appointed by the president of the Minnesota Association of Townships, one appointed by the president of the Insurance Federation of Minnesota, one appointed jointly by the presidents of the Minnesota Chapter of the International Association of Arson Investigators and the Fire

Marshals Association of Minnesota, and the commissioner of public safety or the commissioner's designee. The commissioner of public safety must ensure that at least three of the members of the advisory committee work and reside in counties outside of the seven-county metropolitan area. The committee shall provide funding recommendations to the commissioner of public safety from the fire safety fund for the following purposes:

- (1) for the Minnesota Board of Firefighter Training and Education;
- (2) for programs and staffing for the State Fire Marshal Division; and
- (3) for fire-related regional response team programs and any other fire service programs that have the potential for statewide impact.

Subd. 5. **Report; accounting; carryover.** The commissioner of public safety shall, by December 1 of each year, (1) provide an accounting of how the funds in the fire safety account were spent in the preceding fiscal year and (2) report any funds not spent in a fiscal year to the chairs of the committees of the house of representatives and the senate having jurisdiction over public safety finance. Money in the account does not cancel but remains available for expenditures for the programs identified in subdivisions 3 and 4.

Subd. 6. **Exemptions.** (a) This section does not apply to a farmers' mutual fire insurance company or township mutual fire insurance company in Minnesota organized under chapter 67A.

(b) An insurer described in section 297I.05, subdivisions 3 and 4, authorized to transact business in Minnesota shall elect to remit to the Department of Revenue for deposit in the fire safety account either (1) the surcharge amount collected under this section or (2) a tax of one-half of one percent on the gross fire premiums and assessments, less return premiums, on all direct business received by the insurer during the year.

(c) For purposes of this subdivision, "gross fire premiums and assessments" includes premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise.

Sec. 2. REPEALER.

Minnesota Statutes 2004, section 297I.05, subdivision 6, is repealed.

Sec. 3. EFFECTIVE DATE; APPLICATION.

Sections 1 and 2 are effective July 1, 2007, and apply to policies written or renewed on or after that date."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Crime Prevention and Public Safety. Amendments adopted. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1811: A bill for an act relating to traffic regulations; authorizing local governments to permit low-speed neighborhood electric vehicles to be operated on residential roadways; making clarifying changes; amending Minnesota Statutes 2004, sections 168.011, subdivision 4; 168.012, subdivision 3a; 169.01, by adding a subdivision; 169.045.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7, is amended to read:

Subd. 7. **Passenger automobile.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 individuals including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, buses, ~~or~~ school buses, ~~or~~ commuter vans as defined in section 168.126.

(c) "Passenger automobile" includes, but is not limited to:

(1) pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton, ~~but does not include commuter vans as defined in section 168.126;~~ and

(2) neighborhood electric vehicles as defined in section 169.01, subdivision 91.

Sec. 2. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 41. **Neighborhood electric vehicle.** "Neighborhood electric vehicle" has the meaning given in section 169.01, subdivision 91.

Sec. 3. Minnesota Statutes 2004, section 168A.05, is amended by adding a subdivision to read:

Subd. 9. **Neighborhood electric vehicle; certificate required.** Neighborhood electric vehicles, as defined in section 169.01, subdivision 91, must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle:

(1) that lacks a vehicle identification number; and

(2) for which a manufacturer's certificate of origin clearly labeling the vehicle as a neighborhood electric vehicle or similar designation has not been issued. The department shall not issue a vehicle identification number to a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as neighborhood electric vehicles.

Sec. 4. Minnesota Statutes 2004, section 169.01, is amended by adding a subdivision to read:

Subd. 91. **Neighborhood electric vehicle.** "Neighborhood electric vehicle" means an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

Sec. 5. [169.224] NEIGHBORHOOD ELECTRIC VEHICLES.

Subdivision 1. **Definition.** For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets.

Subd. 2. **Required equipment.** Notwithstanding any other law, a neighborhood electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Subd. 3. **Operation.** A neighborhood electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway.

Subd. 4. **Restrictions and prohibitions.** (a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles on any street or highway under the road authority's jurisdiction.

(b) A neighborhood electric vehicle may not be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 3526: A bill for an act relating to highways; designating the Shawn Silvera Memorial Highway; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 5, insert:

"(d) The commissioner may not carry out the provisions of this section without having received adequate assurance of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 3176: A bill for an act relating to construction codes; recodifying and modifying construction codes and licensing provisions; modifying the State Building Code; providing penalties for enforcement; instructing the revisor to renumber statutory provisions; amending amending Minnesota Statutes 2004, sections 16B.60, subdivisions 4, 7, 8, 11; 16B.61, as amended; 16B.615, subdivision 4; 16B.617; 16B.6175; 16B.63; 16B.65; 16B.70; 16B.72; 16B.73; 16B.735; 16B.74, subdivision 2; 16B.744; 16B.745, subdivisions 1, 4; 16B.747; 16B.748; 16B.76; 31.175; 103I.621, subdivision 3; 136F.61; 144.99, subdivision 1; 175.16, subdivision 1; 183.38; 183.39, subdivision 1; 183.411, subdivision 2; 183.45; 183.46; 183.465; 183.466; 183.48; 183.501; 183.505; 183.51, as amended; 183.54, subdivisions 1, 3; 183.56; 183.59; 183.60; 183.61, subdivisions 2, 4; 214.01, subdivision 3; 214.04, subdivision 3; 299F.011, subdivision 1; 325E.58; 326.01, subdivisions 2, 3, 4, 5, 6, 6a, 6b, 6c, 6e, 6f, 6g, 6j, 6k, 7, 8, 9; 326.241; 326.242, as amended; 326.243; 326.244, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326.2441, subdivisions 2, 7, 8, 10, 11; 326.245; 326.247; 326.248; 326.37; 326.38; 326.39; 326.40; 326.401; 326.405; 326.42, as amended; 326.46; 326.461, by adding subdivisions; 326.47, subdivisions 1, 6; 326.48; 326.50; 326.57, subdivision 1; 326.58; 326.59; 326.60; 326.601; 326.61, subdivisions 1, 2, 3, 4; 326.62; 326.65; 326.83, subdivisions 6, 7, 11, 18, 19, 20; 326.84; 326.841; 326.842; 326.86; 326.87; 326.88; 326.89; 326.90, subdivision 1; 326.91, subdivision 1; 326.92; 326.921; 326.93; 326.94; 326.95, subdivision 2; 326.96; 326.97; 326.992; 327.20, subdivision 1; 327.31, subdivisions 2, 3, 4, 7, 15, by adding a subdivision; 327.32, subdivision 8; 327.33, subdivisions 2, 6, 7; 327.34, subdivision 3; 327.35, subdivisions 1, 2; 327A.01, subdivision 2; 327B.01, subdivisions 4, 5, 7, 17, by adding subdivisions; 327B.04, subdivisions 1, 4, 7, 8; 363A.40, subdivision 1; 462.357, subdivision 6a; 462A.07, subdivision 8; 471.465; 471.466; 471.467; 471.471; Minnesota Statutes 2005 Supplement, sections 16B.04, subdivision 2; 144.122; 183.42; 183.545, by adding a subdivision; 183.57, subdivisions 1, 2, 5, 6; 214.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 327B; proposing coding for new law as Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2004, sections 16B.665; 16B.747, subdivision 4; 45.027, subdivisions 1, 1a, 2, 3, 4, 7, 7a, 8, 9, 11, 12; 183.001; 183.02; 183.375, subdivisions 1, 2, 3, 4, 6; 183.41, subdivisions 1, 2, 3; 183.44, subdivisions 2, 3; 183.52; 183.54, subdivision 2; 183.61, subdivisions 1, 3, 5, 6; 326.01, subdivisions 6h, 10, 11, 12, 13; 326.242, subdivisions 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10; 326.244, subdivision 6; 326.246; 326.2461; 326.41; 326.44; 326.45; 326.461, subdivision 3; 326.47, subdivisions 2, 5; 326.51; 326.52; 326.521; 326.64; 326.83, subdivisions 3, 4, 12, 13; 326.85; 326.875; 326.91, subdivisions 2, 3, 4; 326.945; 326.975, subdivisions 1a, 1b, 2, 3; 326.98; 326.991; 327B.05, subdivisions 2, 3, 4, 5, 6; Minnesota Statutes 2005 Supplement, sections 183.41, subdivision 4; 183.44, subdivision 1; 183.545, subdivision 9; 326.975, subdivision 1; Minnesota Rules, parts 2809.0230; 2891.0010; 2891.0030; 3800.2650; 3800.3580; 3800.3590; 3800.3630; 3800.3750; 3800.3835; 4715.5600; 4715.5900; 4717.7000, subpart 1, item I; 5225.8600, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9; 5230.0010; 5230.0020; 5230.0040.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

REVISOR'S INSTRUCTION

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

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

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

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

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

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

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

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

(d) In Minnesota Statutes, sections 326.01, subdivisions 2, 3, 4, 5, 6, 6a, 6b, 6c, and 6k; 326.242; 326.244; 326.2441; and 326.245, the revisor of statutes shall change the terms "board," "Board of Electricity," and "State Board of Electricity" to "commissioner of labor and industry."

(e) In Minnesota Statutes, sections 326.37 to 326.45 and 326.57 to 326.65, the revisor of statutes shall change the terms "commissioner," "commissioner of health," and "state commissioner of health" to "commissioner of labor and industry," and shall change the terms "department," "Department of Health," and "State Department of Health" to "Department of Labor and Industry."

(f) In Minnesota Statutes, sections 16B.59 to 16B.76, 326.992, 327.31 to 327.36, and 327B.01 to 327B.12, the revisor of statutes shall change the terms "commissioner" and "commissioner of administration" to "commissioner of labor and industry," and shall change the terms "department" and "Department of Administration" to "Department of Labor and Industry."

(g) In Minnesota Statutes, sections 326.83 to 326.86 and 326.875 to 326.991, the revisor of statutes shall change the terms "commissioner" and "commissioner of commerce" to "commissioner of labor and industry," and shall change the terms "department" and "Department of Commerce" to "Department of Labor and Industry."

(h) In Minnesota Rules, part 3800.3840, the revisor of statutes shall change the term "technical program committee" to "commissioner of labor and industry or designee."

ARTICLE 2

CONSTRUCTION CODES AND LICENSING

Section 1. Minnesota Statutes 2004, section 299F.011, subdivision 1, is amended to read:

Subdivision 1. **Uniform Fire Code rulemaking authority.** The commissioner of ~~public safety through the Division of Fire Marshal~~ labor and industry, consistent with recommendations

made by the fire marshal, shall promulgate a Uniform Fire Code and make amendments thereto in accordance with the Administrative Procedure Act in chapter 14. The code and its amendments shall conform insofar as practicable to model fire codes generally accepted and in use throughout the United States, with consideration given to existing statewide specialty codes presently in use in the state of Minnesota. Statewide specialty codes and model codes with necessary modifications may be adopted by reference in accordance with section 14.07, subdivision 4.

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

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

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

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

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

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

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

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

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

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

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

Subdivision 1. **Transfer of responsibilities.** The responsibilities of the commissioner of administration relating to the state building code, sections 16B.59 to 16B.76; construction of low-cost manufactured home park storm shelters, section 327.205; manufactured homes, sections 327.31 to 327.36 and 327B.01 to 327B.12; and statutory warranties in connection with the sale of dwellings and home improvement work, chapter 327A, are transferred under section 15.039 to the commissioner of labor and industry as amended. The responsibilities of the commissioner of health relating to the state plumbing code and licensing, sections 16B.61, 144.122, paragraph (f), 144.99 to 144.993, and 326.37 to 326.45, and water conditioning contractors and installers, sections 144.122, paragraph (f), 144.99 to 144.993, and 326.57 to 326.65, are transferred under section 15.039 to the commissioner of labor and industry as amended. The responsibilities of the commissioner of commerce relating to residential contractors, residential remodelers, residential roofers, manufactured home installers, and the contractor's recovery fund under sections 45.027 to 45.23 and 326.83 to 326.992 are transferred under section 15.039 to the commissioner of labor and industry as amended. The responsibilities of the Board of Electricity relating to the state electrical code and licensing, sections 16B.61 and 326.241 to 326.248, are transferred under section 15.039 to the commissioner of labor and industry as amended.

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

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

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

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

ARTICLE 3 ENFORCEMENT

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

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

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

Subd. 3. **Applicable law.** "Applicable law" means the provisions of sections 45.027 to 45.23, 326.241 to 326.248, 326.37 to 326.521, 326.57 to 326.65, 326.83 to 326.992, 326B.084, 327.205, 327.31 to 327.36, and 327B.01 to 327B.12, and chapters 183 and 327B, and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted, issued, or enforced by the department under sections 45.027 to 45.23, 326.241 to 326.248, 326.37 to 326.521, 326.57 to 326.65, 326.83 to 326.992, 326B.084, 327.205, 327.31 to 327.36, or 327B.01 to 327B.12, or chapter 183 or 327B.

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

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

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

(2) all requests for hearing have been withdrawn;

(3) a settlement agreement in connection with the order has been signed by all the parties; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 5. Time computation. In computing any period of time prescribed or allowed by this section, the day of the act, event, or default from which the designated period of time begins to

run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

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

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

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

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

(c) If the person to whom the commissioner has issued the notice of violation believes that the information contained in the notice is in error, the person may request that the commissioner reconsider the parts of the notice that are alleged to be in error. The request for reconsideration must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the notice of violation on or before the tenth day after the commissioner issues the notice of violation. The date on which a request for reconsideration is served by mail shall be the postmark date on the envelope in which the request for reconsideration is mailed. The request for reconsideration must:

(1) specify which parts of the notice of violation are alleged to be in error;

(2) explain why they are in error; and

(3) provide documentation to support the allegation of error.

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

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

(b) If the commissioner issues an administrative order for failure to correct a violation by the deadline stated in a final administrative order issued under paragraph (a), then each day after the deadline during which the violation remains uncorrected is a separate violation for purposes of calculating the maximum penalty amount.

(c) If the commissioner issues an administrative order to a corporation, the persons subject to the order include all owners and officers of the corporation. For any administrative order issued under this section, the naming of a corporation as a person subject to the order constitutes the naming of

the owners and officers as persons subject to the order, and service of the administrative order on the corporation shall constitute service upon the owners and officers.

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to complete any correction required in a final administrative order lawfully issued by the commissioner under this subdivision as a contempt of court.

Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the commissioner serves an administrative order or within 20 days after the commissioner serves notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the person subject to an administrative order may request an expedited hearing, using the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's action. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner served the administrative order or the 20th day after the commissioner served the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order is issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order is issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 45 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

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

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

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

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

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

Subd. 10. **Stop orders.** (a) Whenever based on an inspection or investigation it appears to the commissioner that a person has committed or is about to commit an act, conduct, or practice that violates the applicable law, the commissioner may issue to the person a stop order requiring the person to cease and desist from committing the act, conduct, or practice.

(b) Whenever based on an inspection or investigation it appears to the commissioner that a

condition exists on real property that violates the applicable law, the commissioner may issue a stop order to the owner or lessee of the real property to correct the condition that is in violation.

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

- (1) serving the order on the person who has committed or is about to commit the violation;
- (2) posting the order at the location where the violation was committed or is about to be committed or where the violating condition exists; or
- (3) serving the order on any owner or lessee of the real property where the violating condition exists.

(d) A stop order shall:

- (1) describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate; and
- (2) provide notice that any person aggrieved by the stop order may request a hearing as provided in paragraph (e).

(e) Within 30 days after the commissioner issues a stop order, any person aggrieved by the order may request an expedited hearing, using the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's action. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner issued the stop work order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is mailed is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The administrative law judge shall issue a report containing findings of fact, conclusions of law, and a recommended order within ten days after the conclusion of the hearing. Any party aggrieved by the administrative law judge's report shall have five days after the date of the administrative law judge's report to submit exceptions and argument to the commissioner. Within 15 days after receiving the administrative law judge's report, the commissioner shall issue an order vacating, modifying, or making permanent the stop order. The commissioner and the person requesting the hearing may by agreement lengthen any time periods described in this paragraph. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this subdivision.

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

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

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

(b) The commissioner may condition the grant of a permit, license, registration, or certificate on a demonstration by the applicant that actions required by the applicable law have been taken, or may place conditions on or issue a limited permit, license, registration, or certificate.

(c) The commissioner may deny, suspend, limit, place conditions on, or revoke a permit, license, registration, or certificate, or censure the person holding the permit, license, registration, or certificate, for:

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

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

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

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

(5) violating a final administrative order issued under subdivision 7 or a final stop order issued under subdivision 10;

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

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

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

(9) the applicant's, permit holder's, licensee's, registrant's, or certificate holder's incompetence, untrustworthiness, or financial irresponsibility in the conduct of that person's affairs, including but not limited to the performance of work in connection with the permit, license, registration, or certificate.

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

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

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

(b) Any order issued under paragraph (a) that is based in whole or in part on the violation of

any applicable law may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation. The monetary penalty may be up to \$10,000 for each violation of applicable law committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a). If the commissioner issues an order under paragraph (a) to a corporation, the persons subject to the order include all owners and officers of the corporation. For any order issued under paragraph (a), the naming of a corporation as a person subject to the order constitutes the naming of the owners and officers as persons subject to the order, and service of the order on the corporation shall constitute service upon the owners and officers.

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

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

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

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

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

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

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

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

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

described in section 14.045, subdivision 3.

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

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

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

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

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

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

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

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

(2) The commissioner shall forgive the forgivable portion of the penalty if the commissioner determines that the violation has been corrected within the time set by the order or the person to whom the order was issued has developed a correction plan acceptable to the commissioner within the time set by the order.

(3) If the commissioner determines that the person to whom the order was issued has failed to correct the violation within the time set by the order or has failed to develop a correction plan acceptable to the commissioner within the time set by the order, then the forgivable portion of the penalty is due and payable ten days after the commissioner serves notice of the determination on the person or on the date the administrative order becomes final, whichever is later.

(c) This paragraph applies if an administrative order or a licensing order includes a penalty assessment and if the person subject to the order has requested a hearing. The administrative law judge may not recommend a change in the amount of the penalty if the penalty was assessed in accordance with a plan prepared under section 326B.082, subdivision 14. If the commissioner has not prepared a plan under section 326B.082, subdivision 14, then the administrative law judge may not recommend a change in the amount of the penalty unless the administrative law judge determines that, based on the factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

(d) The assessment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 4. **[326B.084] FALSE INFORMATION.**

A person subject to any of the requirements in the applicable law may not make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, or other document required under the applicable law.

Sec. 5. **[326B.085] RECOVERY OF LITIGATION COSTS AND EXPENSES.**

In any action brought by the commissioner for enforcement of an order issued under section 326B.082 for injunctive relief, or to compel performance pursuant to the applicable law, if the state finally prevails, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the amount of the litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

ARTICLE 4

BUILDING CODE

Section 1. Minnesota Statutes 2005 Supplement, section 16B.04, subdivision 2, is amended to read:

Subd. 2. **Powers and duties, general.** Subject to other provisions of this chapter, the commissioner is authorized to:

- (1) supervise, control, review, and approve all state contracts and purchasing;
- (2) provide agencies with supplies and equipment and operate all central store or supply rooms serving more than one agency;
- (3) investigate and study the management and organization of agencies, and reorganize them when necessary to ensure their effective and efficient operation;
- (4) manage and control state property, real and personal;
- (5) maintain and operate all state buildings, as described in section 16B.24, subdivision 1;
- (6) supervise, control, review, and approve all capital improvements to state buildings and the capitol building and grounds;
- (7) provide central duplicating, printing, and mail facilities;
- (8) oversee publication of official documents and provide for their sale;
- (9) manage and operate parking facilities for state employees and a central motor pool for travel on state business; and
- ~~(10) establish and administer a State Building Code; and~~
- ~~(11)~~(10) provide rental space within the capitol complex for a private day care center for children of state employees. The commissioner shall contract for services as provided in this chapter. The commissioner shall report back to the legislature by October 1, 1984, with the recommendation to implement the private day care operation.

Sec. 2. Minnesota Statutes 2004, section 16B.61, subdivision 2, is amended to read:

Subd. 2. **Enforcement by certain bodies.** Under the direction and supervision of the

commissioner, the provisions of the code relating to electrical installations ~~shall be enforced by the State Board of Electricity, pursuant to the Minnesota Electrical Act, the provisions relating to, plumbing shall be enforced by the commissioner of health, the provisions relating to, boilers, high pressure steam piping and appurtenances, and ammonia refrigeration piping shall be enforced by the Department of Labor and Industry. Fees for inspections conducted by the State Board of Electricity commissioner shall be paid in accordance with the rules of the State Board of Electricity department.~~ Under direction of the commissioner of public safety, the state fire marshal shall enforce the Minnesota ~~Uniform~~ State Fire Code as provided in chapter 299F. The commissioner, ~~in consultation with the commissioner of labor and industry,~~ shall adopt amendments to the mechanical code portion of the State Building Code to implement standards for process piping.

Sec. 3. Minnesota Statutes 2004, section 16B.63, subdivision 5, is amended to read:

Subd. 5. **Interpretative authority.** To achieve uniform and consistent application of the State Building Code, the state building official has final interpretative authority applicable to all codes adopted as part of the State Building Code ~~except for the Plumbing Code and the Electrical Code when enforced by the State Board of Electricity.~~ A final interpretative committee composed of seven members, consisting of three building officials, two inspectors from the affected field, and two construction industry representatives, shall review requests for final interpretations relating to that field. A request for final interpretation must come from a local or state level building code board of appeals. The state building official must establish procedures for membership of the interpretative committees. The appropriate committee shall review the request and make a recommendation to the state building official for the final interpretation within 30 days of the request. The state building official must issue an interpretation within ten business days from the recommendation from the review committee. A final interpretation may be appealed within 30 days of its issuance to the commissioner under section 16B.67. The final interpretation must be published within ten business days of its issuance and made available to the public. Municipal building officials shall administer all final interpretations issued by the state building official until the final interpretations are considered for adoption as part of the State Building Code.

Sec. 4. Minnesota Statutes 2004, section 16B.748, is amended to read:

16B.748 RULES.

The commissioner may adopt rules for the following purposes:

(1) to establish minimum qualifications for elevator inspectors that must include possession of a current elevator constructor electrician's license issued by the ~~State Board of Electricity department~~ and proof of successful completion of the national elevator industry education program examination or equivalent experience;

(2) to establish criteria for the qualifications of elevator contractors;

(3) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64;

(4) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and

(5) to establish requirements for the registration of all elevators.

Sec. 5. Minnesota Statutes 2004, section 327.35, subdivision 1, is amended to read:

Subdivision 1. **Civil Penalty.** Notwithstanding section 326B.082, subdivisions 7 and 12, any person who violates any provision of this section is liable to the state of Minnesota for a ~~civil~~ penalty of not to exceed \$1,000 for each ~~offense violation~~. Each violation involving a separate manufactured home or involving a separate failure or refusal to allow or perform any act required by this section constitutes a separate ~~offense violation~~, except that the maximum ~~civil~~ penalties for any related

series of violations occurring within one year from the date of the first violation may not exceed \$1,000,000.

Sec. 6. Minnesota Statutes 2004, section 327B.05, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may by order deny, suspend, limit, place conditions on, or revoke any the application or license on finding (1) that the order is in the public interest and (2) that the of any applicant or licensee or any of its directors, officers, limited or general partners, controlling shareholders or affiliates for any of the following grounds:

~~(a)~~ (a) has filed an application for a license or a license renewal which fails to disclose any material information or contains any statement which is false or misleading with respect to any material fact;

~~(b)~~ (a) has violated any of the provisions of sections 327B.01 to 327B.12 or any rule or order issued by the commissioner or any prior law providing for the licensing of manufactured home dealers or manufacturers;

~~(c)~~ (b) has had a previous manufacturer or dealer license revoked in this or any other state;

~~(d)~~ (c) has engaged in acts or omissions which have been adjudicated or amount to a violation of any of the provisions of section 325D.44, 325F.67 or 325F.69;

~~(e)~~ (d) has sold or brokered the sale of a home containing a material violation of sections 327.31 to 327.35 about which the dealer knew or which should have been obvious to a reasonably prudent dealer;

~~(f)~~ (e) has failed to make or provide all listings, notices and reports required by the commissioner;

~~(g)~~ (f) has failed to pay a civil penalty assessed under subdivision 5 within ten days after the assessment becomes final;

~~(h)~~ (g) has failed to pay to the commissioner or other responsible government agency all taxes, fees and arrearages due;

~~(i)~~ (h) has failed to duly apply for license renewal;

~~(j)~~ (i) has violated any applicable manufactured home building or safety code;

~~(k)~~ (j) has failed or refused to honor any express or implied warranty as provided in section 327B.03;

~~(l)~~ (k) has failed to continuously occupy a permanent, established place of business licensed under section 327B.04;

~~(m)~~ (l) has, without first notifying the commissioner, sold a new and unused manufactured home other than the make of manufactured home described in a franchise or contract filed with the application for license or license renewal;

~~(n)~~ (m) has wrongfully failed to deliver a certificate of title to a person entitled to it;

~~(o)~~ (n) is insolvent or bankrupt;

~~(p)~~ (o) holds an impaired or canceled bond;

~~(q)~~ (p) has failed to notify the commissioner of bankruptcy proceedings within ten days after a petition in bankruptcy has been filed by or against the dealer or manufacturer;

~~(r)~~ (q) has, within the previous ten years, been convicted of a crime that either related directly to the business of the dealer or manufacturer or involved fraud, misrepresentation or misuse of funds;

~~(s)~~ (r) has suffered a judgment within the previous five years in a civil action involving fraud, misrepresentation or misuse of funds; or

~~(t)~~ (s) has failed to reasonably supervise any employee or agent of the dealer or manufacturer, resulting in injury or harm to the public.

The commissioner may establish rules pursuant to section 327B.10 further specifying, defining or establishing standards of conduct for manufactured home dealers and manufacturers.

ARTICLE 5

ELECTRICAL

Section 1. Minnesota Statutes 2004, section 326.241, is amended to read:

326.241 BOARD OF ELECTRICITY ELECTRICAL ADVISORY COUNCIL; POWERS OF COMMISSIONER.

Subdivision 1. **Composition Electrical Advisory Council.** ~~The Board of Electricity~~ Electrical Advisory Council shall consist of 11 members, residents of the state, appointed by the ~~governor~~ commissioner of labor and industry, of whom two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians, who shall be contractors, two journeyman electricians, one registered consulting electrical engineer, two power limited technicians, who shall be technology system contractors primarily engaged in the business of installing technology circuits or systems, and two public members as defined by section 214.02. ~~Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214. The Electrical Advisory Council shall be organized and administered according to section 15.059, except that, notwithstanding any other law to the contrary, the Electrical Advisory Council shall not expire. At the request of the commissioner of labor and industry, the Electrical Advisory Council shall provide advice to the commissioner of labor and industry on issues regarding the electrical code.~~

Subd. 2. **Powers of commissioner.** ~~The board, or the complaint committee on behalf of the board where authorized by law, commissioner of labor and industry shall have power to:~~

~~(1) Elect its own officers.~~

~~(2) Engage and fix the compensation of inspectors, and hire employees. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or 2(1), and shall give bond in an amount fixed by the board commissioner of labor and industry, conditioned upon the faithful performance of their duties.~~

~~(3) Pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.~~

~~(4) (2) Enforce the provisions of sections 326.241 to 326.248, and provide, upon request, such additional voluntary inspections and reviews as it the commissioner of labor and industry may deem appropriate.~~

~~(5) Issue, renew, refuse to renew, suspend, temporarily suspend, and revoke licenses, censure licensees, assess civil penalties, issue cease and desist orders, and seek injunctive relief and civil penalties in court as authorized by section 326.242 and other provisions of Minnesota law.~~

~~(6) (3) Adopt reasonable rules to carry out its the duties of the commissioner of labor and industry~~

under sections 326.241 to 326.248 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

Subd. 3. **Fees and finances; disposition.** All fees collected under the provisions of sections 326.241 to 326.248 are to be credited to a special account in the state treasury. Money in the account is appropriated to the ~~Board of Electricity~~ Department of Labor and Industry to administer and enforce sections 326.241 to 326.248, to pay indirect costs, to compensate contract electrical inspectors for inspections performed, and to make refunds.

Sec. 2. Minnesota Statutes 2004, section 326.242, subdivision 9i, is amended to read:

Subd. 9i. **Cooperation required.** A person who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the ~~board or its complaint committee~~ commissioner of labor and industry shall cooperate fully with the investigation. Cooperation includes, but is not limited to:

(1) responding fully and promptly to questions raised by or on behalf of the ~~board or its complaint committee~~ commissioner of labor and industry relating to the subject of the investigation;

(2) providing copies of records in the person's possession related to the matter under investigation as requested by the ~~board, its complaint committee, commissioner of labor and industry~~ or the attorney general within the time limit set by the ~~board, its complaint committee, commissioner of labor and industry~~ or the attorney general;

(3) assisting the ~~board, its complaint committee, commissioner of labor and industry~~ or the attorney general in its investigation; and

(4) appearing at conferences or hearings scheduled by the ~~board or its complaint committee~~ commissioner of labor and industry.

Sec. 3. Minnesota Statutes 2004, section 326.243, is amended to read:

326.243 SAFETY STANDARDS.

All electrical wiring, apparatus and equipment for electric light, heat and power, technology circuits or systems shall comply with the rules of the ~~Department of Commerce or the Department of Labor and Industry, as applicable,~~ and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 4. Minnesota Statutes 2004, section 326.247, is amended to read:

326.247 CONTINUITY.

~~Persons~~ Individuals now members of the ~~board~~ Electrical Advisory Council shall remain in office on the Electrical Advisory Council until the expiration of the terms to which they were appointed. ~~Board rules, forms, policies and classifications of special electricians now in effect, and not in conflict herewith, shall continue until lawfully modified or repealed.~~

ARTICLE 6**PLUMBING**

Section 1. Minnesota Statutes 2004, section 326.42, subdivision 1, is amended to read:

Subdivision 1. **Application.** Applications for plumber's license shall be made to the state commissioner of ~~health labor and industry~~, with fee. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the state commissioner of ~~health labor and industry~~ only after passing a satisfactory examination by the examiners showing fitness. Examination fees for both journeyman and master plumbers shall be in an amount ~~prescribed by the state commissioner of health pursuant to set forth in section 144.122, paragraph (f)~~. Upon being notified that of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. License fees shall be in an amount ~~prescribed by the state commissioner of health pursuant to set forth in section 144.122, paragraph (f)~~. Licenses shall expire and be renewed as prescribed in rule by the commissioner ~~pursuant to section 144.122 of labor and industry~~.

ARTICLE 7**WATER CONDITIONING CONTRACTORS AND INSTALLERS**

Section 1. Minnesota Statutes 2004, section 326.57, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The ~~state~~ commissioner of ~~health labor and industry~~ shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building or any other place of business, regardless of location or the population of the city, county or town in which located. ~~Such rules, upon approval of the attorney general and their legal publication, shall have the force of law, and the violation of any part thereof shall constitute a misdemeanor and may be enjoined by the attorney general.~~

Sec. 2. Minnesota Statutes 2004, section 326.60, subdivision 3, is amended to read:

Subd. 3. **Rules.** The state commissioner of ~~health labor and industry~~ shall:

(a) prescribe rules, not inconsistent herewith, for the licensing of water conditioning contractors and installers;

(b) license water conditioning contractors and installers;

(c) prescribe rules not inconsistent herewith for the examining of water conditioning contractors and installers prior to first granting a license as a water conditioning contractor or water conditioning installer; and

(d) collect an examination fee from each examinee for a license as a water conditioning contractor and a fee from each examinee for a license as a water conditioning installer in an amount ~~prescribed by the state commissioner of health pursuant to set forth in section 144.122, paragraph (f)~~. A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.

ARTICLE 8**RESIDENTIAL BUILDING CONTRACTOR AND REMODELER STATUTES**

Section 1. Minnesota Statutes 2004, section 326.87, subdivision 1, is amended to read:

Subdivision 1. **Standards.** The commissioner of labor and industry, in consultation with the

council, may adopt standards for continuing education requirements and course approval. The standards must include requirements for continuing education in the implementation of energy codes applicable to buildings and other building codes designed to conserve energy. Except for the course content, the standards must be consistent with the standards established for real estate agents and other professions licensed by the Department of Commerce. At a minimum, the content of one hour of any required continuing education must contain information on lead abatement rules and safe lead abatement procedures.

Sec. 2. Minnesota Statutes 2004, section 326.91, subdivision 1, is amended to read:

Subdivision 1. **Cause Grounds.** ~~The commissioner may by order deny, suspend, or revoke any license or may censure a licensee, and may impose a civil penalty as provided for in section 45.027, subdivision 6, if the commissioner finds that the order is in the public interest, and that the applicant, licensee, or affiliate of an applicant or licensee, or other agent, owner, partner, director, governor, shareholder, member, officer, qualifying person, or managing employee of the applicant or licensee or any person occupying a similar status or performing similar functions: In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a license or certificate of exemption, or may censure the person holding the license or certificate of exemption, if the applicant, licensee, certificate of exemption holder, qualified person, or affiliate of an applicant, licensee, or certificate of exemption holder, or other agent owner:~~

(1) ~~has filed an application for a license licensure or a certificate of exemption which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;~~

(2) ~~has engaged in a fraudulent, deceptive, or dishonest practice;~~

(3) ~~is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business;~~

(4) ~~has failed to reasonably supervise employees, agents, subcontractors, or salespersons, or has performed negligently or in breach of contract, so as to cause injury or harm to the public;~~

(5) ~~has violated or failed to comply with any provision of sections 326.83 to 326.98 or, any rule or order under sections 326.83 to 326.98 or any other law, rule, or order related to the duties and responsibilities entrusted to the commissioner;~~

~~(6) has been shown to be incompetent, untrustworthy, or financially irresponsible;~~

~~(7)(6) has been convicted of a violation of the State Building Code or, in jurisdictions that do not enforce the State Building Code, has refused to comply with a notice of violation or stop order issued by a certified building official, or in local jurisdictions that have not adopted the State Building Code has refused to correct a violation of the State Building Code when the violation has been certified documented or a notice of violation or stop order issued by a Minnesota-licensed structural engineer certified building official has been received;~~

~~(8)(7) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326.83, subdivision 17, for the payment of labor, skill, material, and machinery contributed to the construction or improvement, knowing that the cost of any labor performed, or skill, material, or machinery furnished for the improvement remains unpaid;~~

~~(9)(8) has not furnished to the person making payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for an improvement, or a payment bond in the basic amount of the contract price for the improvement conditioned for the prompt payment to any person or persons entitled to payment;~~

~~(10)(9) has engaged in conduct which was the basis for a contractor's recovery fund payment~~

pursuant to section 326.975, which payment has not been reimbursed;

~~(11)~~ (10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate of exemption holder under this chapter;

~~(12)~~ (11) has had a judgment entered against them for failure to make payments to employees ~~or~~ subcontractors, or suppliers, that the licensee has failed to satisfy and all appeals of the judgment have been exhausted or the period for appeal has expired;

~~(13)~~ (12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious license number or the license number of another, or, if licensed, has knowingly allowed an unlicensed person to use the licensee's license number for the purpose of fraudulently obtaining a building permit; or has applied for or obtained a building permit for an unlicensed person;

~~(14)~~ (13) has made use of a forged mechanics' mechanic's lien waivers waiver under chapter 514;

(14) has provided false, misleading or incomplete information to the commissioner or has refused to allow a reasonable inspection of records or premises;

(15) has engaged in an act or practice whether or not the act or practice directly involves the business for which the person is licensed, that demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the license granted by the commissioner; or

(16) has failed to comply with requests for information, documents, or other requests from the department within the time specified in the request or, if no time is specified, within 30 days of the mailing of the request by the department.

Sec. 3. Minnesota Statutes 2004, section 326.93, is amended to read:

326.93 SERVICE OF PROCESS; ~~NONRESIDENT LICENSING.~~

~~Subdivision 1. **License.** A nonresident of Minnesota may be licensed as a residential building contractor or residential remodeler upon compliance with all the provisions of sections 326.83 to 326.991.~~

~~Subd. 2. **Service of process.** Service of process upon a person performing work in the state of a type that would require a license under sections 326.83 to 326.98 may be made as provided in section 45.028.~~

Subd. 3. **Procedure.** Every applicant for licensure or certificate of exemption under sections 326.83 to 326.98, shall file with the commissioner, on such form as the commissioner may prescribe, an irrevocable consent appointing the commissioner and successors in office to be the applicant's agent to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or a successor, executor, or administrator which arises under sections 326.83 to 326.98 or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service under this section shall be made in compliance with subdivision 5.

Subd. 4. **Service on commissioner.** (a) When a person, including any nonresident of this state, engages in conduct prohibited or made actionable by sections 326.83 to 326.98, or any rule or order under those sections, and the person has not filed a consent to service of process under subdivision 3, that conduct is equivalent to an appointment of the commissioner and successors in office as the person's agent to receive service of process in any noncriminal suit, action, or proceeding against the person that is based on that conduct and is brought under sections 326.83 to 326.98, or any rule or order under those sections, with the same force and validity as if served personally on the person filing the consent. Service under this section shall be made in compliance with subdivision 5.

(b) Subdivision 5 applies in all other cases in which a person, including a nonresident of this state, has filed a consent to service of process. This paragraph supersedes any inconsistent provision of law.

(c) Subdivision 5 applies in all cases in which service of process is allowed to be made on the commissioner.

(d) Subdivision 5 applies to any document served by the commissioner or the department under section 326B.08.

Subd. 5. **How made.** Service of process under this section may be made by leaving a copy of the process in the office of the commissioner, or by sending a copy of the process to the commissioner by certified mail, and is not effective unless:

(1) the plaintiff, who may be the commissioner in an action or proceeding instituted by the commissioner, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at the last known address; and

(2) the plaintiff's affidavit of compliance is filed in the action or proceeding on or before the return day of the process, if any, or within further time as the court allows.

ARTICLE 9

BOILERS; PRESSURE VESSELS; BOATS

Section 1. Minnesota Statutes 2004, section 183.44, subdivision 3, is amended to read:

Subd. 3. **Suspension, revocation.** In addition to the grounds set forth in section 326B.082, subdivision 11, the Division of Boiler Inspection may suspend or revoke the license of any master, pilot or engineer found under the influence of drugs or alcohol when on duty or who otherwise disregards the provisions of sections 183.375 to 183.62 or any rule promulgated thereunder.

ARTICLE 10

CONFORMING CHANGES

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

(a) In Minnesota Statutes, section 31.175, the revisor of statutes shall change the term "Department of Health" to "Department of Labor and Industry."

(b) In Minnesota Statutes, section 103I.621, subdivision 3, paragraph (b), clause (2), the revisor of statutes shall change the term "commissioner" to "commissioner of labor and industry."

(c) In Minnesota Statutes, section 327.20, subdivision 1, clause (5), the revisor of statutes shall change the term "commissioner of health" to "commissioner of labor and industry."

(d) In Minnesota Statutes, section 327.205, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(e) In Minnesota Statutes, section 327A.01, subdivision 2, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(f) In Minnesota Statutes, section 462A.07, subdivision 8, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(g) In Minnesota Statutes, section 471.465, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(h) In Minnesota Statutes, section 471.466, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(i) In Minnesota Statutes, section 471.467, subdivision 1, the revisor of statutes shall change the term "commissioner of administration" to "commissioner of labor and industry."

(j) In Minnesota Statutes, section 471.471, the revisor of statutes shall change the term "Building Code and Standards Division of the Department of Administration" to "Department of Labor and Industry," and shall change the term "commissioner of administration" to "commissioner of labor and industry."

Sec. 2. Minnesota Statutes 2004, section 144.99, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9509; 144.992; ~~326.37 to 326.45; 326.57~~ 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 3. Minnesota Statutes 2004, section 175.16, subdivision 1, is amended to read:

Subdivision 1. **Established.** The Department of Labor and Industry shall consist of the following divisions: Division of Workers' Compensation, Division of ~~Boiler Inspection Construction Codes and Licensing~~, Division of Occupational Safety and Health, Division of Statistics, ~~Division of Steamfitting Standards~~, Division of Labor Standards and Apprenticeship, and such other divisions as the commissioner of the Department of Labor and Industry may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision of the commissioner of the Department of Labor and Industry and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the commissioner. Notwithstanding any other law to the contrary, the commissioner is the administrator and supervisor of all of the department's dispute resolution functions and personnel and may delegate authority to compensation judges and others to make determinations under sections 176.106, 176.238, and 176.239 and to approve settlement of claims under section 176.521.

Sec. 4. Minnesota Statutes 2004, section 214.01, subdivision 3, is amended to read:

Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board" means the Board of Teaching established pursuant to section 122A.07, the Board of Barber Examiners established pursuant to section 154.22, the Board of Assessors established pursuant to section 270.41, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design established pursuant to section 326.04, ~~the Board of Electricity established pursuant to section 326.241~~, the Private Detective and Protective Agent Licensing Board established pursuant to section 326.33, the Board of Accountancy established pursuant to section 326A.02, and the Peace Officer Standards and Training Board established pursuant to section 626.841.

Sec. 5. Minnesota Statutes 2005 Supplement, section 214.04, subdivision 1, is amended to read:

Subdivision 1. **Services provided.** (a) ~~The commissioner of administration with respect to the Board of Electricity;~~ the commissioner of education with respect to the Board of Teaching; the commissioner of public safety with respect to the Board of Private Detective and Protective Agent Services; the panel established pursuant to section 299A.465, subdivision 7; the Board of Peace Officer Standards and Training; and the commissioner of revenue with respect to the Board of Assessors, shall provide suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, consulting services relating to evaluation procedures and techniques, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally

available to other agencies of state government. Investigative services shall be provided the boards by employees of the Office of Attorney General. The commissioner of health with respect to the health-related licensing boards shall provide mailing and office supply services and may provide other facilities and services listed in this subdivision at a central location upon request of the health-related licensing boards. The commissioner of commerce with respect to the remaining non-health-related licensing boards shall provide the above facilities and services at a central location for the remaining non-health-related licensing boards. The legal and investigative services for the boards shall be provided by employees of the attorney general assigned to the departments servicing the boards. Notwithstanding the foregoing, the attorney general shall not be precluded by this section from assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation. Persons providing legal and investigative services shall to the extent practicable provide the services on a regular basis to the same board or boards.

(b) The requirements in paragraph (a) with respect to the panel established in section 299A.465, subdivision 7, expire July 1, 2008.

Sec. 6. Minnesota Statutes 2004, section 214.04, subdivision 3, is amended to read:

Subd. 3. **Officers; staff.** The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) Dentistry;
- (2) Medical Practice;
- (3) Nursing;
- (4) Pharmacy;
- (5) Accountancy;
- (6) Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design;
- (7) Barber Examiners;
- (8) Cosmetology;
- ~~(9) Electricity;~~
- ~~(10) (9) Teaching;~~
- ~~(11) (10) Peace Officer Standards and Training;~~
- ~~(12) (11) Social Work;~~
- ~~(13) (12) Marriage and Family Therapy;~~
- ~~(14) (13) Dietetics and Nutrition Practice; and~~
- ~~(15) (14) Licensed Professional Counseling.~~

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries,

who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 7. Minnesota Statutes 2004, section 327.20, subdivision 1, is amended to read:

Subdivision 1. **Rules.** No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area. Each manufactured home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

(2) All manufactured home parks shall be well drained and be located so that the drainage of the park area will not endanger any water supply. No wastewater from manufactured homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each manufactured home park or recreational camping area. The source of the water supply shall first be approved by the state Department of Health.

(5) All plumbing shall be installed in accordance with the rules of the state commissioner of ~~health~~ labor and industry and the provisions of the Minnesota Plumbing Code.

(6) In the case of a manufactured home park with less than ten manufactured homes, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. The park owner shall provide each

resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c. Nothing in this paragraph requires the Department of Health to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the Department of Health if the park has made a good faith effort to develop the plan and obtain municipal approval.

(7) A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the Department of Health. The park owner shall provide each resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c.

(8) A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required by section 327.205, except that for manufactured home parks established as temporary, emergency housing in a disaster area declared by the President of the United States or the governor, an approved evacuation plan may be provided in lieu of a shelter for a period not exceeding 18 months.

(9) For the purposes of this subdivision, "park owner" and "resident" have the meaning given them in section 327C.01.

ARTICLE 11

APPRENTICE WAGES

Section 1. Minnesota Statutes 2004, section 178.03, is amended by adding a subdivision to read:

Subd. 3a. **Apprentice wages.** (a) Determination of the graduated schedule of wages for an apprenticeship agreement will be determined by the percentage rate used in the majority of individual apprenticeship agreements on file with the Department of Labor and Industry, Division of Voluntary Apprenticeship, in any particular trade. The beginning rate must be at least the federal or state minimum wage rate, whichever is higher.

(b) The journeyman wage rate for apprenticeship agreements where no bargaining agreement exists shall be determined by counties, for all trades. If there is either a state or federal prevailing wage determination or apprenticeship agreement for a trade, the most current rate of the determination or agreement must be used as the journeyman wage rate.

(c) This subdivision does not apply to programs in penal institutions including stipends paid by the Department of Corrections.

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

ARTICLE 12

REPEALER; EFFECTIVE DATE

Section 1. **REPEALER.**

(a) Minnesota Statutes 2004, sections 183.52; 183.61, subdivisions 1, 3, 5, and 6; 326.01, subdivision 6h; 326.242, subdivisions 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9j, and 9k; 326.244, subdivision 6; 326.246; 326.2461; 326.51; 326.521; and 327B.05, subdivisions 2, 3, 4, 5, and 6, are repealed.

(b) Minnesota Rules, parts 3800.2650; 3800.3580; 3800.3750; 3800.3835; 4715.5600; and

4717.7000, subpart 1, item I, are repealed.

Sec. 2. **EFFECTIVE DATE.**

This act is effective December 1, 2006, except when another date is specified. The revisor's instructions contained in this act shall be implemented for the 2006 edition of Minnesota Statutes."

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 3573: A bill for an act relating to insurance; permitting reductions in premiums on small employer health insurance in greater Minnesota; amending Minnesota Statutes 2004, sections 62A.65, subdivision 3; 62L.08, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 62A.65, subdivision 3, is amended to read:

Subd. 3. **Premium rate restrictions.** No individual health plan may be offered, sold, issued, or renewed to a Minnesota resident unless the premium rate charged is determined in accordance with the following requirements:

(a) Premium rates must be no more than 25 percent above and no more than 25 percent below the index rate charged to individuals for the same or similar coverage, adjusted pro rata for rating periods of less than one year. The premium variations permitted by this paragraph must be based only upon health status, claims experience, and occupation. For purposes of this paragraph, health status includes refraining from tobacco use or other actuarially valid lifestyle factors associated with good health, provided that the lifestyle factor and its effect upon premium rates have been determined by the commissioner to be actuarially valid and have been approved by the commissioner. Variations permitted under this paragraph must not be based upon age or applied differently at different ages. This paragraph does not prohibit use of a constant percentage adjustment for factors permitted to be used under this paragraph.

(b) Premium rates may vary based upon the ages of covered persons only as provided in this paragraph. In addition to the variation permitted under paragraph (a), each health carrier may use an additional premium variation based upon age of up to plus or minus 50 percent of the index rate.

(c) A health carrier may request approval by the commissioner to establish ~~no more than three separate geographic regions~~ areas determined by the health carrier and to establish separate index rates for each ~~region~~ such area, provided that the index rates do not vary between any two regions by more than 20 percent. ~~Health carriers that do not do business in the Minneapolis/St. Paul metropolitan area may request approval for no more than two geographic regions, and clauses (2) and (3) do not apply to approval of requests made by those health carriers.~~ The commissioner may grant approval if the following conditions are met:

(1) the geographic ~~regions~~ areas must be applied uniformly by the health carrier;

~~(2) one geographic region must be based on the Minneapolis/St. Paul metropolitan area;~~

~~(3) for each geographic region that is rural, the index rate for that region must not exceed the index rate for the Minneapolis/St. Paul metropolitan area; and~~

(2) each geographic area must be composed of no fewer than seven counties that create a contiguous area; and

~~(4)~~ (3) the health carrier provides actuarial justification acceptable to the commissioner for the proposed geographic variations in index rates, establishing that the variations are based upon differences in the cost to the health carrier of providing coverage.

(d) Health carriers may use rate cells and must file with the commissioner the rate cells they use. Rate cells must be based upon the number of adults or children covered under the policy and may reflect the availability of Medicare coverage. The rates for different rate cells must not in any way reflect generalized differences in expected costs between principal insureds and their spouses.

(e) In developing its index rates and premiums for a health plan, a health carrier shall take into account only the following factors:

(1) actuarially valid differences in rating factors permitted under paragraphs (a) and (b); and

(2) actuarially valid geographic variations if approved by the commissioner as provided in paragraph (c).

(f) All premium variations must be justified in initial rate filings and upon request of the commissioner in rate revision filings. All rate variations are subject to approval by the commissioner.

(g) The loss ratio must comply with the section 62A.021 requirements for individual health plans.

(h) The rates must not be approved, unless the commissioner has determined that the rates are reasonable. In determining reasonableness, the commissioner shall consider the growth rates applied under section 62J.04, subdivision 1, paragraph (b), to the calendar year or years that the proposed premium rate would be in effect, actuarially valid changes in risks associated with the enrollee populations, and actuarially valid changes as a result of statutory changes in Laws 1992, chapter 549.

EFFECTIVE DATE. This section is effective January 1, 2007, and applies to policies issued or renewed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 62L.08, subdivision 4, is amended to read:

Subd. 4. **Geographic premium variations.** A health carrier may request approval by the commissioner to establish ~~no more than three separate geographic regions~~ areas determined by the health carrier and to establish separate index rates for each ~~region such area~~, provided that the index rates do not vary between any two regions by more than 20 percent. ~~Health carriers that do not do business in the Minneapolis/St. Paul metropolitan area may request approval for no more than two geographic regions, and clauses (2) and (3) do not apply to approval of requests made by those health carriers. A health carrier may also request approval to establish one or more additional geographic regions and one or more separate index rates for premiums for employees working and residing outside of Minnesota. The commissioner may grant approval if the following conditions are met:~~

(1) the geographic ~~regions~~ areas must be applied uniformly by the health carrier;

~~(2) one geographic region must be based on the Minneapolis/St. Paul metropolitan area;~~

~~(3) if one geographic region is rural, the index rate for the rural region must not exceed the index rate for the Minneapolis/St. Paul metropolitan area;~~

(2) each geographic area must be composed of no fewer than seven counties that create a contiguous area; and

~~(4)~~ (3) the health carrier provides actuarial justification acceptable to the commissioner for the proposed geographic variations in index rates, establishing that the variations are based upon

differences in the cost to the health carrier of providing coverage.

EFFECTIVE DATE. This section is effective January 1, 2007, and applies to policies issued or renewed on or after that date."

Amend the title accordingly

And when so amended the bill be re-referred to the Committee on Health and Family Security without recommendation. Amendments adopted. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2677 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2677	2602				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2872 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2872	2612				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2872 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2872, the first engrossment; and insert the language after the enacting clause of S.F. No. 2612, the first engrossment; further, delete the title of H.F. No. 2872, the first engrossment; and insert the title of S.F. No. 2612, the first engrossment.

And when so amended H.F. No. 2872 will be identical to S.F. No. 2612, and further recommends that H.F. No. 2872 be given its second reading and substituted for S.F. No. 2612, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3302 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3302	2934				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2645 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2645	2622				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2645 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2645, the first engrossment; and insert the language after the enacting clause of S.F. No. 2622; further, delete the title of H.F. No. 2645, the first engrossment; and insert the title of S.F. No. 2622.

And when so amended H.F. No. 2645 will be identical to S.F. No. 2622, and further recommends that H.F. No. 2645 be given its second reading and substituted for S.F. No. 2622, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3073 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3073	2519				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3073 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3073, the first engrossment; and insert the language after the enacting clause of S.F. No. 2519, the first engrossment; further, delete the title of H.F. No. 3073, the first engrossment; and insert the title of S.F. No. 2519, the first

engrossment.

And when so amended H.F. No. 3073 will be identical to S.F. No. 2519, and further recommends that H.F. No. 3073 be given its second reading and substituted for S.F. No. 2519, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 2634: A bill for an act relating to state employment; ratifying certain labor agreements and compensation plans.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 29, insert:

"Subd. 14. **State Board of Investment.** The salary administration plan for the Minnesota State Board of Investment, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 1, 2006, is ratified.

Subd. 15. **Managerial plan amendment.** The amendment to the managerial plan, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 1, 2006, is ratified.

Subd. 16. **Commissioner's plan amendment.** The amendment to the commissioner's plan, approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 1, 2006, is ratified."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2293, 1811, 3526, 3176 and 2634 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2677, 2872, 3302, 2645 and 3073 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Bakk moved that the name of Senator Limmer be added as a co-author to S.F. No. 3061. The motion prevailed.

Senator Dille moved that the name of Senator Skoe be added as a co-author to S.F. No. 3536. The motion prevailed.

Senator Rest moved that S.F. No. 2941 be withdrawn from the Committee on Crime Prevention and Public Safety and re-referred to the Committee on Taxes. The motion prevailed.

Senators Pogemiller, Belanger, Betzold, Higgins and Skoglund introduced –

Senate Resolution No. 174: A Senate resolution congratulating the DeLaSalle High School boys basketball team on winning the 2006 State High School Class AAA boys basketball

tournament.

Referred to the Committee on Rules and Administration.

Senators Pariseau and Day introduced –

Senate Resolution No. 175: A Senate resolution congratulating the Cannon Falls High School girls basketball team on winning the 2006 State High School Class AA girls basketball tournament.

Referred to the Committee on Rules and Administration.

Senators Johnson, D.E. and Day introduced –

Senate Concurrent Resolution No. 10: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on Wednesday, April 12, 2006, the Senate and House of Representatives may each set its next day of meeting for Tuesday, April 18, 2006.
2. Each house consents to adjournment of the other house for more than three days.

Senator Johnson, D.E. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CONSENT CALENDAR

S.F. No. 3465: A bill for an act relating to workers' compensation; modifying appeal procedures; modifying notice of coverage provisions; amending Minnesota Statutes 2004, section 176.421, subdivision 4; Minnesota Statutes 2005 Supplement, section 176.185, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Nienow	Saxhaug
Bachmann	Frederickson	Langseth	Olson	Scheid
Bakk	Gerlach	Larson	Ortman	Senjem
Belanger	Hann	LeClair	Pappas	Skoe
Berglin	Higgins	Limmer	Pariseau	Skoglund
Betzold	Hottinger	Lourey	Pogemiller	Solon
Bonoff	Johnson, D.E.	Marko	Ranum	Sparks
Chaudhary	Jungbauer	Marty	Reiter	Stumpf
Clark	Kelley	McGinn	Rest	Tomassoni
Cohen	Kierlin	Metzen	Robling	Vickerman
Day	Kiscaden	Michel	Rosen	Wergin
Dibble	Koch	Murphy	Ruud	Wiger
Fischbach	Koering	Neuville	Sams	

So the bill passed and its title was agreed to.

S.F. No. 2728: A resolution memorializing the President and the United States Congress to name the Rochester Veterans Outpatient Clinic the Corporal Chuck Lindberg Clinic.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Nienow	Saxhaug
Bachmann	Frederickson	Langseth	Olson	Scheid
Bakk	Gerlach	Larson	Ortman	Skoe
Belanger	Hann	LeClair	Pappas	Skoglund
Berglin	Higgins	Limmer	Pariseau	Solon
Betzold	Hottinger	Lourey	Pogemiller	Sparks
Bonoff	Johnson, D.E.	Marko	Ranum	Stumpf
Chaudhary	Jungbauer	Marty	Reiter	Tomassoni
Clark	Kelley	McGinn	Rest	Vickerman
Cohen	Kierlin	Metzen	Robling	Wergin
Day	Kiscaden	Michel	Rosen	Wiger
Dibble	Koch	Murphy	Ruud	
Fischbach	Koering	Neuville	Sams	

So the resolution passed and its title was agreed to.

S.F. No. 2832: A bill for an act relating to employment; forming a task force to study recruitment and retention of volunteer emergency personnel.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Olson	Senjem
Bachmann	Frederickson	Langseth	Ortman	Skoe
Bakk	Gerlach	Larson	Pappas	Skoglund
Belanger	Hann	LeClair	Pariseau	Solon
Berglin	Higgins	Limmer	Pogemiller	Sparks
Betzold	Hottinger	Lourey	Ranum	Stumpf
Bonoff	Johnson, D.E.	Marko	Reiter	Tomassoni
Chaudhary	Johnson, D.J.	Marty	Rest	Vickerman
Clark	Jungbauer	McGinn	Robling	Wergin
Cohen	Kelley	Metzen	Rosen	Wiger
Day	Kierlin	Michel	Ruud	
Dibble	Kiscaden	Murphy	Sams	
Dille	Koch	Neuville	Saxhaug	
Fischbach	Koering	Nienow	Scheid	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2976 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2976: A bill for an act relating to elections; clarifying documents acceptable to prove residence; amending Minnesota Statutes 2004, section 201.061, by adding a subdivision; Minnesota

Statutes 2005 Supplement, section 201.061, subdivision 3.

CALL OF THE SENATE

Senator Reiter imposed a call of the Senate for the balance of the proceedings on S.F. No. 2976. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 2976 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kiscaden	Pappas	Skoglund
Bakk	Dille	Kubly	Pogemiller	Solon
Berglin	Foley	Langseth	Ranum	Sparks
Betzold	Frederickson	Lourey	Rest	Stumpf
Bonoff	Higgins	Marko	Sams	Tomassoni
Chaudhary	Hottinger	Marty	Saxhaug	Vickerman
Clark	Johnson, D.E.	Metzen	Scheid	Wiger
Cohen	Kelley	Murphy	Skoe	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Olson	Senjem
Belanger	Jungbauer	Limmer	Ortman	Wergin
Day	Kierlin	McGinn	Reiter	
Fischbach	Koch	Michel	Robling	
Gerlach	Koering	Neuville	Rosen	
Hann	Larson	Nienow	Ruud	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Solon introduced—

S.F. No. 3718: A bill for an act relating to human services; requiring foster care providers to annually provide mental health training; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health and Family Security.

Senator Higgins introduced—

S.F. No. 3719: A bill for an act relating to local government; modifying municipal boundary adjustment provisions; establishing the municipal boundary adjustment task force; appropriating money; amending Minnesota Statutes 2004, sections 414.01, subdivision 1a; 414.02, by adding a subdivision; 414.031, subdivisions 1, 4, by adding a subdivision; 414.0325, subdivision 1, by adding a subdivision; 414.033, subdivision 2; 414.061, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 414.

Referred to the Committee on State and Local Government Operations.

Senator Lourey introduced—

S.F. No. 3720: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a water treatment facility and water tower in Brook Park.

Referred to the Committee on Finance.

Senator Pappas introduced—

S.F. No. 3721: A bill for an act relating to human services; expanding the supplemental rate for certain group residential housing facilities; amending Minnesota Statutes 2004, section 256I.05, by adding a subdivision.

Referred to the Committee on Finance.

Senator Kierlin introduced—

S.F. No. 3722: A bill for an act relating to arts assistance; requiring the Board of the Arts to establish and administer a revolving loan fund to assist rural Minnesota cultural facilities construction projects; appropriating money; amending Minnesota Statutes 2004, section 129D.04, subdivision 1.

Referred to the Committee on Finance.

Senators Moua, Limmer and Pogemiller introduced—

S.F. No. 3723: A bill for an act relating to taxation; extending a sales tax exemption on construction materials for low-income housing to limited partnerships in which the sole general partner is a nonprofit corporation; amending Minnesota Statutes 2004, section 297A.71, subdivision 23.

Referred to the Committee on Taxes.

Senator Hottinger introduced—

S.F. No. 3724: A bill for an act relating to property taxation; exempting from taxation property leased or rented and used exclusively for charter schools; amending Minnesota Statutes 2004, section 272.02, subdivision 42.

Referred to the Committee on Taxes.

Senators Belanger, Michel and Ranum introduced—

S.F. No. 3725: A bill for an act relating to highways; authorizing sale of trunk highway bonds for interchange at marked Interstate Highways 35W and 494; appropriating money.

Referred to the Committee on Transportation.

Senator Vickerman introduced—

S.F. No. 3726: A bill for an act relating to the city of Worthington; changing the time for local sales tax referendum amending Laws 2005, First Special Session chapter 3, article 5, section 44, subdivisions 1, 5.

Referred to the Committee on Taxes.

Senators Sams, Skoe, Koering, Langseth and Dille introduced—

S.F. No. 3727: A bill for an act relating to taxation; property; valuation of certain agricultural land abutting public water; amending Minnesota Statutes 2004, section 273.11, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Bonoff introduced—

S.F. No. 3728: A bill for an act relating to taxation; providing a personal property tax exemption and a sales tax exemption for construction materials used for an electric generating facility; amending Minnesota Statutes 2004, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision.

Referred to the Committee on Jobs, Energy and Community Development.

Senator Jungbauer introduced—

S.F. No. 3729: A bill for an act relating to tax increment financing; authorizing the city of Ramsey to establish a tax increment financing district subject to special rules.

Referred to the Committee on Taxes.

Senators Gerlach and Hann introduced—

S.F. No. 3730: A bill for an act relating to state government; requiring state agencies to use open source software for creation of public documents; proposing coding for new law in Minnesota Statutes, chapter 16E.

Referred to the Committee on State and Local Government Operations.

Senator LeClair introduced—

S.F. No. 3731: A bill for an act relating to military; appropriating money to the adjutant general for the purchase of body armor for members of the Minnesota National Guard being deployed to combat service.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senator Moua was excused from the Session of today. Senator Johnson, D.J. was excused from the Session of today from 8:45 to 9:05 a.m. Senator Senjem was excused from the Session of today from 9:00 to 9:10 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 6, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

