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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 843

02/12/2015 Authored by Garofalo

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to economic development; appropriating money for the Departments of
1.3 Employment and Economic Development, Labor and Industry, and Commerce;
1.4 the Bureau of Mediation Services; Housing Finance Agency; Explore Minnesota
1.5 Tourism; Boards of Accountancy, AELSLAGID, Cosmetologist Examiners,
1.6 and Barber Examiners; Workers' Compensation Court of Appeals; and Public
1.7 Utilities Commission; making policy and technical changes; modifying fees;
1.8 providing penalties; requiring reports; modifying data sharing; amending
1.9 Minnesota Statutes 2014, sections 16C.144, by adding subdivisions; 45.0135,
1.10 subdivision 7; 115C.09, subdivision 1; 116J.8738, subdivision 3, by adding
1.11 a subdivision; 216B.62, subdivisions 2, 3b, by adding a subdivision; 268.035,
1.12 subdivisions 6, 21b, 26, 30; 268.051, subdivision 7; 268.07, subdivisions 2, 3b;
1.13 268.085, subdivisions 1, 2; 268.095, subdivisions 1, 10; 268.105, subdivisions
1.14 3, 7; 268.136, subdivision 1; 268.194, subdivision 1; 325F.71, subdivisions 1,
1.15 2; 326B.092, subdivision 7; 326B.096; 326B.986, subdivisions 5, 8; 341.321;
1.16 609.2335, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes,
1.17 chapters 116L; 268A; proposing coding for new law as Minnesota Statutes,
1.18 chapter 45A.

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

1.20 ARTICLE 1

1.21 APPROPRIATIONS

1.22 Section 1. **JOBS AND ECONOMIC DEVELOPMENT APPROPRIATIONS.**

1.23 The sums shown in the columns marked "Appropriations" are appropriated to the
1.24 agencies and for the purposes specified in this article. The appropriations are from the
1.25 general fund, or another named fund, and are available for the fiscal years indicated
1.26 for each purpose. The figures "2016" and "2017" used in this article mean that the
1.27 appropriations listed under them are available for the fiscal year ending June 30, 2016, or
1.28 June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal
1.29 year 2017. "The biennium" is fiscal years 2016 and 2017.

2.1 **APPROPRIATIONS**
 2.2 **Available for the Year**
 2.3 **Ending June 30**
 2.4 **2016** **2017**

2.5 **Sec. 2. DEPARTMENT OF EMPLOYMENT**
 2.6 **AND ECONOMIC DEVELOPMENT**

2.7 **Subdivision 1. Total Appropriation** \$ 127,952,000 \$ 96,782,000

2.8 Appropriations by Fund

	<u>2016</u>	<u>2017</u>
2.9 <u>General</u>	<u>106,246,000</u>	<u>75,068,000</u>
2.10 <u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
2.11 <u>Workforce</u>		
2.12 <u>Development</u>	<u>21,006,000</u>	<u>21,014,000</u>

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

2.17 **Subd. 2. Business and Community**
 2.18 **Development**

2.19 Appropriations by Fund

2.20 <u>General</u>	<u>42,220,000</u>	<u>40,847,000</u>
2.21 <u>Remediation</u>	<u>700,000</u>	<u>700,000</u>

2.22 (a) \$15,000,000 each year is for the
 2.23 Minnesota investment fund under Minnesota
 2.24 Statutes, section 116J.8731. Of this amount,
 2.25 the commissioner of employment and
 2.26 economic development may use up to three
 2.27 percent for administrative expenses and
 2.28 technology upgrades. This appropriation is
 2.29 available until expended.

2.30 (b) \$12,500,000 each year is for the
 2.31 Minnesota job creation fund under Minnesota
 2.32 Statutes, section 116J.8748. Of this amount,
 2.33 the commissioner of employment and
 2.34 economic development may use up to three
 2.35 percent for administrative expenses. This
 2.36 appropriation is available until expended.

3.1 (c) \$1,272,000 each year is from the
3.2 general fund for contaminated site cleanup
3.3 and development grants under Minnesota
3.4 Statutes, sections 116J.551 to 116J.558. This
3.5 appropriation is available until expended.

3.6 (d) \$700,000 each year is from the
3.7 remediation fund for contaminated site
3.8 cleanup and development grants under
3.9 Minnesota Statutes, sections 116J.551 to
3.10 116J.558. This appropriation is available
3.11 until expended.

3.12 (e) \$1,425,000 each year is from the
3.13 general fund for the business development
3.14 competitive grant program. Of this amount,
3.15 up to five percent is for administration and
3.16 monitoring of the business development
3.17 competitive grant program. All grant awards
3.18 shall be for two consecutive years. Grants
3.19 shall be awarded in the first year.

3.20 (f) \$4,195,000 each year is from the general
3.21 fund for the Minnesota job skills partnership
3.22 program under Minnesota Statutes, sections
3.23 116L.01 to 116L.17. If the appropriation for
3.24 either year is insufficient, the appropriation
3.25 for the other year is available. This
3.26 appropriation is available until expended.

3.27 (g) \$12,000 each year is from the general
3.28 fund for a grant to the Upper Minnesota Film
3.29 Office.

3.30 (h) \$325,000 each year is from the general
3.31 fund for the Minnesota Film and TV Board.
3.32 The appropriation in each year is available
3.33 only upon receipt by the board of \$1 in
3.34 matching contributions of money or in-kind
3.35 contributions from nonstate sources for every

4.1 \$3 provided by this appropriation, except that
 4.2 each year up to \$50,000 is available on July
 4.3 1 even if the required matching contribution
 4.4 has not been received by that date.

4.5 (i) \$1,500,000 each year is from the general
 4.6 fund for a grant to the Minnesota Film
 4.7 and TV Board for the film production jobs
 4.8 program under Minnesota Statutes, section
 4.9 116U.26. This appropriation is available
 4.10 until expended.

4.11 (j) \$875,000 each year is from the general
 4.12 fund for the host community economic
 4.13 development program established in
 4.14 Minnesota Statutes, section 116J.548.

4.15 (k) \$1,373,000 in fiscal year 2016 is for the
 4.16 workforce housing grants pilot program in
 4.17 Laws 2014, chapter 308, article 6, section 14.
 4.18 This appropriation is onetime and is available
 4.19 until June 30, 2018. The commissioner of
 4.20 employment and economic development may
 4.21 use up to five percent for administrative costs.

4.22 **Subd. 3. Workforce Development**

4.23	<u>Appropriations by Fund</u>		
4.24	<u>General</u>	<u>1,539,000</u>	<u>1,539,000</u>
4.25	<u>Workforce</u>		
4.26	<u>Development</u>	<u>13,917,000</u>	<u>13,917,000</u>

4.27 (a) \$1,039,000 each year from the general
 4.28 fund and \$4,994,000 each year from the
 4.29 workforce development fund are for the
 4.30 career pathways grant program in Minnesota
 4.31 Statutes, section 116L.981. Of this amount,
 4.32 up to five percent is for administration and
 4.33 monitoring of the program. All grant awards
 4.34 shall be for two consecutive years. Grants
 4.35 shall be awarded in the first year.

- 5.1 (b) \$3,500,000 each year is from the
5.2 workforce development fund for the
5.3 Minnesota youth program under Minnesota
5.4 Statutes, sections 116L.56 and 116L.561.
- 5.5 (c) \$1,000,000 each year is from the
5.6 workforce development fund for the
5.7 youthbuild program under Minnesota
5.8 Statutes, sections 116L.361 to 116L.366.
- 5.9 (d) \$200,000 each year is from the workforce
5.10 development fund for a grant to Minnesota
5.11 Diversified Industries, Inc., to provide
5.12 progressive development and employment
5.13 opportunities for people with disabilities.
- 5.14 (e) \$2,848,000 each year is from the
5.15 workforce development fund for the "Youth
5.16 at Work" youth workforce development
5.17 competitive grant program. Of this amount,
5.18 up to five percent is for administration
5.19 and monitoring of the youth workforce
5.20 development competitive grant program. All
5.21 grant awards shall be for two consecutive
5.22 years. Grants shall be awarded in the first
5.23 year.
- 5.24 (f) \$500,000 each year is from the workforce
5.25 development fund for the Opportunities
5.26 Industrialization Center programs. This
5.27 appropriation shall be divided equally among
5.28 the eligible centers.
- 5.29 (g) \$750,000 each year is from the workforce
5.30 development fund for a grant to the
5.31 Minnesota Alliance of Boys and Girls
5.32 Clubs to administer a statewide project
5.33 of youth jobs skills development. This
5.34 project, which may have career guidance
5.35 components, including health and life skills,

6.1 is to encourage, train, and assist youth in
 6.2 job-seeking skills, workplace orientation,
 6.3 and job-site knowledge through coaching.

6.4 This grant requires a 25 percent match from
 6.5 nonstate resources.

6.6 (h) \$500,000 the first year and \$500,000 the
 6.7 second year are appropriated from the general
 6.8 fund for the publication, dissemination,
 6.9 and use of labor market information under
 6.10 Minnesota Statutes, section 116J.4011, and
 6.11 for pilot programs in the workforce service
 6.12 areas to combine career and higher education
 6.13 advising.

6.14 (i) \$125,000 each year is from the workforce
 6.15 development fund for a grant to Big
 6.16 Brothers, Big Sisters of the Greater Twin
 6.17 Cities for workforce readiness, employment
 6.18 exploration, and skills development for
 6.19 youth ages 12 to 21. The grant must serve
 6.20 youth in the Twin Cities, Central Minnesota
 6.21 and Southern Minnesota Big Brothers, Big
 6.22 Sisters chapters.

6.23 Subd. 4. **General Support Services**

6.24		<u>Appropriations by Fund</u>	
6.25	<u>General</u>	<u>2,659,000</u>	<u>2,854,000</u>
6.26	<u>Workforce</u>		
6.27	<u>Development</u>	<u>9,000</u>	<u>17,000</u>

6.28 \$150,000 each year is from the general fund
 6.29 for the cost-of-living study required under
 6.30 Minnesota Statutes, section 116J.013.

6.31 \$1,300,000 in fiscal year 2016 and
 6.32 \$1,300,000 in fiscal year 2017 are for
 6.33 operating the Olmstead Implementation
 6.34 Office. The base appropriation for the

7.1 office is \$1,269,000 for fiscal year 2018 and
 7.2 \$1,269,000 in fiscal year 2019.

7.3 Subd. 5. **Minnesota Trade Office** 2,292,000 2,292,000

7.4 (a) \$300,000 each year is for the STEP grants
 7.5 in Minnesota Statutes, section 116J.979.

7.6 (b) \$180,000 each year is for the Invest
 7.7 Minnesota Marketing Initiative in Minnesota
 7.8 Statutes, section 116J.9801.

7.9 (c) \$270,000 each year is for the expansion
 7.10 of Minnesota Trade Offices under Minnesota
 7.11 Statutes, section 116J.978.

7.12 (d) \$50,000 each year is for the trade policy
 7.13 advisory group under Minnesota Statutes,
 7.14 section 116J.9661.

7.15 Subd. 6. **Vocational Rehabilitation**

7.16	<u>Appropriations by Fund</u>	
7.17	<u>General</u>	<u>21,361,000</u> <u>21,361,000</u>
7.18	<u>Workforce</u>	
7.19	<u>Development</u>	<u>7,080,000</u> <u>7,080,000</u>

7.20 (a) \$10,800,000 each year is from the general
 7.21 fund for the state's vocational rehabilitation
 7.22 program under Minnesota Statutes, chapter
 7.23 268A.

7.24 (b) \$2,261,000 each year is from the general
 7.25 fund for grants to centers for independent
 7.26 living under Minnesota Statutes, section
 7.27 268A.11.

7.28 (c) \$5,745,000 each year from the general
 7.29 fund and \$6,830,000 each year from the
 7.30 workforce development fund is for extended
 7.31 employment services for persons with severe
 7.32 disabilities under Minnesota Statutes, section
 7.33 268A.15.

8.1 (d) \$250,000 in fiscal year 2016 and \$250,000
 8.2 in fiscal year 2017 are from the workforce
 8.3 development fund for rate increases to
 8.4 providers of extended employment services
 8.5 for persons with severe disabilities under
 8.6 Minnesota Statutes, section 268A.15. This
 8.7 appropriation is added to the agency's base.

8.8 (e) \$2,555,000 each year is from the general
 8.9 fund for grants to programs that provide
 8.10 employment support services to persons with
 8.11 mental illness under Minnesota Statutes,
 8.12 sections 268A.13 and 268A.14.

8.13	<u>Subd. 7. Services for the Blind</u>	<u>5,925,000</u>	<u>5,925,000</u>
8.14	<u>Subd. 8. Broadband Development</u>	<u>30,250,000</u>	<u>250,000</u>

8.15 (a) \$250,000 each year is for the Broadband
 8.16 Development Office.

8.17 (b)(1) \$30,000,000 in fiscal year 2016 is for
 8.18 deposit in the border-to-border broadband
 8.19 fund account created under Minnesota
 8.20 Statutes, section 116J.396, and may be used
 8.21 for the purposes provided in Minnesota
 8.22 Statutes, section 116J.395. This is a onetime
 8.23 appropriation and is available until June 30,
 8.24 2017.

8.25 (2) Of the appropriation in clause (1), up
 8.26 to three percent of this amount is for costs
 8.27 incurred by the commissioner to administer
 8.28 Minnesota Statutes, section 116J.395.
 8.29 Administrative costs may include the
 8.30 following activities related to measuring
 8.31 progress toward the state's broadband goals
 8.32 established in Minnesota Statutes, section
 8.33 237.012:

9.1 (i) collecting broadband deployment data
 9.2 from Minnesota providers, verifying its
 9.3 accuracy through on-the-ground testing, and
 9.4 creating state and county maps available
 9.5 to the public showing the availability of
 9.6 broadband service at various upload and
 9.7 download speeds throughout Minnesota;
 9.8 (ii) analyzing the deployment data collected
 9.9 to help inform future investments in
 9.10 broadband infrastructure; and
 9.11 (iii) conducting business and residential
 9.12 surveys that measure broadband adoption
 9.13 and use in the state.

9.14 (3) Data provided by a broadband provider
 9.15 under this paragraph is nonpublic data
 9.16 under Minnesota Statutes, section 13.02,
 9.17 subdivision 9. Maps produced under this
 9.18 paragraph are public data under Minnesota
 9.19 Statutes, section 13.03.

9.20 **Sec. 3. HOUSING FINANCE AGENCY**

9.21 **Subdivision 1. Total Appropriation** **\$** **50,423,000** **\$** **50,423,000**

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

9.25 Unless otherwise specified, this appropriation
 9.26 is for transfer to the housing development
 9.27 fund for the programs specified in this
 9.28 section. Except as otherwise indicated, this
 9.29 transfer is part of the agency's permanent
 9.30 budget base.

9.31 **Subd. 2. Challenge Program** **12,925,000** **12,925,000**

9.32 This appropriation is for the economic
 9.33 development and housing challenge program

10.1 under Minnesota Statutes, section 462A.33.
 10.2 The agency must continue to strengthen its
 10.3 efforts to address the disparity rate between
 10.4 white households and indigenous American
 10.5 Indians and communities of color. Of this
 10.6 amount, \$1,208,000 each year shall be made
 10.7 available during the first 11 months of the
 10.8 fiscal year exclusively for housing projects
 10.9 for American Indians. Any funds not
 10.10 committed to housing projects for American
 10.11 Indians in the first 11 months of the fiscal year
 10.12 shall be available for any eligible activity
 10.13 under Minnesota Statutes, section 462A.33.

10.14 **Subd. 3. Housing Trust Fund** 11,646,000 11,646,000

10.15 This appropriation is for deposit in the
 10.16 housing trust fund account created under
 10.17 Minnesota Statutes, section 462A.201, and
 10.18 may be used for the purposes provided in
 10.19 that section. To the extent that these funds
 10.20 are used for the acquisition of housing, the
 10.21 agency shall give priority among comparable
 10.22 projects to projects that focus on creating
 10.23 safe and stable housing for homeless youth
 10.24 or projects that provide housing to trafficked
 10.25 women and children.

10.26 **Subd. 4. Rental Assistance for Mentally Ill** 4,088,000 4,088,000

10.27 This appropriation is for the rental housing
 10.28 assistance program for persons with a mental
 10.29 illness or families with an adult member with
 10.30 a mental illness under Minnesota Statutes,
 10.31 section 462A.2097. Among comparable
 10.32 proposals, the agency shall prioritize those
 10.33 proposals that target, in part, eligible persons
 10.34 who desire to move to more integrated,
 10.35 community-based settings.

11.1	<u>Subd. 5. Family Homeless Prevention</u>	<u>8,519,000</u>	<u>8,519,000</u>
11.2	<u>This appropriation is for the family homeless</u>		
11.3	<u>prevention and assistance programs under</u>		
11.4	<u>Minnesota Statutes, section 462A.204.</u>		
11.5	<u>Subd. 6. Home Ownership Assistance Fund</u>	<u>885,000</u>	<u>885,000</u>
11.6	<u>This appropriation is for the home ownership</u>		
11.7	<u>assistance program under Minnesota</u>		
11.8	<u>Statutes, section 462A.21, subdivision 8.</u>		
11.9	<u>The agency shall continue to strengthen</u>		
11.10	<u>its efforts to address the disparity gap in</u>		
11.11	<u>the homeownership rate between white</u>		
11.12	<u>households and indigenous American Indians</u>		
11.13	<u>and communities of color.</u>		
11.14	<u>Subd. 7. Affordable Rental Investment Fund</u>	<u>4,218,000</u>	<u>4,218,000</u>
11.15	<u>(a) This appropriation is for the affordable</u>		
11.16	<u>rental investment fund program under</u>		
11.17	<u>Minnesota Statutes, section 462A.21,</u>		
11.18	<u>subdivision 8b, to finance the acquisition,</u>		
11.19	<u>rehabilitation, and debt restructuring of</u>		
11.20	<u>federally assisted rental property and</u>		
11.21	<u>for making equity take-out loans under</u>		
11.22	<u>Minnesota Statutes, section 462A.05,</u>		
11.23	<u>subdivision 39.</u>		
11.24	<u>(b) The owner of federally assisted rental</u>		
11.25	<u>property must agree to participate in</u>		
11.26	<u>the applicable federally assisted housing</u>		
11.27	<u>program and to extend any existing</u>		
11.28	<u>low-income affordability restrictions on the</u>		
11.29	<u>housing for the maximum term permitted.</u>		
11.30	<u>The owner must also enter into an agreement</u>		
11.31	<u>that gives local units of government,</u>		
11.32	<u>housing and redevelopment authorities,</u>		
11.33	<u>and nonprofit housing organizations the</u>		
11.34	<u>right of first refusal if the rental property</u>		

12.1 is offered for sale. Priority must be given
 12.2 among comparable federally assisted rental
 12.3 properties to properties with the longest
 12.4 remaining term under an agreement for
 12.5 federal assistance. Priority must also be
 12.6 given among comparable rental housing
 12.7 developments to developments that are or
 12.8 will be owned by local government units, a
 12.9 housing and redevelopment authority, or a
 12.10 nonprofit housing organization.

12.11 (c) The appropriation also may be used to
 12.12 finance the acquisition, rehabilitation, and
 12.13 debt restructuring of existing supportive
 12.14 housing properties. For purposes of this
 12.15 paragraph, "supportive housing" means
 12.16 affordable rental housing with links to
 12.17 services necessary for individuals, youth, and
 12.18 families with children to maintain housing
 12.19 stability.

12.20 **Subd. 8. Housing Rehabilitation**

6,515,000

6,515,000

12.21 This appropriation is for the housing
 12.22 rehabilitation program under Minnesota
 12.23 Statutes, section 462A.05, subdivision 14. Of
 12.24 this amount, \$2,772,000 each year is for the
 12.25 rehabilitation of owner-occupied housing and
 12.26 \$3,743,000 each year is for the rehabilitation
 12.27 of eligible rental housing. In administering a
 12.28 rehabilitation program for rental housing, the
 12.29 agency may apply the processes and priorities
 12.30 adopted for administration of the economic
 12.31 development and housing challenge program
 12.32 under Minnesota Statutes, section 462A.33.

12.33 **Subd. 9. Homeownership Education,**
 12.34 **Counseling, and Training**

857,000

857,000

13.1 This appropriation is for the homeownership
 13.2 education, counseling, and training program
 13.3 under Minnesota Statutes, section 462A.209.
 13.4 Priority may be given to funding programs
 13.5 that are aimed at culturally specific groups
 13.6 who are providing services to members of
 13.7 their communities.

13.8 **Subd. 10. Capacity Building Grants** 770,000 770,000

13.9 This appropriation is for nonprofit capacity
 13.10 building grants under Minnesota Statutes,
 13.11 section 462A.21, subdivision 3b. Of this
 13.12 amount, \$250,000 each year is for support
 13.13 of the Homeless Management Information
 13.14 System (HMIS).

13.15 **Sec. 4. EXPLORE MINNESOTA TOURISM** **\$ 14,053,000** **\$ 14,118,000**

13.16 To develop maximum private sector
 13.17 involvement in tourism, \$500,000 in fiscal
 13.18 year 2016 and \$500,000 in fiscal year 2017
 13.19 must be matched by Explore Minnesota
 13.20 Tourism from nonstate sources. Each \$1 of
 13.21 state incentive must be matched with \$6 of
 13.22 private sector funding. Cash match is defined
 13.23 as revenue to the state or documented cash
 13.24 expenditures directly expended to support
 13.25 Explore Minnesota Tourism programs. Up
 13.26 to one-half of the private sector contribution
 13.27 may be in-kind or soft match. The incentive
 13.28 in fiscal year 2016 shall be based on fiscal
 13.29 year 2015 private sector contributions. The
 13.30 incentive in fiscal year 2017 shall be based on
 13.31 fiscal year 2016 private sector contributions.
 13.32 This incentive is ongoing.
 13.33 Funding for the marketing grants is available
 13.34 either year of the biennium. Unexpended

14.1 grant funds from the first year are available
 14.2 in the second year.
 14.3 \$100,000 each year is for a grant to the
 14.4 Northern Lights International Music Festival.

14.5 **Sec. 5. DEPARTMENT OF LABOR AND**
 14.6 **INDUSTRY**

14.7 Subdivision 1. **Total Appropriation** \$ 26,622,000 \$ 26,932,000

14.8	<u>Appropriations by Fund</u>		
14.9		<u>2016</u>	<u>2017</u>
14.10	<u>General</u>	<u>1,184,000</u>	<u>1,202,000</u>
14.11	<u>Workers'</u>		
14.12	<u>Compensation</u>	<u>24,145,000</u>	<u>24,423,000</u>
14.13	<u>Workforce</u>		
14.14	<u>Development</u>	<u>1,293,000</u>	<u>1,307,000</u>

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

14.18 Subd. 2. **Workers' Compensation** 13,952,000 14,230,000

14.19 (a) This appropriation is from the workers'
 14.20 compensation fund.

14.21 (b)(1) \$3,000,000 each year is for workers'
 14.22 compensation system upgrades. The base
 14.23 appropriation for this purpose is \$3,000,000
 14.24 in fiscal year 2018 and \$3,000,000 in fiscal
 14.25 year 2019. The base appropriation for fiscal
 14.26 year 2020 and beyond is zero.

14.27 (2) This appropriation includes funds for
 14.28 information technology project services
 14.29 and support subject to the provisions of
 14.30 Minnesota Statutes, section 16E.0466. Any
 14.31 ongoing information technology costs will be
 14.32 incorporated into the service level agreement
 14.33 and will be paid to the Office of MN.IT
 14.34 Services by the commissioner of labor and

15.1 industry under the rates and mechanism
 15.2 specified in that agreement.

15.3 **Subd. 3. Labor Standards and Apprenticeship**

15.4	<u>Appropriations by Fund</u>		
15.5	<u>General</u>	<u>1,184,000</u>	<u>1,202,000</u>
15.6	<u>Workforce</u>		
15.7	<u>Development</u>	<u>1,293,000</u>	<u>1,307,000</u>

15.8 (a) \$1,184,000 in fiscal year 2016 and
 15.9 \$1,202,000 in fiscal year 2017 are from the
 15.10 general fund for the labor standards and
 15.11 apprenticeship program.

15.12 (b) \$1,143,000 in fiscal year 2016 and
 15.13 \$1,157,000 in fiscal year 2017 are from
 15.14 the workforce development fund for the
 15.15 apprenticeship program under Minnesota
 15.16 Statutes, chapter 178. Of this amount,
 15.17 \$100,000 each year is for labor education and
 15.18 advancement program grants and to expand
 15.19 and promote registered apprenticeship
 15.20 training in nonconstruction trade programs.

15.21 (c) \$150,000 each year is from the workforce
 15.22 development fund for prevailing wage
 15.23 enforcement.

15.24 **Subd. 4. Workplace Safety** 4,154,000 4,154,000

15.25 This appropriation is from the workers'
 15.26 compensation fund.

15.27 **Subd. 5. General Support** 6,039,000 6,039,000

15.28 This appropriation is from the workers'
 15.29 compensation fund.

15.30 **Sec. 6. BUREAU OF MEDIATION**
 15.31 **SERVICES** \$ 2,717,000 \$ 2,534,000

15.32 (a) \$68,000 each year is for grants to area
 15.33 labor management committees. Grants may
 15.34 be awarded for a 12-month period beginning

16.1 July 1 each year. Any unencumbered balance
 16.2 remaining at the end of the first year does not
 16.3 cancel but is available for the second year.

16.4 (b) \$325,000 each year is for purposes of the
 16.5 Public Employment Relations Board under
 16.6 Minnesota Statutes, section 179A.041.

16.7 (c) \$250,000 in fiscal year 2016 and
 16.8 \$100,000 in fiscal year 2017 are for the
 16.9 case management database IT project. This
 16.10 appropriation includes funds for information
 16.11 technology project services and support
 16.12 subject to the provisions of Minnesota
 16.13 Statutes, section 16E.0466. Any ongoing
 16.14 information technology costs will be
 16.15 incorporated into the service level agreement
 16.16 and will be paid to the Office of MN.IT
 16.17 Services by the commissioner of mediation
 16.18 services under the rates and mechanism
 16.19 specified in that agreement.

16.20 (d) \$59,000 in fiscal year 2016 is for the
 16.21 family child care representation election.
 16.22 This is a onetime appropriation.

16.23 (e) \$256,000 each year is for the Office
 16.24 of Collaboration and Dispute Resolution
 16.25 under Minnesota Statutes, section 179.90.
 16.26 Of this amount, \$160,000 each year is
 16.27 for grants under Minnesota Statutes,
 16.28 section 179.91, and \$96,000 each year is
 16.29 for intergovernmental and public policy
 16.30 collaboration and operation of the office.

16.31 **Sec. 7. BOARD OF ACCOUNTANCY** **\$** **629,000** **\$** **641,000**

16.32 **Sec. 8. BOARD OF ARCHITECTURE,**
 16.33 **ENGINEERING, LAND SURVEYING,**
 16.34 **LANDSCAPE ARCHITECTURE,**
 16.35 **GEOSCIENCE, AND INTERIOR DESIGN** **\$** **784,000** **\$** **794,000**

17.1 **Sec. 9. BOARD OF COSMETOLOGIST**
 17.2 **EXAMINERS** \$ 1,365,000 \$ 1,384,000

17.3 **Sec. 10. BOARD OF BARBER EXAMINERS** \$ 321,000 \$ 325,000

17.4 **Sec. 11. WORKERS' COMPENSATION**
 17.5 **COURT OF APPEALS** \$ 1,907,000 \$ 1,913,000

17.6 This appropriation is from the workers'
 17.7 compensation fund.

17.8 **Sec. 12. DEPARTMENT OF COMMERCE**

17.9 **Subdivision 1. Total Appropriation** \$ 27,271,000 \$ 26,534,000

17.10	<u>Appropriations by Fund</u>	
17.11	<u>2016</u>	<u>2017</u>
17.12	<u>General</u>	<u>24,216,000</u>
17.13	<u>Special Revenue</u>	<u>1,240,000</u>
17.14	<u>Petroleum Tank</u>	<u>1,052,000</u>
17.15	<u>Workers'</u>	
17.16	<u>Compensation</u>	<u>763,000</u>
		<u>775,000</u>

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

17.20 **Subd. 2. Financial Institutions** 4,885,000 4,885,000

17.21 **Subd. 3. Petroleum Tank Release**
 17.22 **Compensation Board** 1,052,000 1,052,000

17.23 This appropriation is from the petroleum
 17.24 tank fund.

17.25 **Subd. 4. Administrative Services** 7,093,000 7,353,000

17.26 \$375,000 each year is for additional
 17.27 compliance efforts with unclaimed property.

17.28 The commissioner may issue contracts for
 17.29 these services.

17.30 \$125,000 in fiscal year 2016 is for rulemaking
 17.31 on childrens' products. This is a onetime
 17.32 appropriation.

18.1 \$100,000 each year is for the support of
18.2 broadband development.

18.3 Subd. 5. Telecommunications

18.4	<u>Appropriations by Fund</u>		
18.5	<u>General</u>	<u>1,009,000</u>	<u>1,009,000</u>
18.6	<u>Special Revenue</u>	<u>1,240,000</u>	<u>1,240,000</u>

18.7 \$1,240,000 each year is from the
18.8 telecommunication access fund for the
18.9 following transfers. This appropriation is
18.10 added to the department's base.

18.11 (1) \$800,000 each year is to the commissioner
18.12 of human services to supplement the ongoing
18.13 operational expenses of the Commission
18.14 of Deaf, DeafBlind, and Hard-of-Hearing
18.15 Minnesotans;

18.16 (2) \$290,000 each year is to the chief
18.17 information officer for the purpose of
18.18 coordinating technology accessibility and
18.19 usability; and

18.20 (3) \$150,000 each year is to the Legislative
18.21 Coordinating Commission for captioning of
18.22 legislative coverage.

18.23 Subd. 6. Enforcement

18.24	<u>Appropriations by Fund</u>		
18.25	<u>General</u>	<u>4,901,000</u>	<u>4,901,000</u>
18.26	<u>Workers'</u>		
18.27	<u>Compensation</u>	<u>201,000</u>	<u>204,000</u>

18.28 \$279,000 each year is from the general fund
18.29 for health care enforcement.

18.30 Subd. 7. Energy Resources 2,324,000 1,315,000

18.31 \$150,000 each year is for grants to
18.32 providers of low-income weatherization
18.33 services to install renewable energy
18.34 equipment in households that are eligible for

19.1 weatherization assistance under Minnesota's
 19.2 weatherization assistance program state
 19.3 plan as provided for in Minnesota Statutes,
 19.4 section 239.101.

19.5 \$1,000,000 in fiscal year 2016 is for the
 19.6 state's defense of the Next Generation
 19.7 Energy Act in Laws 2007, chapter 136. This
 19.8 appropriation is onetime.

19.9 Of the unexpended general fund
 19.10 appropriations under Laws 2013, chapter 85,
 19.11 article 1, section 13, subdivision 7, excluding
 19.12 appropriated amounts identified in rider, up
 19.13 to \$350,000 may be transferred to the utility
 19.14 assessment account on June 30, 2015, to
 19.15 provide cash flow.

19.16 Subd. 8. Insurance

19.17		<u>Appropriations by Fund</u>	
19.18	<u>General</u>	<u>4,004,000</u>	<u>4,004,000</u>
19.19	<u>Workers'</u>		
19.20	<u>Compensation</u>	<u>562,000</u>	<u>571,000</u>

19.21 \$642,000 each year is for health insurance
 19.22 rate review staffing.

19.23 **Sec. 13. PUBLIC UTILITIES COMMISSION \$ 6,966,000 \$ 6,930,000**

19.24 **ARTICLE 2**

19.25 **DEPARTMENT OF LABOR AND INDUSTRY**

19.26 Section 1. Minnesota Statutes 2014, section 326B.092, subdivision 7, is amended to
 19.27 read:

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

19.31 (b) For purposes of this section, "license duration" means the number of years for
 19.32 which the license is issued except that:

20.1 (1) if the initial license is not issued for a whole number of years, the license duration
20.2 shall be rounded up to the next whole number; and

20.3 (2) if the department receives an application for license renewal after the renewal
20.4 deadline, license duration means the number of years for which the renewed license would
20.5 have been issued if the renewal application had been submitted on time and all other
20.6 requirements for renewal had been met.

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

License Classification	License Duration		
	1 Year	2 Years	3 Years
Entry level	\$10	\$20	\$30
Journeyman Journeyworker	\$20	\$40	\$60
Master	\$40	\$80	\$120
Business	\$90	\$180	\$270

20.17 (d) If there is a continuing education requirement for renewal of the license, then
20.18 a continuing education fee must be included in the renewal license fee. The continuing
20.19 education fee for all license classifications shall be: \$10 if the renewal license duration
20.20 is one year; and \$20 if the renewal license duration is two years; ~~and \$30 if the renewal~~
20.21 ~~license duration is three years.~~

20.22 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to
20.23 326B.93, then a board fee must be included in the license fee and the renewal license fee.
20.24 The board fee for all license classifications shall be: \$4 if the license duration is one year;
20.25 \$8 if the license duration is two years; ~~and \$12 if the license duration is three years.~~

20.26 (f) If the application is for the renewal of a license issued under sections 326B.802
20.27 to 326B.885, then the contractor recovery fund fee required under section 326B.89,
20.28 subdivision 3, and any additional assessment required under section 326B.89, subdivision
20.29 16, must be included in the license renewal fee.

20.30 (g) Notwithstanding the fee amounts described in paragraphs (c) to (f), for the period
20.31 July 1, 2015, through June 30, 2017, the following fees apply:

License Classification	License Duration	
	<u>1 year</u>	<u>2 years</u>
<u>Entry level</u>	<u>\$10</u>	<u>\$20</u>
<u>Journeyworker</u>	<u>\$15</u>	<u>\$35</u>
<u>Master</u>	<u>\$30</u>	<u>\$75</u>
<u>Business</u>		<u>\$160</u>

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

21.4 Sec. 2. Minnesota Statutes 2014, section 326B.096, is amended to read:

21.5 **326B.096 REINSTATEMENT OF LICENSES.**

21.6 Subdivision 1. **Reinstatement after revocation.** (a) If a license is revoked under
 21.7 this chapter and if an applicant for a license needs to pass an examination administered by
 21.8 the commissioner before becoming licensed, then, in order to have the license reinstated,
 21.9 the person who holds the revoked license must:

21.10 (1) retake the examination and achieve a passing score; and

21.11 (2) meet all other requirements for an initial license, including payment of the
 21.12 application and examination fee and the license fee. The person holding the revoked
 21.13 license is not eligible for Minnesota licensure without examination based on reciprocity.

21.14 (b) If a license is revoked under a chapter other than this chapter, then, in order to
 21.15 have the license reinstated, the person who holds the revoked license must:

21.16 (1) apply for reinstatement to the commissioner no later than two years after the
 21.17 effective date of the revocation;

21.18 (2) pay a ~~\$100~~ \$50 reinstatement application fee and any applicable renewal license
 21.19 fee; and

21.20 (3) meet all applicable requirements for licensure, except that, unless required by the
 21.21 order revoking the license, the applicant does not need to retake any examination and does
 21.22 not need to repay a license fee that was paid before the revocation.

21.23 Subd. 2. **Reinstatement after suspension.** If a license is suspended, then, in order
 21.24 to have the license reinstated, the person who holds the suspended license must:

21.25 (1) apply for reinstatement to the commissioner no later than two years after the
 21.26 completion of the suspension period;

21.27 (2) pay a ~~\$100~~ \$50 reinstatement application fee and any applicable renewal license
 21.28 fee; and

21.29 (3) meet all applicable requirements for licensure, except that, unless required by the
 21.30 order suspending the license, the applicant does not need to retake any examination and
 21.31 does not need to repay a license fee that was paid before the suspension.

21.32 Subd. 3. **Reinstatement after voluntary termination.** A licensee who is not an
 21.33 individual may voluntarily terminate a license issued to the person under this chapter. If a
 21.34 licensee has voluntarily terminated a license under this subdivision, then, in order to have
 21.35 the license reinstated, the person who holds the terminated license must:

22.1 (1) apply for reinstatement to the commissioner no later than the date that the license
22.2 would have expired if it had not been terminated;

22.3 (2) pay a ~~\$100~~ \$50 reinstatement application fee and any applicable renewal license
22.4 fee; and

22.5 (3) meet all applicable requirements for licensure, except that the applicant does not
22.6 need to repay a license fee that was paid before the termination.

22.7 **EFFECTIVE DATE.** The amendments to this section are effective July 1, 2015,
22.8 and expire July 1, 2017.

22.9 Sec. 3. Minnesota Statutes 2014, section 326B.986, subdivision 5, is amended to read:

22.10 Subd. 5. **Boiler engineer license fees.** (a) For purposes of calculating license fees
22.11 and renewal license fees required under section 326B.092:

22.12 (1) the boiler special engineer license is an entry level license;

22.13 (2) the following licenses are journeyman licenses: first class engineer, Grade A;
22.14 first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade
22.15 A; second class engineer, Grade B; second class engineer, Grade C; and provisional
22.16 license; and

22.17 (3) the following licenses are master licenses: boiler chief engineer, Grade A; boiler
22.18 chief engineer, Grade B; boiler chief engineer, Grade C; boiler ~~commissioner~~ inspector
22.19 certificate of competency; and traction or hobby boiler engineer.

22.20 (b) Notwithstanding section 326B.092, subdivision 7, paragraph (a), the license
22.21 duration for steam traction and hobby engineer licenses are one year only for the purpose
22.22 of calculating license fees under section 326B.092, subdivision 7, paragraph (b).

22.23 Sec. 4. Minnesota Statutes 2014, section 326B.986, subdivision 8, is amended to read:

22.24 Subd. 8. **Certificate of competency.** ~~The fee for issuance of the original certificate~~
22.25 ~~of competency is \$85 for inspectors who did not pay the national board examination fee~~
22.26 ~~specified in subdivision 6, or \$35 for inspectors who paid that examination fee.~~ (a) Each
22.27 applicant for a certificate of competency must complete an interview with the chief boiler
22.28 inspector before issuance of the certificate of competency.

22.29 (b) All initial certificates of competency shall be effective for more than one calendar
22.30 year and shall expire on December 31 of the year after the year in which the application
22.31 is made. ~~The commissioner shall in a manner determined by the commissioner, without~~
22.32 ~~the need for any rulemaking under chapter 14, phase in the renewal of certificates of~~
22.33 ~~competency from one calendar year to two calendar years. By June 30, 2011,~~

23.1 (c) All renewed certificates of competency shall be valid for two calendar years. The
 23.2 ~~fee for renewal of the state of Minnesota certificate of competency is \$35 for one year or~~
 23.3 ~~\$70 for two years, and is due the day after the certificate expires.~~

23.4 **EFFECTIVE DATE.** The amendments to paragraphs (a) and (c) are effective July
 23.5 1, 2015, and expire July 1, 2017.

23.6 Sec. 5. Minnesota Statutes 2014, section 341.321, is amended to read:

23.7 **341.321 FEE SCHEDULE.**

23.8 (a) The fee schedule for professional and amateur licenses issued by the
 23.9 commissioner is as follows:

- 23.10 (1) referees, \$80 for each initial license and each renewal;
 23.11 (2) promoters, \$700 for each initial license and each renewal;
 23.12 (3) judges and knockdown judges, \$80 for each initial license and each renewal;
 23.13 (4) trainers and seconds, \$80 for each initial license and each renewal;
 23.14 (5) ring announcers, \$80 for each initial license and each renewal;
 23.15 ~~(6) seconds, \$80 for each initial license and each renewal;~~
 23.16 ~~(7) (6) timekeepers, \$80 for each initial license and each renewal;~~
 23.17 ~~(8) (7) professional combatants, \$100 for each initial license and each renewal \$70;~~
 23.18 (8) amateur combatants, \$50;
 23.19 (9) managers, \$80 for each initial license and each renewal; and
 23.20 (10) ringside physicians, \$80 for each initial license and each renewal.

23.21 In addition to the license fee ~~and the late filing penalty fee in section 341.32, subdivision~~
 23.22 ~~2, if applicable, an individual who applies for a professional license on the same day~~
 23.23 within the 48 hours preceding when the combative sporting event is held shall pay a late
 23.24 fee of \$100 plus the original license fee of \$120 ~~at the time the application is submitted.~~

23.25 (b) The fee schedule for amateur licenses issued by the commissioner is as follows:

- 23.26 ~~(1) referees, \$80 for each initial license and each renewal;~~
 23.27 ~~(2) promoters, \$700 for each initial license and each renewal;~~
 23.28 ~~(3) judges and knockdown judges, \$80 for each initial license and each renewal;~~
 23.29 ~~(4) trainers, \$80 for each initial license and each renewal;~~
 23.30 ~~(5) ring announcers, \$80 for each initial license and each renewal;~~
 23.31 ~~(6) seconds, \$80 for each initial license and each renewal;~~
 23.32 ~~(7) timekeepers, \$80 for each initial license and each renewal;~~
 23.33 ~~(8) combatant, \$60 for each initial license and each renewal;~~
 23.34 ~~(9) managers, \$80 for each initial license and each renewal; and~~

24.1 ~~(10) ringside physicians, \$80 for each initial license and each renewal.~~

24.2 ~~(e) (b)~~ The commissioner shall establish a contest fee for each combative sport
 24.3 contest and shall consider the size and type of venue when establishing a contest fee. The
 24.4 professional combative sport contest fee is \$1,500 per event or not more than four percent
 24.5 of the gross ticket sales, whichever is greater, as determined by the commissioner when
 24.6 the combative sport contest is scheduled. The amateur combative sport contest fee shall
 24.7 be \$1,500 or not more than four percent of the gross ticket sales, whichever is greater.
 24.8 ~~The commissioner shall consider the size and type of venue when establishing a contest~~
 24.9 ~~fee. The commissioner may establish the maximum number of complimentary tickets~~
 24.10 ~~allowed for each event by rule.~~

24.11 ~~(c)~~ A professional or amateur combative sport contest fee is nonrefundable. and
 24.12 shall be paid as follows:

24.13 (1) \$500 at the time the combative sport contest is scheduled; and

24.14 (2) \$1,000 at the weigh-in prior to the contest.

24.15 If four percent of the gross ticket sales is greater than \$1,500, the balance is due to the
 24.16 commissioner within 24 hours of the completed contest.

24.17 (d) The commissioner may establish the maximum number of complimentary tickets
 24.18 allowed for each event by rule.

24.19 ~~(d)~~ (e) All fees and penalties collected by the commissioner must be deposited in the
 24.20 commissioner account in the special revenue fund.

24.21 **ARTICLE 3**

24.22 **DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT**

24.23 Section 1. Minnesota Statutes 2014, section 116J.8738, subdivision 3, is amended to
 24.24 read:

24.25 Subd. 3. **Certification of qualified business.** (a) A business may apply to
 24.26 the commissioner for certification as a qualified business under this section. The
 24.27 commissioner shall specify the form of the application, the manner and times for applying,
 24.28 and the information required to be included in the application. The commissioner may
 24.29 impose an application fee in an amount sufficient to defray the commissioner's cost of
 24.30 processing certifications. Application fees are deposited in the greater Minnesota business
 24.31 expansion administration account in the special revenue fund. A business must file a copy
 24.32 of its application with the chief clerical officer of the city at the same time it applies to the
 24.33 commissioner. For an agricultural processing facility located outside the boundaries of a
 24.34 city, the business must file a copy of the application with the county auditor.

25.1 (b) The commissioner shall certify each business as a qualified business that:

25.2 (1) satisfies the requirements of subdivision 2;

25.3 (2) the commissioner determines would not expand its operations in greater
25.4 Minnesota without the tax incentives available under subdivision 4; and

25.5 (3) enters a business subsidy agreement with the commissioner that pledges to
25.6 satisfy the minimum expansion requirements of paragraph (c) within three years or less
25.7 following execution of the agreement.

25.8 The commissioner must act on an application within 90 days after its filing. Failure
25.9 by the commissioner to take action within the 90-day period is deemed approval of the
25.10 application.

25.11 (c) The business must increase the number of full-time equivalent employees
25.12 in greater Minnesota from the time the business subsidy agreement is executed by two
25.13 employees or ten percent, whichever is greater.

25.14 (d) The city, or a county for an agricultural processing facility located outside the
25.15 boundaries of a city, in which the business proposes to expand its operations may file
25.16 comments supporting or opposing the application with the commissioner. The comments
25.17 must be filed within 30 days after receipt by the city of the application and may include a
25.18 notice of any contribution the city or county intends to make to encourage or support the
25.19 business expansion, such as the use of tax increment financing, property tax abatement,
25.20 additional city or county services, or other financial assistance.

25.21 (e) Certification of a qualified business is effective for the seven-year period
25.22 beginning on the first day of the calendar month immediately following the date that the
25.23 commissioner informs the business of the award of the benefit.

25.24 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2014.

25.25 Sec. 2. Minnesota Statutes 2014, section 116J.8738, is amended by adding a
25.26 subdivision to read:

25.27 Subd. 6. **Funds.** Amounts in the greater Minnesota business expansion
25.28 administration account in the special revenue fund are appropriated to the commissioner of
25.29 employment and economic development for costs associated with processing applications
25.30 under subdivisions 3, 4, and 5, and for personnel and administrative expenses related to
25.31 administering the greater Minnesota business expansion program.

25.32 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2014.

25.33 Sec. 3. **[116L.981] CAREER PATHWAYS GRANT PROGRAM.**

26.1 Subdivision 1. **Establishment.** The commissioner shall competitively award grants
26.2 to grantee organizations for the purpose of establishing and operating career pathways
26.3 programs that assist individuals to complete necessary education and secure, retain, and
26.4 advance within unsubsidized employment with family-sustaining wages.

26.5 Subd. 2. **Definitions.** (a) "Family-sustaining wages" means compensation capable
26.6 of meeting the basic needs of one's family, taking into consideration geographic location.

26.7 (b) "Grantee organization" means an organization receiving a grant that is capable
26.8 of administering a master grant agreement and may include, but is not limited to, a state
26.9 or local government unit, nonprofit organization, community action agency, business
26.10 organization or association, or labor organization.

26.11 (c) "Partnership" means the unified efforts of a workforce development-focused
26.12 entity, adult basic education provider, a training provider, and an employer, all of whom
26.13 work with grantee organizations to support the career pathways program.

26.14 (d) "Support services" means services such as family care, child care, transportation,
26.15 emergency housing, rental assistance, counseling, health care, emergency health
26.16 assistance, emergency financial assistance, work-related tools, clothing, or other
26.17 noneducational assistance necessary for an individual to successfully secure, retain, and
26.18 advance within unsubsidized employment.

26.19 (e) "Training provider" means an entity that is licensed, registered, or otherwise
26.20 exempt by the Minnesota Office of Higher Education under chapter 141, that is capable of
26.21 offering training that results in an industry-recognized credential.

26.22 Subd. 3. **Allowable uses.** (a) Grantee organizations must establish and maintain
26.23 working relationships with partnerships to create career pathways programs that support
26.24 individuals to complete necessary education and secure, retain, and advance within
26.25 unsubsidized employment.

26.26 (b) Grantee organizations must prioritize use of funds for individuals facing one or
26.27 more barriers to unsubsidized employment. For the purposes of this section, "barriers
26.28 to unsubsidized employment" means populations that have historically faced greater
26.29 difficulties in finding employment that pays family-sustaining wages. These populations
26.30 include people:

26.31 (1) of color;

26.32 (2) experiencing housing insecurity;

26.33 (3) with a criminal record;

26.34 (4) lacking a high school diploma or equivalent;

26.35 (5) with disabilities;

26.36 (6) unemployed for 26 or more consecutive weeks; and

- 27.1 (7) possessing inadequate language or math skills.
- 27.2 (c) Grantee organizations, through their partnerships, may offer services that:
- 27.3 (1) align with the skill needs of industries in the economy of the state or regional
- 27.4 economy involved;
- 27.5 (2) prepare an individual to be successful in a full range of secondary or
- 27.6 postsecondary education options, including apprenticeships;
- 27.7 (3) include counseling to support an individual in achieving the individual's
- 27.8 education and career goals;
- 27.9 (4) include, as appropriate, education offered concurrently with and in the same
- 27.10 context as workforce preparation activities and training for a specific occupation or
- 27.11 occupational cluster;
- 27.12 (5) organize education, training, and other services to meet the particular needs of
- 27.13 an individual in a manner that accelerates the educational career advancement of the
- 27.14 individual to the extent practicable;
- 27.15 (6) enable an individual to attain a high school diploma or its recognized equivalent,
- 27.16 and at least one recognized postsecondary credential;
- 27.17 (7) help an individual enter or advance within a specific occupation or occupational
- 27.18 cluster; and
- 27.19 (8) emphasize participant placement into a related career field with the potential for
- 27.20 family-sustaining wage growth.
- 27.21 (d) Grantee organizations may also offer financial literacy education and
- 27.22 entrepreneurial training and consulting.
- 27.23 Subd. 4. **Grant limitations.** (a) Funds allocated to a grantee organization are
- 27.24 subject to the following cost limitations:
- 27.25 (1) no more than ten percent may be allocated for administration;
- 27.26 (2) no more than 15 percent may be allocated for support services; and
- 27.27 (3) the remainder of the funds must be allocated for education and training-related
- 27.28 assistance.
- 27.29 (b) A grantee organization may request a waiver of the cost limitations in paragraph
- 27.30 (a), but no waiver shall allow less than 30 percent of the grant to be spent on education
- 27.31 and training assistance, or more than 20 percent on support services.
- 27.32 (c) A waiver granted under paragraph (b) must only be granted if funds other than
- 27.33 state funds awarded through this grant program are used to fund training assistance.
- 27.34 Subd. 5. **Performance outcomes.** The commissioner shall report to the legislature
- 27.35 on the performance outcomes of this section in the same manner, and with the same
- 27.36 content as required by, section 116L.98.

28.1 Sec. 4. Minnesota Statutes 2014, section 268.035, subdivision 6, is amended to read:

28.2 Subd. 6. **Benefit year.** "Benefit year" means the period of 52 calendar weeks
28.3 beginning the date a benefit account is effective. For a benefit account established
28.4 effective any January 1, April 1, July 1, or October 1, ~~or January 2, 2000, or October 2,~~
28.5 ~~2011~~, the benefit year will be a period of 53 calendar weeks.

28.6 **EFFECTIVE DATE.** This section is effective August 2, 2015.

28.7 Sec. 5. Minnesota Statutes 2014, section 268.035, subdivision 21b, is amended to read:

28.8 Subd. 21b. **Preponderance of the evidence.** "Preponderance of the evidence"
28.9 means evidence in substantiation support of a fact that, ~~when weighed against the evidence~~
28.10 ~~opposing the fact~~, is more convincing and has a greater probability of truth than the
28.11 evidence opposing the fact.

28.12 **EFFECTIVE DATE.** This section is effective August 2, 2015.

28.13 Sec. 6. Minnesota Statutes 2014, section 268.035, subdivision 26, is amended to read:

28.14 Subd. 26. **Unemployed.** An applicant is considered "unemployed" ~~(1)~~ in any week
28.15 that:

28.16 (1) the applicant performs less than 32 hours of service in employment, covered
28.17 employment, noncovered employment, self-employment, or volunteer work; and

28.18 (2) any earnings with respect to that week are less than the applicant's weekly
28.19 unemployment benefit amount.

28.20 **EFFECTIVE DATE.** This section is effective August 2, 2015.

28.21 Sec. 7. Minnesota Statutes 2014, section 268.035, subdivision 30, is amended to read:

28.22 Subd. 30. **Wages paid.** (a) "Wages paid" means the amount of wages:

28.23 (1) that have been actually paid; or

28.24 (2) that have been credited to or set apart so that payment and disposition is under
28.25 the control of the employee.

28.26 (b) Wage payments delayed beyond the regularly scheduled pay date are considered
28.27 "wages paid" on the missed pay date. Back pay is considered "wages paid" on the date
28.28 of actual payment. Any wages earned but not paid with no scheduled date of payment is
28.29 considered "wages paid" on the last day of employment.

28.30 ~~(b)~~ (c) Wages paid does not include wages earned but not paid except as provided
28.31 for in this subdivision.

29.1 **EFFECTIVE DATE.** This section is effective August 2, 2015.

29.2 Sec. 8. Minnesota Statutes 2014, section 268.051, subdivision 7, is amended to read:

29.3 Subd. 7. **Tax rate buydown.** (a) Any taxpaying employer that has been assigned
 29.4 a tax rate based upon an experience rating, and has no amounts past due under this
 29.5 chapter, may, upon the payment of an amount equivalent to any portion or all of the
 29.6 unemployment benefits used in computing the experience rating plus a surcharge of 25
 29.7 percent, obtain a cancellation of unemployment benefits used equal to the payment made,
 29.8 less the surcharge. The payment is applied to the most recent unemployment benefits paid
 29.9 that are used in computing the experience rating. Upon the payment, the commissioner
 29.10 must compute a new experience rating for the employer, and compute a new tax rate.

29.11 (b) Payments for a tax rate buydown may be made only by electronic payment
 29.12 and must be received within 120 calendar days from the beginning of the calendar year
 29.13 for which the tax rate is effective.

29.14 ~~(c) For calendar years 2011, 2012, and 2013, the surcharge of 25 percent provided~~
 29.15 ~~for in paragraph (a) does not apply.~~

29.16 **EFFECTIVE DATE.** This section is effective August 2, 2015.

29.17 Sec. 9. Minnesota Statutes 2014, section 268.07, subdivision 2, is amended to read:

29.18 Subd. 2. **Benefit account requirements.** (a) Unless paragraph (b) applies, to
 29.19 establish a benefit account an applicant must have total wage credits in the applicant's four
 29.20 quarter base period of at least: ~~(1) \$2,400; or (2) 5.3 percent of the state's average annual~~
 29.21 ~~wage rounded down to the next lower \$100, whichever is higher.~~

29.22 (b) To establish a new benefit account ~~within 52 calendar weeks~~ following the
 29.23 expiration of the benefit year on a prior benefit account, an applicant must have performed
 29.24 services actual work in subsequent covered employment and have been paid wages in one
 29.25 or more completed calendar quarters that started after the effective date of the prior benefit
 29.26 account. The wages paid for ~~those services that employment~~ must be at least enough to
 29.27 meet the requirements of paragraph (a). A benefit account under this paragraph may not
 29.28 be established effective earlier than the Sunday following the end of the most recent
 29.29 completed calendar quarter in which the requirements of paragraph (a) were met. ~~One~~
 29.30 ~~of the reasons for this paragraph is to prevent~~ An applicant from establishing may not
 29.31 establish a second benefit account as a result of one loss of employment.

29.32 **EFFECTIVE DATE.** This section is effective August 2, 2015, except the amendment
 29.33 striking "within 52 calendar weeks" is effective the day following final enactment.

30.1 Sec. 10. Minnesota Statutes 2014, section 268.07, subdivision 3b, is amended to read:

30.2 Subd. 3b. **Limitations on applications and benefit accounts.** (a) An application for
30.3 unemployment benefits is effective the Sunday of the calendar week that the application
30.4 was filed. An application for unemployment benefits may be backdated one calendar week
30.5 before the Sunday of the week the application was actually filed if the applicant requests
30.6 the backdating at the time the application is filed. An application may be backdated only
30.7 if the applicant was unemployed during the period of the backdating. If an individual
30.8 attempted to file an application for unemployment benefits, but was prevented from filing
30.9 an application by the department, the application is effective the Sunday of the calendar
30.10 week the individual first attempted to file an application.

30.11 (b) A benefit account established under subdivision 2 is effective the date the
30.12 application for unemployment benefits was effective.

30.13 (c) A benefit account, once established, may later be withdrawn only if:

30.14 (1) the applicant has not been paid any unemployment benefits on that benefit
30.15 account; and

30.16 (2) a new application for unemployment benefits is filed and a new benefit account is
30.17 established at the time of the withdrawal.

30.18 A determination or amended determination of eligibility or ineligibility issued under
30.19 section 268.101, that was sent before the withdrawal of the benefit account, remains in
30.20 effect and is not voided by the withdrawal of the benefit account.

30.21 (d) An application for unemployment benefits is not allowed before the Sunday
30.22 following the expiration of the benefit year on a prior benefit account. Except as allowed
30.23 under paragraph (c), an applicant may establish only one benefit account each 52 calendar
30.24 weeks. This paragraph applies to benefit accounts established under any federal law or
30.25 the law of any other state.

30.26 **EFFECTIVE DATE.** This section is effective August 2, 2015.

30.27 Sec. 11. Minnesota Statutes 2014, section 268.085, subdivision 1, is amended to read:

30.28 Subdivision 1. **Eligibility conditions.** An applicant may be eligible to receive
30.29 unemployment benefits for any week if:

30.30 (1) the applicant has filed a continued request for unemployment benefits for that
30.31 week under section 268.0865;

30.32 (2) the week for which unemployment benefits are requested is in the applicant's
30.33 benefit year;

30.34 (3) the applicant was unemployed as defined in section 268.035, subdivision 26;

31.1 (4) the applicant was available for suitable employment as defined in subdivision
 31.2 15. The applicant's weekly unemployment benefit amount is reduced one-fifth for each
 31.3 day the applicant is unavailable for suitable employment. This clause does not apply to
 31.4 an applicant who is in reemployment assistance training, or each day the applicant is on
 31.5 jury duty or serving as an election judge;

31.6 (5) the applicant was actively seeking suitable employment as defined in subdivision
 31.7 16. This clause does not apply to an applicant who is in reemployment assistance training
 31.8 or who was on jury duty throughout the week;

31.9 (6) the applicant has served a nonpayable period of one week that the applicant is
 31.10 otherwise entitled to some amount of unemployment benefits. This clause does not apply
 31.11 if the applicant would have been entitled to federal disaster unemployment assistance
 31.12 because of a disaster in Minnesota, but for the applicant's establishment of a benefit
 31.13 account under section 268.07; and

31.14 (7) the applicant has been participating in reemployment assistance services, such as
 31.15 job development of, and adherence to, a work search and resume writing classes plan, if
 31.16 the applicant has been ~~determined in need of reemployment assistance services directed~~
 31.17 to participate by the commissioner, ~~unless~~. This clause does not apply if the applicant
 31.18 has good cause for failing to participate.

31.19 **EFFECTIVE DATE.** This section is effective August 2, 2015.

31.20 Sec. 12. Minnesota Statutes 2014, section 268.085, subdivision 2, is amended to read:

31.21 Subd. 2. **Not eligible.** An applicant is ineligible for unemployment benefits for
 31.22 any week:

31.23 (1) that occurs before the effective date of a benefit account;

31.24 (2) that the applicant, at the beginning of the week, has an outstanding fraud
 31.25 overpayment balance under section 268.18, subdivision 2, including any penalties and
 31.26 interest;

31.27 (3) that occurs in a period when the applicant is a student in attendance at, or on
 31.28 vacation from a secondary school including the period between academic years or terms;

31.29 (4) that the applicant is incarcerated or performing court-ordered community service.
 31.30 The applicant's weekly unemployment benefit amount is reduced by one-fifth for each day
 31.31 the applicant is incarcerated or performing court-ordered community service;

31.32 (5) that the applicant fails or refuses to provide information on an issue of
 31.33 ineligibility required under section 268.101;

32.1 (6) that the applicant is performing services 32 hours or more, in employment,
 32.2 covered employment, noncovered employment, volunteer work, or self-employment
 32.3 regardless of the amount of any earnings; or

32.4 (7) with respect to which the applicant ~~is receiving, has received, or has filed an~~
 32.5 application for unemployment benefits under any federal law or the law of any other
 32.6 state. If the appropriate agency finally determines that the applicant is not entitled to ~~the~~
 32.7 ~~unemployment benefits~~ establish a benefit account under federal law of the law of any
 32.8 other state, this clause does not apply.

32.9 **EFFECTIVE DATE.** This section is effective August 2, 2015.

32.10 Sec. 13. Minnesota Statutes 2014, section 268.095, subdivision 1, is amended to read:

32.11 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
 32.12 unemployment benefits according to subdivision 10 except when:

32.13 (1) the applicant quit the employment because of a good reason caused by the
 32.14 employer as defined in subdivision 3;

32.15 (2) the applicant quit the employment to accept other covered employment that
 32.16 provided substantially equal to or better terms and conditions of employment, but
 32.17 the applicant did not work long enough at the second employment to have sufficient
 32.18 subsequent earnings to satisfy the period of ineligibility that would otherwise be imposed
 32.19 under subdivision 10 for quitting the first employment;

32.20 (3) the applicant quit the employment within 30 calendar days of beginning the
 32.21 employment because the employment was unsuitable for the applicant;

32.22 (4) the employment was unsuitable for the applicant and the applicant quit to enter
 32.23 reemployment assistance training;

32.24 (5) the employment was part time and the applicant also had full-time employment
 32.25 in the base period, from which full-time employment the applicant separated because of
 32.26 reasons for which the applicant ~~was held~~ is not to be ineligible, and the wage credits from
 32.27 the full-time employment are sufficient to meet the minimum requirements to establish a
 32.28 benefit account under section 268.07;

32.29 (6) the applicant quit because the employer notified the applicant that the applicant
 32.30 was going to be laid off because of lack of work within 30 calendar days. An applicant
 32.31 who quit employment within 30 calendar days of a notified date of layoff because of lack
 32.32 of work is ineligible for unemployment benefits through the end of the week that includes
 32.33 the scheduled date of layoff;

32.34 (7) the applicant quit the employment (i) because the applicant's serious illness or
 32.35 injury made it medically necessary that the applicant quit; or (ii) in order to provide

33.1 necessary care because of the illness, injury, or disability of an immediate family member
 33.2 of the applicant. This exception only applies if the applicant informs the employer of
 33.3 the medical problem and requests accommodation and no reasonable accommodation
 33.4 is made available.

33.5 If the applicant's serious illness is chemical dependency, this exception does not
 33.6 apply if the applicant was previously diagnosed as chemically dependent or had treatment
 33.7 for chemical dependency, and since that diagnosis or treatment has failed to make
 33.8 consistent efforts to control the chemical dependency.

33.9 This exception raises an issue of the applicant's being available for suitable
 33.10 employment under section 268.085, subdivision 1, that the commissioner must determine;

33.11 (8) the applicant's loss of child care for the applicant's minor child caused the
 33.12 applicant to quit the employment, provided the applicant made reasonable effort to obtain
 33.13 other child care and requested time off or other accommodation from the employer and no
 33.14 reasonable accommodation is available.

33.15 This exception raises an issue of the applicant's being available for suitable
 33.16 employment under section 268.085, subdivision 1, that the commissioner must determine;

33.17 (9) the applicant quit because domestic abuse, sexual assault, or stalking of the
 33.18 applicant or an immediate family member of the applicant, necessitated the applicant's
 33.19 quitting the employment.

33.20 For purposes of this subdivision:

33.21 (i) "domestic abuse" has the meaning given in section 518B.01;

33.22 (ii) "sexual assault" means an act that would constitute a violation of sections
 33.23 609.342 to 609.3453 or 609.352; and

33.24 (iii) "stalking" means an act that would constitute a violation of section 609.749; or

33.25 (10) the applicant quit in order to relocate to accompany a spouse whose job location
 33.26 changed making it impractical for the applicant to commute. This exception only applies
 33.27 if the spouse's job is in the military or provides total wages and other compensation that is
 33.28 equal to or better than the applicant's employment.

33.29 **EFFECTIVE DATE.** This section is effective August 2, 2015.

33.30 Sec. 14. Minnesota Statutes 2014, section 268.095, subdivision 10, is amended to read:

33.31 Subd. 10. **Ineligibility duration.** (a) Ineligibility from the payment of all
 33.32 unemployment benefits under subdivisions 1 and 4 is for the duration of the applicant's
 33.33 unemployment and until the end of the calendar week that the applicant had total wages
 33.34 paid for actual work performed in subsequent covered employment sufficient to meet
 33.35 one-half of the requirements of section 268.07, subdivision 2, paragraph (a).

34.1 (b) Ineligibility imposed under subdivisions 1 and 4 begins on the Sunday of the
34.2 week that the applicant became separated from employment.

34.3 (c) In addition to paragraph (a), if the applicant was discharged from employment
34.4 because of aggravated employment misconduct, wage credits from that employment are
34.5 canceled and cannot be used for purposes of a benefit account under section 268.07,
34.6 subdivision 2.

34.7 **EFFECTIVE DATE.** This section is effective August 2, 2015.

34.8 Sec. 15. Minnesota Statutes 2014, section 268.105, subdivision 3, is amended to read:

34.9 Subd. 3. **Withdrawal of an appeal.** (a) ~~Any~~ An appeal that is pending before
34.10 an unemployment law judge may be withdrawn by the appealing ~~person~~ party, or an
34.11 authorized representative of that ~~person~~ party, ~~upon~~ by filing of a notice of withdrawal. A
34.12 notice of withdrawal may be filed by mail or by electronic transmission.

34.13 (b) The appeal must, by order, be dismissed if a notice of withdrawal is filed, unless
34.14 an unemployment law judge directs that further ~~adjudication is~~ proceedings are required
34.15 for a proper result. An order of dismissal issued as a result of a notice of withdrawal is
34.16 not subject to reconsideration or appeal.

34.17 (c) ~~A notice of withdrawal may be filed by mail or by electronic transmission.~~ A
34.18 party may file a new appeal after the order of dismissal, but the original 20-calendar-day
34.19 period for appeal begins from the date of issuance of the determination and that time
34.20 period is not suspended or restarted by the notice of withdrawal and order of dismissal.
34.21 The new appeal may only be filed by mail or facsimile transmission.

34.22 (d) For purposes of this subdivision, "appeals" includes a request for reconsideration
34.23 filed under subdivision 2.

34.24 **EFFECTIVE DATE.** This section is effective August 2, 2015.

34.25 Sec. 16. Minnesota Statutes 2014, section 268.105, subdivision 7, is amended to read:

34.26 Subd. 7. **Judicial review.** (a) The Minnesota Court of Appeals must, by writ
34.27 of certiorari to the department, review the unemployment law judge's decision on
34.28 reconsideration, provided a petition for the writ is filed with the court and a copy is served
34.29 upon the unemployment law judge or the commissioner and any other party within 30
34.30 calendar days of the sending of the unemployment law judge's decision on reconsideration
34.31 under subdivision 2. Three days are added to the 30-calendar-day period if the decision on
34.32 reconsideration was mailed to the parties.

35.1 (b) Any employer petitioning for a writ of certiorari must pay to the court the
 35.2 required filing fee in accordance with the Rules of Civil Appellate Procedure. If the
 35.3 employer requests a written transcript of the testimony received at the hearing conducted
 35.4 under subdivision 1, the employer must pay to the department the cost of preparing the
 35.5 transcript. That money is credited to the administration account.

35.6 (c) Upon issuance by the Minnesota Court of Appeals of a writ of certiorari as a
 35.7 result of an applicant's petition, the department must furnish to the applicant at no cost a
 35.8 written transcript of any testimony received at the hearing conducted under subdivision 1,
 35.9 and, if requested, a copy of all exhibits entered into evidence. No filing fee or cost bond is
 35.10 required of an applicant petitioning the Minnesota Court of Appeals for a writ of certiorari.

35.11 (d) The Minnesota Court of Appeals may affirm the decision of the unemployment
 35.12 law judge or remand the case for further proceedings; or it may reverse or modify the
 35.13 decision if the substantial rights of the petitioner may have been prejudiced because the
 35.14 findings, inferences, conclusion, or decision are:

- 35.15 (1) in violation of constitutional provisions;
- 35.16 (2) in excess of the statutory authority or jurisdiction of the department;
- 35.17 (3) made upon unlawful procedure;
- 35.18 (4) affected by other error of law;
- 35.19 (5) unsupported by substantial evidence in view of the entire record as submitted; or
- 35.20 (6) arbitrary or capricious.

35.21 (e) The department is considered the primary responding party to any judicial action
 35.22 involving an unemployment law judge's decision. The department may be represented by
 35.23 an attorney licensed to practice law in Minnesota who is an employee of the department.

35.24 **EFFECTIVE DATE.** This section is effective August 2, 2015.

35.25 Sec. 17. Minnesota Statutes 2014, section 268.136, subdivision 1, is amended to read:

35.26 Subdivision 1. **Shared work plan requirements.** An employer may submit a
 35.27 proposed shared work plan for an employee group to the commissioner for approval in a
 35.28 manner and format set by the commissioner. The proposed shared work plan must include:

- 35.29 (1) a certified statement that the normal weekly hours of work of all of the proposed
 35.30 participating employees were full time or regular part time but are now reduced, or will be
 35.31 reduced, with a corresponding reduction in pay, in order to prevent layoffs;
- 35.32 (2) the name and Social Security number of each participating employee;
- 35.33 (3) the number of layoffs that would have occurred absent the employer's ability to
 35.34 participate in a shared work plan;

36.1 (4) a certified statement that each participating employee was first hired by the
 36.2 employer at least one year before the proposed shared work plan is submitted and is not a
 36.3 seasonal, temporary, or intermittent worker;

36.4 (5) the hours of work each participating employee will work each week for the
 36.5 duration of the shared work plan, which must be at least 50 percent of the normal weekly
 36.6 hours but no more than ~~90~~ 80 percent of the normal weekly hours, except that the plan
 36.7 may provide for a uniform vacation shutdown of up to two weeks;

36.8 (6) a certified statement that any health benefits and pension benefits provided by
 36.9 the employer to participating employees will continue to be provided under the same
 36.10 terms and conditions as though the participating employees' hours of work each week had
 36.11 not been reduced;

36.12 (7) a certified statement that the terms and implementation of the shared work plan is
 36.13 consistent with the employer's obligations under state and federal law;

36.14 (8) an acknowledgement that the employer understands that unemployment benefits
 36.15 paid under a shared work plan will be used in computing the future tax rate of a taxpaying
 36.16 employer or charged to the reimbursable account of a nonprofit or government employer;

36.17 (9) the proposed duration of the shared work plan, which must be at least two months
 36.18 and not more than one year, although a plan may be extended for up to an additional
 36.19 year upon approval of the commissioner;

36.20 (10) a starting date beginning on a Sunday at least 15 calendar days after the date the
 36.21 proposed shared work plan is submitted; and

36.22 (11) a signature of an owner or officer of the employer who is listed as an owner or
 36.23 officer on the employer's account under section 268.045.

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

36.25 Sec. 18. Minnesota Statutes 2014, section 268.194, subdivision 1, is amended to read:

36.26 Subdivision 1. **Establishment.** There is established as a special state trust fund,
 36.27 separate and apart from all other public money or funds of this state, an unemployment
 36.28 insurance trust fund, that is administered by the commissioner exclusively for the payment
 36.29 of unemployment benefits. This trust fund consists of:

36.30 (1) all taxes collected;

36.31 (2) interest earned upon any money in the trust fund;

36.32 (3) reimbursements paid by nonprofit organizations and the state and political
 36.33 subdivisions;

36.34 (4) tax rate buydown payments under section 268.051, subdivision 7;

37.1 (5) any money received as a loan from the federal unemployment trust fund in
37.2 accordance with United States Code, title 42, section 1321, of the Social Security Act;

37.3 (6) any other money received under a reciprocal unemployment benefit arrangement
37.4 with the federal government or any other state;

37.5 (7) money recovered on overpaid unemployment benefits ~~except, if allowed by~~
37.6 ~~federal law, five percent of any recovered amount is credited to the administration account;~~

37.7 (8) all money credited to the account under this chapter;

37.8 (9) all money credited to the account of Minnesota in the federal unemployment
37.9 trust fund under United States Code, title 42, section 1103, of the Social Security Act,
37.10 also known as the Reed Act; and

37.11 (10) all money received for the trust fund from any other source.

37.12 **EFFECTIVE DATE.** This section is effective August 2, 2015.

37.13 Sec. 19. **[268A.031] COMMISSIONER AND EMPLOYEES NOT SUBJECT**
37.14 **TO SUBPOENA.**

37.15 The commissioner and employees of the department shall not be subject to subpoena
37.16 for purposes of providing testimony regarding any client served under this chapter.

37.17 **ARTICLE 4**

37.18 **DEPARTMENT OF COMMERCE**

37.19 Section 1. Minnesota Statutes 2014, section 16C.144, is amended by adding a
37.20 subdivision to read:

37.21 Subd. 7. **Funding.** (a) The commissioner of commerce is authorized to set and fix a
37.22 fee to fund the program under this section. The fee shall be paid as a percentage of the
37.23 total investment cost for a project that has received a fully executed work order contract
37.24 under the conditions imposed by this section. The fee percentage shall be adjusted on the
37.25 basis of the total value of the contracts approved relative to the funding level needed
37.26 to operate the program.

37.27 (b) Fees collected under this subdivision must be deposited in the guaranteed energy
37.28 savings platform account under subdivision 8.

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

37.30 Sec. 2. Minnesota Statutes 2014, section 16C.144, is amended by adding a subdivision
37.31 to read:

38.1 Subd. 8. **Guaranteed energy savings platform account; appropriation.** (a) A
 38.2 guaranteed energy savings platform account is created as a separate account in the special
 38.3 revenue fund. The account consists of funds donated, allocated, transferred, or otherwise
 38.4 provided to the account, including fees collected and deposited under subdivision 7.
 38.5 Earnings, including interest, dividends, and any other earnings arising from account assets,
 38.6 must be credited to the account.

38.7 (b) Funds in the account are annually appropriated to the commissioner of commerce
 38.8 for activities under this section.

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

38.10 Sec. 3. Minnesota Statutes 2014, section 45.0135, subdivision 7, is amended to read:

38.11 Subd. 7. **Assessment.** Each insurer authorized to sell insurance in the state of
 38.12 Minnesota, including surplus lines carriers, and having Minnesota earned premium the
 38.13 previous calendar year shall remit an assessment to the commissioner for deposit in the
 38.14 insurance fraud prevention account on or before June 1 of each year. The amount of the
 38.15 assessment shall be based on the insurer's total assets and on the insurer's total written
 38.16 Minnesota premium, for the preceding fiscal year, as reported pursuant to section 60A.13.
 38.17 The assessment is calculated to be an amount up to the following:

Total Assets	Assessment
	200
Less than \$100,000,000	\$ 325
	750
\$100,000,000 to \$1,000,000,000	\$ 1,200
	2,000
Over \$1,000,000,000	\$ 3,215
Minnesota Written Premium	Assessment
	200
Less than \$10,000,000	\$ 325
	750
\$10,000,000 to \$100,000,000	\$ 1,200
	2,000
Over \$100,000,000	\$ 3,215

38.32 For purposes of this subdivision, the following entities are not considered to be
 38.33 insurers authorized to sell insurance in the state of Minnesota: risk retention groups; or
 38.34 township mutuals organized under chapter 67A.

38.35 Sec. 4. **[45A.01] DEFINITIONS.**

38.36 Subdivision 1. **Scope.** For purposes of this chapter, the terms in subdivisions 2 to 7
 38.37 have the meanings given them.

39.1 Subd. 2. **Department.** "Department" means the Department of Commerce.

39.2 Subd. 3. **Financial abuse.** "Financial abuse" means to take, appropriate, obtain, or
 39.3 retain, or assist in taking, appropriating, obtaining, or retaining, real or personal property
 39.4 of an older adult or vulnerable adult by any means, including undue influence, for a
 39.5 wrongful purpose or with intent to defraud the older adult or vulnerable adult.

39.6 Subd. 4. **Financial exploitation.** "Financial exploitation" means the illegal or
 39.7 improper use, control over, or withholding of the property, income, resources, or trust
 39.8 funds of the older adult or vulnerable adult by a person or entity for a person's or entity's
 39.9 profit or advantage other than for the older adult's or vulnerable adult's profit or advantage.
 39.10 "Financial exploitation" includes, but is not limited to:

39.11 (1) the use of deception, intimidation, or undue influence by a person or entity in a
 39.12 position of trust and confidence with an older adult or vulnerable adult to obtain or use the
 39.13 property, income, resources, or trust funds of the older adult or vulnerable adult for the
 39.14 benefit of a person or entity other than the older adult or vulnerable adult;

39.15 (2) the breach of a fiduciary duty, including, but not limited to, the misuse of a
 39.16 power of attorney, trust, or a guardianship appointment, that results in the unauthorized
 39.17 appropriation, sale, or transfer of the property, income, resources, or trust funds of the
 39.18 older adult or vulnerable adult for the benefit of a person or entity other than the older
 39.19 adult or vulnerable adult; or

39.20 (3) obtaining or using an older adult's or vulnerable adult's property, income,
 39.21 resources, or trust funds without lawful authority, by a person or entity who knows or
 39.22 clearly should know that the older adult or vulnerable adult lacks the capacity to consent
 39.23 to the release or use of his or her property, income, resources, or trust funds.

39.24 Subd. 5. **Older adult.** "Older adult" means an individual who is 60 years of age
 39.25 or older.

39.26 Subd. 6. **Regulated entity.** "Regulated entity" means an entity regulated by the
 39.27 commissioner of commerce when discharging the duties and responsibilities entrusted to
 39.28 the commissioner.

39.29 Subd. 7. **Vulnerable adult.** "Vulnerable adult" has the meaning given the term in
 39.30 section 626.5572, subdivision 21.

39.31 Sec. 5. **[45A.02] FINANCIAL EXPLOITATION OR ABUSE OF OLDER**
 39.32 **ADULTS OR VULNERABLE ADULTS.**

39.33 Subdivision 1. **Right to refuse transaction based on reasonable belief of**
 39.34 **exploitation.** Pending an investigation by the regulated entity, the department, or law
 39.35 enforcement, if a regulated entity reasonably believes that financial exploitation or

40.1 financial abuse of an older adult or vulnerable adult may have occurred, may have been
 40.2 attempted, or is being attempted, the regulated entity may, but is not required to, refuse a
 40.3 transaction requiring disbursement of funds contained in the account:

40.4 (1) of the older adult or vulnerable adult;

40.5 (2) on which the older adult or vulnerable adult is a beneficiary, including a trust or
 40.6 guardianship account; or

40.7 (3) of a person suspected of perpetrating financial exploitation or financial abuse of
 40.8 an older adult or vulnerable adult.

40.9 **Subd. 2. Right to refuse transaction based on information received.** (a) A
 40.10 regulated entity may also refuse to disburse funds under this section if the department, law
 40.11 enforcement, or the prosecuting attorney's office provides information to the regulated
 40.12 entity demonstrating that it is reasonable to believe that financial exploitation or financial
 40.13 abuse of an older adult or vulnerable adult may have occurred, may have been attempted,
 40.14 or is being attempted.

40.15 (b) A regulated entity is not required to refuse to disburse funds when provided with
 40.16 information alleging that financial exploitation or financial abuse may have occurred, may
 40.17 have been attempted, or is being attempted, but may use its discretion to determine whether
 40.18 or not to refuse to disburse funds based on the information available to the regulated entity.

40.19 **Subd. 3. Notification and reporting requirements.** A regulated entity that refuses
 40.20 to disburse funds based on a reasonable belief that financial exploitation or financial abuse
 40.21 of an older adult or vulnerable adult may have occurred, may have been attempted, or
 40.22 is being attempted shall:

40.23 (1) make a reasonable effort to notify all parties authorized to transact business on
 40.24 the account orally or in writing; and

40.25 (2) report the incident to the department and local law enforcement.

40.26 **Subd. 4. Expiration of refusal.** A refusal to disburse funds as authorized by this
 40.27 section based on the reasonable belief of a regulated entity that financial exploitation or
 40.28 financial abuse of an older adult or vulnerable adult may have occurred, may have been
 40.29 attempted, or is being attempted will expire upon the sooner of:

40.30 (1) ten business days after the date on which the regulated entity first refused to
 40.31 disburse the funds if the transaction involved the sale of a security or offer to sell a
 40.32 security, unless sooner terminated by an order of a court of competent jurisdiction;

40.33 (2) five business days after the date on which the regulated entity first refused to
 40.34 disburse the funds if the transaction did not involve the sale of a security or offer to sell a
 40.35 security, unless sooner terminated by an order of a court of competent jurisdiction; or

41.1 (3) the time when the regulated entity is satisfied that the disbursement will not result
 41.2 in financial exploitation or financial abuse of an older adult or vulnerable adult.

41.3 Subd. 5. **Extension of refusal.** A court of competent jurisdiction may enter an order
 41.4 extending the refusal by the regulated entity to disburse funds based on a reasonable belief
 41.5 that financial exploitation or financial abuse of an older adult or vulnerable adult may
 41.6 have occurred, may have been attempted, or is being attempted. A court of competent
 41.7 jurisdiction may also order other protective relief.

41.8 Subd. 6. **Refusal immunity.** A regulated entity or an employee of a regulated entity
 41.9 is immune from criminal, civil, and administrative liability for refusing to disburse funds or
 41.10 disbursing funds under this section and for actions taken in furtherance of that determination
 41.11 if the determination of whether or not to disburse funds was made in good faith.

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

41.13 Sec. 6. **[45A.03] ALLOWABLE DISCLOSURES.**

41.14 Subdivision 1. **Definition; qualified employee.** "Qualified employee" means an
 41.15 employee of a regulated entity who serves in a supervisory, compliance, or legal capacity
 41.16 as part of the employee's job.

41.17 Subd. 2. **Authorized disclosure.** Notwithstanding any other provision of law, a
 41.18 regulated entity or an officer, qualified employee, agent, or director of a regulated entity
 41.19 may disclose financial records and any other information relating to a customer of the
 41.20 regulated entity if the regulated entity or its officer, qualified employee, agent, or director:

41.21 (1) believes that the customer has been subjected to financial exploitation or
 41.22 financial abuse; and

41.23 (2) makes the disclosure in a report of financial exploitation or financial abuse
 41.24 to the department.

41.25 Subd. 3. **Protection.** A report filed under this section by a regulated entity or an
 41.26 officer, qualified employee, agent, or director of a regulated entity is deemed to protect
 41.27 against or prevent actual or potential fraud, unauthorized transactions, or other liability.

41.28 Subd. 4. **Required disclosure.** (a) Notwithstanding any other law limiting
 41.29 or prohibiting disclosure, a regulated entity shall make a report as provided in this
 41.30 subdivision if a qualified employee of the regulated entity, while acting within the scope
 41.31 of the employee's employment:

41.32 (1) observes or obtains knowledge of behavior or unusual circumstances or
 41.33 transactions that leads the employee to know or have reasonable cause to suspect that the
 41.34 older adult or vulnerable adult is the victim of financial exploitation or financial abuse; and

42.1 (2) has contact with an older adult or vulnerable adult or reviews or approves
42.2 an older adult's or vulnerable adult's financial documents, records, or transactions in
42.3 connection with financial services provided by the regulated entity to or for the older
42.4 adult or vulnerable adult.

42.5 (b) The report required under paragraph (a) must be made:

42.6 (1)(i) to the department;

42.7 (ii) if the employee knows that the older adult or vulnerable adult resides in a
42.8 long-term care facility located in the state, to an ombudsman for the long-term care
42.9 facility, the local law enforcement agency, or a county attorney; and

42.10 (iii) to the common entry point under section 626.557; and

42.11 (2)(i) by telephone notification within 24 hours after the employee knows or has
42.12 reasonable cause to suspect that the older adult or vulnerable adult could be the victim of
42.13 financial exploitation or financial abuse; and

42.14 (ii) in writing sent within three business days after the employee knows or has
42.15 reasonable cause to suspect that the older adult or vulnerable adult could be the victim of
42.16 financial exploitation or financial abuse.

42.17 (c) Subject to paragraph (d), a report made under this subdivision is classified as
42.18 confidential data on individuals or protected nonpublic data and the information contained
42.19 in the report may be disclosed only:

42.20 (1) in connection with an investigation of the suspected financial exploitation or
42.21 financial abuse, to:

42.22 (i) an adult protective services agency;

42.23 (ii) a long-term care ombudsman;

42.24 (iii) a law enforcement agency;

42.25 (iv) the Department of Human Services; and

42.26 (v) the Office of the Attorney General or of a county attorney; or

42.27 (2) as authorized by the older adult, vulnerable adult, or the legal guardian of the
42.28 older adult or vulnerable adult.

42.29 (d) Paragraph (c) may not be construed to:

42.30 (1) allow the disclosure of a report made under this subdivision or a record relevant
42.31 to the report if the disclosure would be prohibited by any other provision of state or
42.32 federal law; or

42.33 (2) prohibit the disclosure by a regulated entity or an officer, employee, agent, or
42.34 director of a regulated entity of a report made under this subdivision or a record relevant
42.35 to the report if the disclosure would be required by another state law, federal law, or
42.36 court order.

43.1 (e) This section does not prohibit or limit the disclosure of financial records
 43.2 otherwise permitted under this chapter.

43.3 (f) A regulated entity or an officer, employee, agent, or director of a regulated entity
 43.4 may decline to provide to a person information that would disclose or indicate whether a
 43.5 report has or has not been filed under this section.

43.6 A regulated entity or an officer, employee, agent, or director of a regulated entity
 43.7 may not decline to provide information requested by a person identified in paragraph (c) in
 43.8 connection with an investigation of suspected financial exploitation or financial abuse.

43.9 (g) Except as provided in section 45A.06, there is no liability on the part of, no cause
 43.10 of action of any nature arises against, and there is immunity from any civil and criminal
 43.11 liability that would otherwise result for, a regulated entity or an officer, employee, agent,
 43.12 or director of a regulated entity for an action or omission involved with:

43.13 (1) making or participating in making a disclosure or report under this section;

43.14 (2) participating in an investigation or a judicial proceeding resulting from a report
 43.15 filed under this section; or

43.16 (3) declining to provide information as described in paragraph (e).

43.17 (h) Except as required under paragraph (a), this section does not create and may not
 43.18 be construed as creating, on the part of a regulated entity or an officer, employee, agent, or
 43.19 director of a regulated entity, a duty to make a disclosure to an adult protective services
 43.20 program or file a report under this section.

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

43.22 Sec. 7. **[45A.04] PENALTIES.**

43.23 Subdivision 1. **Failure to file report.** A regulated entity that fails to file a report
 43.24 concerning an older adult or vulnerable adult as required under section 45A.03 is subject
 43.25 to a civil penalty not exceeding \$5,000, if the failure to report is willful.

43.26 Subd. 2. **Unauthorized disclosures.** A person who discloses information contained
 43.27 in a report in violation of section 45A.03 is subject to a fine not exceeding \$500.

43.28 Subd. 3. **Recovery and payment.** The civil penalties provided under this section
 43.29 may be recovered only by an action brought by the department against the regulated entity
 43.30 pursuant to section 45.027 and must be paid by the regulated entity. All civil penalties
 43.31 recovered by the department under this section must be deposited in the senior trust fund
 43.32 in section 45A.08.

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

44.1 Sec. 8. **[45A.05] TRAINING.**

44.2 Subdivision 1. **Content.** The department, in consultation with regulated entities
44.3 and the Department of Human Services, shall develop a standardized training curriculum
44.4 that regulated entities must offer to employees. The regulated entity may develop its own
44.5 training, which must be approved by the department before it is offered to employees. All
44.6 training materials developed by the regulated entity must be provided to the department
44.7 at least ten business days before the training takes place, or within ten business days
44.8 after a request from the department. The training must include recognition of indicators
44.9 of financial exploitation and financial abuse of an older adult or a vulnerable adult, the
44.10 manner in which employees must report suspected financial exploitation and financial
44.11 abuse to the department and law enforcement as permissive reporters, and steps employees
44.12 may take to prevent suspected financial exploitation and financial abuse of an older adult
44.13 or a vulnerable adult as authorized by law or agreements between the regulated entity and
44.14 customers of the regulated entity.

44.15 Subd. 2. **Requirements.** An employee of a regulated entity who has contact with
44.16 customers and access to account information must receive training developed pursuant to
44.17 subdivision 1 on a regular basis.

44.18 **EFFECTIVE DATE.** This section is effective August 1, 2017.

44.19 Sec. 9. **[45A.06] RECORDS ACCESS.**

44.20 (a) A regulated entity must provide access to or copies of records that are relevant to
44.21 suspected financial exploitation or financial abuse or attempted financial exploitation or
44.22 financial abuse of an older adult or a vulnerable adult to the department, law enforcement,
44.23 or the prosecuting attorney, either as part of a referral to the department, law enforcement,
44.24 or the prosecuting attorney, or upon request of the department, law enforcement, or the
44.25 prosecuting attorney pursuant to an investigation. The records may include historical
44.26 records as well as records relating to the most recent transaction or transactions that may
44.27 comprise financial exploitation or financial abuse.

44.28 (b) A regulated entity or employee of a regulated entity participating in good faith in
44.29 making a report or providing documentation or access to information to the department,
44.30 law enforcement, or the prosecuting attorney under this chapter is immune from criminal,
44.31 civil, or administrative liability.

44.32 Sec. 10. **[45A.07] IMMUNITY FROM LIABILITY.**

45.1 Subdivision 1. **Confidential communication privilege.** Conduct conforming with
 45.2 the reporting and testifying provisions of this chapter shall not be deemed a violation of
 45.3 any confidential communication privilege.

45.4 Subd. 2. **Reporting.** A person participating in good faith in making a report under
 45.5 this chapter or testifying about alleged financial exploitation or financial abuse of an older
 45.6 adult or a vulnerable adult in a judicial or administrative proceeding under this chapter is
 45.7 immune from liability resulting from the report or testimony. The making of permissive
 45.8 reports as allowed in this chapter does not create any duty to report and no civil liability
 45.9 attaches for a failure to make a permissive report as allowed under this chapter.

45.10 Sec. 11. [45A.08] SENIOR TRUST FUND.

45.11 Subdivision 1. **Creation.** The senior trust fund is created as a separate account in the
 45.12 special revenue fund in the state treasury. The senior trust fund consists of money received
 45.13 from assessments under subdivision 2, civil penalties recovered pursuant to section 45A.04,
 45.14 and the supplemental civil penalties recovered pursuant to section 325F.71, subdivision 2.
 45.15 Money in the account is appropriated to the commissioner for the purposes of this chapter.

45.16 Subd. 2. **Assessments.** Each insurer admitted to transact life insurance shall remit
 45.17 an assessment to the commissioner for deposit in the senior trust fund on or before July 1
 45.18 of each year. The total annual assessment for the insurer equals the sum of an individual
 45.19 assessment of one dollar on each individual life or annuity contract issued or renewed
 45.20 by that insurer in the prior calendar year.

45.21 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2015,
 45.22 and also applies to calendar year 2014 assessments, which must be remitted to the
 45.23 commissioner within 90 days of the date of final enactment of this section.

45.24 Sec. 12. Minnesota Statutes 2014, section 115C.09, subdivision 1, is amended to read:

45.25 Subdivision 1. **Reimbursable costs.** (a) The board shall provide reimbursement to
 45.26 eligible applicants for reimbursable costs.

45.27 (b) The following costs are reimbursable for purposes of this chapter:

45.28 (1) corrective action costs incurred by the applicant and documented in a form
 45.29 prescribed by the board, ~~except~~ including the costs related to the physical removal of a
 45.30 tank when the removal was requested or ordered by the commissioner as necessary for
 45.31 corrective action under this chapter;

45.32 (2) costs that the responsible person is legally obligated to pay as damages to third
 45.33 parties for bodily injury, property damage, or corrective action costs incurred by a third

46.1 party caused by a release where the responsible person's liability for the costs has been
46.2 established by a court order or court-approved settlement; and

46.3 (3) up to 180 days of interest costs associated with the financing of corrective action
46.4 and incurred by the applicant in a written extension of credit or loan that has been signed by
46.5 the applicant and executed after July 1, 2002, provided that the applicant documents that:

46.6 (i) the interest costs are incurred as a result of an extension of credit or loan from a
46.7 financial institution; and

46.8 (ii) the board has not considered the application within the applicable time frame
46.9 specified in subdivision 2a, paragraph (c).

46.10 Interest costs meeting the requirements of this clause are eligible only when they are
46.11 incurred between the date a complete initial application is received by the board, or the
46.12 date a complete supplemental application is received by the board, and the date that the
46.13 board first notifies the applicant of its reimbursement determination. An application is
46.14 complete when the information reasonably required or requested by the board's staff
46.15 from the applicant has been received by the board's staff. Interest costs are not eligible
46.16 for reimbursement to the extent they exceed two percentage points above the adjusted
46.17 prime rate charged by banks, as defined in section 270C.40, subdivision 5, at the time the
46.18 extension of credit or loan was executed.

46.19 (c) A cost for liability to a third party is incurred by the responsible person when an
46.20 order or court-approved settlement is entered that sets forth the specific costs attributed
46.21 to the liability. Except as provided in this paragraph, reimbursement may not be made
46.22 for costs of liability to third parties until all eligible corrective action costs have been
46.23 reimbursed. If a corrective action is expected to continue in operation for more than one
46.24 year after it has been fully constructed or installed, the board may estimate the future
46.25 expense of completing the corrective action and, after subtracting this estimate from the
46.26 total reimbursement available under subdivision 3, reimburse the costs for liability to third
46.27 parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

46.28 **EFFECTIVE DATE.** This section is effective July 1, 2015, and applies to
46.29 applications for reimbursement pending or received on or after that date, including those
46.30 that include tank removal costs previously denied payment by the board.

46.31 Sec. 13. Minnesota Statutes 2014, section 216B.62, subdivision 2, is amended to read:

46.32 Subd. 2. **Assessing specific utility.** Whenever the commission or department, in a
46.33 proceeding upon its own motion, on complaint, or upon an application to it, shall deem it
46.34 necessary, in order to carry out the duties imposed under this chapter (1) to investigate the

47.1 books, accounts, practices, and activities of, or make appraisals of the property of, any
 47.2 public utility, (2) to render any engineering or accounting services to any public utility, or
 47.3 (3) to intervene before an energy regulatory agency, the public utility shall pay the expenses
 47.4 reasonably attributable to the investigation, appraisal, service, or intervention. The
 47.5 commission and department shall ascertain the expenses, and the department shall render
 47.6 a bill therefor to the public utility, either at the conclusion of the investigation, appraisal,
 47.7 or services, or from time to time during its progress, which bill shall constitute notice of
 47.8 the assessment and a demand for payment. The amount of the bills so rendered by the
 47.9 department shall be paid by the public utility into the state treasury within 30 days from the
 47.10 date of rendition. The total amount, in any one calendar year, for which any public utility
 47.11 shall become liable, by reason of costs incurred by the commission within that calendar
 47.12 year, shall not exceed two-fifths of one percent of the gross operating revenue from retail
 47.13 sales of gas, or electric service by the public utility within the state in the last preceding
 47.14 calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar
 47.15 year which are in excess of two-fifths of one percent of the gross operating revenues, the
 47.16 excess costs shall not be chargeable as part of the remainder under subdivision 3, but shall
 47.17 be paid out of the general appropriation or special revenue fund to the department and
 47.18 commission. In the case of public utilities offering more than one public utility service
 47.19 only the gross operating revenues from the public utility service in connection with which
 47.20 the investigation is being conducted shall be considered when determining this limitation.

47.21 Sec. 14. Minnesota Statutes 2014, section 216B.62, subdivision 3b, is amended to read:

47.22 Subd. 3b. **Assessment for department regional and national duties.** In addition
 47.23 to other assessments in subdivision 3, the department may assess up to \$1,000,000 per
 47.24 fiscal year for performing its duties under section 216A.07, subdivision 3a. The amount
 47.25 in this subdivision shall be assessed to energy utilities in proportion to their respective
 47.26 gross operating revenues from retail sales of gas or electric service within the state
 47.27 during the last calendar year and shall be deposited into an account in the special revenue
 47.28 fund and is appropriated to the commissioner of commerce for the purposes of section
 47.29 216A.07, subdivision 3a. An assessment made under this subdivision is not subject to
 47.30 the cap on assessments provided in subdivision 3 or any other law. For the purpose of
 47.31 this subdivision, an "energy utility" means public utilities, generation and transmission
 47.32 cooperative electric associations, and municipal power agencies providing natural gas or
 47.33 electric service in the state. ~~This subdivision expires June 30, 2015.~~

48.1 Sec. 15. Minnesota Statutes 2014, section 216B.62, is amended by adding a
48.2 subdivision to read:

48.3 Subd. 9. **Utility assessment account; appropriation.** The utility assessment
48.4 account is created as a separate account in the special revenue fund in the state treasury.
48.5 Funds received by the department for the assessment of costs related to the energy
48.6 planning and advocacy unit under subdivisions 2 and 3 shall be deposited into this
48.7 account and are annually appropriated to the commissioner of commerce. Earnings,
48.8 such as interest, dividends, and any other earnings arising from account assets, must be
48.9 credited to the account. Assessments dated June 1, 2015, or later will be paid into the
48.10 utility assessment account.

48.11 Sec. 16. Minnesota Statutes 2014, section 325F.71, subdivision 1, is amended to read:

48.12 Subdivision 1. **Definitions.** For the purposes of this section, the following words
48.13 have the meanings given them:

48.14 (a) ~~"Senior citizen"~~ "Older adult" means a person who is ~~62~~ 60 years of age or older.

48.15 (b) "Disabled person" means a person who has an impairment of physical or mental
48.16 function or emotional status that substantially limits one or more major life activities.

48.17 (c) "Major life activities" means functions such as caring for one's self, performing
48.18 manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

48.19 (d) "Vulnerable adult" has the meaning given in section 626.5572, subdivision 21.

48.20 Sec. 17. Minnesota Statutes 2014, section 325F.71, subdivision 2, is amended to read:

48.21 Subd. 2. **Supplemental civil penalty.** (a) In addition to any liability for a civil
48.22 penalty pursuant to sections 325D.43 to 325D.48, regarding deceptive trade practices;
48.23 325F.67, regarding false advertising; and 325F.68 to 325F.70, regarding consumer fraud; a
48.24 person who engages in any conduct prohibited by those statutes, and whose conduct is
48.25 perpetrated against one or more ~~senior citizens~~ older adults, vulnerable adults, or disabled
48.26 persons, is liable for an additional civil penalty not to exceed \$10,000 for each violation,
48.27 if one or more of the factors in paragraph (b) are present.

48.28 (b) In determining whether to impose a civil penalty pursuant to paragraph (a), and
48.29 the amount of the penalty, the court shall consider, in addition to other appropriate factors,
48.30 the extent to which one or more of the following factors are present:

48.31 (1) whether the defendant knew or should have known that the defendant's conduct
48.32 was directed to one or more ~~senior citizens~~ older adults, vulnerable adults, or disabled
48.33 persons;

49.1 (2) whether the defendant's conduct caused ~~senior citizens~~ older adults, vulnerable
 49.2 adults, or disabled persons to suffer: loss or encumbrance of a primary residence, principal
 49.3 employment, or source of income; substantial loss of property set aside for retirement or
 49.4 for personal or family care and maintenance; substantial loss of payments received under a
 49.5 pension or retirement plan or a government benefits program; or assets essential to the
 49.6 health or welfare of the ~~senior citizen~~ older adult, vulnerable adult, or disabled person;

49.7 (3) whether one or more ~~senior citizens~~ older adults, vulnerable adults, or disabled
 49.8 persons are more vulnerable to the defendant's conduct than other members of the public
 49.9 because of age, poor health or infirmity, impaired understanding, restricted mobility, or
 49.10 disability, and actually suffered physical, emotional, or economic damage resulting from
 49.11 the defendant's conduct; or

49.12 (4) whether the defendant's conduct caused ~~senior citizens~~ older adults, vulnerable
 49.13 adults, or disabled persons to make an uncompensated asset transfer that resulted in the
 49.14 person being found ineligible for medical assistance.

49.15 (c) A supplemental civil penalty paid pursuant to this subdivision must be deposited
 49.16 in the state treasury and credited to the senior trust fund under section 45A.08.

49.17 Sec. 18. Minnesota Statutes 2014, section 609.2335, subdivision 1, is amended to read:

49.18 Subdivision 1. **Crime.** Whoever does any of the following acts commits the crime
 49.19 of financial exploitation:

49.20 (1) in breach of a fiduciary obligation recognized elsewhere in law, including
 49.21 pertinent regulations, contractual obligations, documented consent by a competent person,
 49.22 or the obligations of a responsible party under section 144.6501 intentionally:

49.23 (i) fails to use the real or personal property or other financial resources of the
 49.24 vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct, or
 49.25 supervision for the older adult or vulnerable adult;

49.26 (ii) uses, manages, or takes either temporarily or permanently the real or personal
 49.27 property or other financial resources of the older adult or vulnerable adult, whether held in
 49.28 the name of the older adult, vulnerable adult, or a third party, for the benefit of someone
 49.29 other than the older adult or vulnerable adult; or

49.30 (iii) deprives either temporarily or permanently an older adult or a vulnerable
 49.31 adult of the older adult's or vulnerable adult's real or personal property or other financial
 49.32 resources, whether held in the name of the older adult, vulnerable adult, or a third party,
 49.33 for the benefit of someone other than the older adult or vulnerable adult; or

49.34 (2) in the absence of legal authority:

50.1 (i) acquires possession or control of an interest in real or personal property or other
50.2 financial resources of a an older adult or a vulnerable adult, whether held in the name of
50.3 the older adult, vulnerable adult, or a third party, through the use of undue influence,
50.4 harassment, or duress;

50.5 (ii) forces, compels, coerces, or entices a an older adult or a vulnerable adult against
50.6 the older adult or vulnerable adult's will to perform services for the profit or advantage
50.7 of another; or

50.8 (iii) establishes a relationship with a fiduciary obligation to a an older adult or
50.9 a vulnerable adult by use of undue influence, harassment, duress, force, compulsion,
50.10 coercion, or other enticement.

50.11 Sec. 19. Minnesota Statutes 2014, section 609.2335, subdivision 2, is amended to read:

50.12 Subd. 2. **Defenses.** (a) Nothing in this section requires a facility or caregiver to
50.13 provide financial management or supervise financial management for a an older adult or a
50.14 vulnerable adult except as otherwise required by law.

50.15 (b) If the actor knew or had reason to know that the older adult or vulnerable adult
50.16 lacked capacity to consent, consent is not a defense to a violation of this section.

APPENDIX
Article locations in 15-2198

ARTICLE 1	APPROPRIATIONS	Page.Ln 1.20
ARTICLE 2	DEPARTMENT OF LABOR AND INDUSTRY	Page.Ln 19.24
	DEPARTMENT OF EMPLOYMENT AND ECONOMIC	
ARTICLE 3	DEVELOPMENT	Page.Ln 24.21
ARTICLE 4	DEPARTMENT OF COMMERCE	Page.Ln 37.17