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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 2555**

- 02/27/2012 Authored by Kiffmeyer, Nelson and Abeler  
 The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/08/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law
- 03/13/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections
- 03/20/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on State Government Finance
- 03/26/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act  
 1.2 relating to state government; implementing changes to the sunset review;  
 1.3 changing certain agency requirements; requiring posting of convictions of  
 1.4 felonies or gross misdemeanors and malpractice settlements or judgments for a  
 1.5 regulated practitioner; requiring certain information on regulated practitioners;  
 1.6 requiring a study; prohibiting transfer of certain funds; requiring reports; setting  
 1.7 fees; abolishing the Combative Sports Commission and transferring combative  
 1.8 sports duties to the commissioner of labor and industry; establishing a Combative  
 1.9 Sports Advisory Council; requiring a review of the Minnesota Board of Medical  
 1.10 Practice; amending Minnesota Statutes 2010, sections 3.922, by adding a  
 1.11 subdivision; 3.9223, subdivision 7; 3.9225, subdivision 7; 3.9226, subdivision 7;  
 1.12 147.01, subdivision 4; 147.111, by adding a subdivision; 148.102, by adding a  
 1.13 subdivision; 148.263, by adding a subdivision; 148B.07, by adding a subdivision;  
 1.14 148C.095, by adding a subdivision; 148E.285, by adding a subdivision; 150A.13,  
 1.15 by adding a subdivision; 153.24, by adding a subdivision; 214.06, subdivision 1,  
 1.16 by adding a subdivision; 341.21, by adding a subdivision; 341.28, subdivision 1;  
 1.17 341.37; Minnesota Statutes 2011 Supplement, sections 3D.04; 3D.06; 3D.21,  
 1.18 subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters  
 1.19 3D; 16B; 214; 341; repealing Minnesota Statutes 2010, sections 138A.01;  
 1.20 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.21, subdivisions 3, 4a;  
 1.21 341.22; 341.23; 341.24; 341.26.

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

1.23 **ARTICLE 1**

1.24 **SUNSET REVIEW**

1.25 Section 1. Minnesota Statutes 2011 Supplement, section 3D.04, is amended to read:

1.26 **3D.04 STAFF; CONTRACTS.**

1.27 The Legislative Coordinating Commission shall provide staff and administrative  
 1.28 services for the commission. The Sunset Advisory Commission may enter into contracts  
 1.29 for evaluations of agencies under review.

2.1 Sec. 2. Minnesota Statutes 2011 Supplement, section 3D.06, is amended to read:

2.2 **3D.06 AGENCY REPORT TO COMMISSION.**

2.3 (a) Before September 1 of the odd-numbered year before the year in which a  
 2.4 state agency is subject to sunset review, the agency commissioner shall report to the  
 2.5 commission:

2.6 (1) information regarding the application to the agency of the criteria in section  
 2.7 3D.10;

2.8 (2) ~~a priority-based~~ an outcome-based budget for the agency;

2.9 (3) an inventory of all boards, commissions, committees, and other entities related  
 2.10 to the agency; and

2.11 (4) any other information that the agency commissioner considers appropriate or that  
 2.12 is requested by the commission.

2.13 ~~The September 1 deadline in this section does not apply in 2011.~~

2.14 (b) The outcome-based budget required by paragraph (a) must be for each of the  
 2.15 agency's activities, as the term activity is used in state budgeting:

2.16 (1) identify the statutory authority for the activity;

2.17 (2) include one or more performance goals and associated performance measures  
 2.18 that measure outcomes, not inputs;

2.19 (3) discuss the extent to which each performance measure is reliable and verifiable,  
 2.20 and can be accurately measured;

2.21 (4) discuss the extent to which the agency has met each performance measure, and  
 2.22 the extent to which the budget devoted to the activity has permitted or prevented the  
 2.23 agency from meeting its performance goals;

2.24 (5) discuss efficiencies that would allow the agency to better meet its goals; and

2.25 (6) identify agencies at any level of government or private sector entities that provide  
 2.26 the same activities, and describe agency interaction with the activities provided by others.

2.27 Sec. 3. Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 1, is amended  
 2.28 to read:

2.29 Subdivision 1. **Group 1.** The following agencies are sunset and, except as provided  
 2.30 in section 3D.14, expire on June 30, ~~2012~~ 2024: Capitol Area Architectural and Planning  
 2.31 Board, Amateur Sports Commission, ~~Combative Sports Commission~~, all health-related  
 2.32 licensing boards listed in section 214.01, Council on Affairs of Chicano/Latino People,  
 2.33 ~~Council on Black Minnesotans~~, Council on Asian-Pacific Minnesotans, Indian Affairs  
 2.34 Council, Council on Disabilities, and all advisory groups associated with these agencies.

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

3.2 Sec. 4. Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 2, is amended  
3.3 to read:

3.4 Subd. 2. **Group 2.** The following agencies are sunset and, except as provided in  
3.5 section 3D.14, expire on June 30, 2014: Department of Health, Department of Human  
3.6 Services, Department of Human Rights, Department of Education, Board of Teaching,  
3.7 Minnesota Office of Higher Education, Council on Black Minnesotans, Emergency  
3.8 Medical Services Regulatory Board, and all advisory groups associated with these  
3.9 agencies.

3.10 Sec. 5. **COUNCIL ON BLACK MINNESOTANS INTERIM REVIEW.**

3.11 (a) The Council on Black Minnesotans is continued for two years and added to the  
3.12 2014 Sunset Advisory Commission review schedule. In the council's report to the Sunset  
3.13 Advisory Commission, the council must submit an interim report and respond to issues  
3.14 raised in previous audits by the Office of the Legislative Auditor.

3.15 (b) The Office of the Legislative Auditor should conduct a financial audit of the  
3.16 Council of Black Minnesotans by December 1, 2013, prior to sunset review in 2014.

## 3.17 **ARTICLE 2**

### 3.18 **ADMINISTRATIVE PROCEDURES AND FEES**

3.19 Section 1. Minnesota Statutes 2010, section 3.922, is amended by adding a subdivision  
3.20 to read:

3.21 Subd. 11. **Report.** The council shall prepare and distribute a report to the governor  
3.22 and legislature by November 15 of each year. The report shall summarize the activities  
3.23 of the council since its last report, list receipts and expenditures, identify the major  
3.24 problems and issues confronting American Indian people, and list the specific objectives  
3.25 that the council seeks to attain during the biennium. To the extent possible, the council  
3.26 shall report on outcome measures.

3.27 Sec. 2. Minnesota Statutes 2010, section 3.9223, subdivision 7, is amended to read:

3.28 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor  
3.29 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize  
3.30 the activities of the council since its last report, list receipts and expenditures, identify  
3.31 the major problems and issues confronting Chicano/Latino people, and list the specific

4.1 objectives that the council seeks to attain during the next biennium. To the extent possible,  
4.2 the council shall report on outcome measures.

4.3 Sec. 3. Minnesota Statutes 2010, section 3.9225, subdivision 7, is amended to read:

4.4 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor  
4.5 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize  
4.6 the activities of the council since its last report, list receipts and expenditures, identify  
4.7 the major problems and issues confronting Black people, and list the specific objectives  
4.8 which the council seeks to attain during the next biennium. To the extent possible, the  
4.9 council shall report on outcome measures.

4.10 Sec. 4. Minnesota Statutes 2010, section 3.9226, subdivision 7, is amended to read:

4.11 Subd. 7. **Report.** The council shall prepare and distribute a report to the governor  
4.12 and legislature by November 15 of each ~~even-numbered~~ year. The report shall summarize  
4.13 the activities of the council since its last report, list receipts and expenditures, identify  
4.14 the major problems and issues confronting Asian-Pacific people, and list the specific  
4.15 objectives that the council seeks to attain during the next biennium. To the extent possible,  
4.16 the council shall report on outcome measures.

4.17 Sec. 5. **[3D.045] COORDINATION WITH LEGISLATIVE AUDITOR.**

4.18 To the extent possible, the commission and the Office of the Legislative Auditor  
4.19 shall align their work so that audits and program evaluations conducted by the Office  
4.20 of the Legislative Auditor can inform the work of the commission. The commission  
4.21 may request the Office of the Legislative Auditor to provide updates on financial audits  
4.22 and program evaluations the Office of the Legislative Auditor has prepared on agencies  
4.23 scheduled for Sunset Advisory Commission review.

4.24 Sec. 6. **[3D.065] REPORT ON PERSONNEL.**

4.25 By September 1 of the odd-numbered year before the year in which a state agency is  
4.26 subject to sunset review, the commissioner of management and budget must report to the  
4.27 Sunset Advisory Commission on the number of full-time equivalent employees and the  
4.28 salary structure for each agency under review.

4.29 Sec. 7. **[16B.371] ASSISTANCE TO SMALL AGENCIES.**

4.30 (a) The commissioner may provide administrative support services to small agencies.  
4.31 To promote efficiency and cost-effective use of state resources, and to improve financial

5.1 controls, the commissioner may require a small agency to receive administrative support  
5.2 services through the Department of Administration or through another agency designated  
5.3 by the commissioner. Services subject to this section include finance, accounting, payroll,  
5.4 purchasing, human resources, and other services designated by the commissioner. The  
5.5 commissioner may determine what constitutes a small agency for purposes of this section.

5.6 (b) The Chicano Latino Affairs Council, the Council on Black Minnesotans, the  
5.7 Council on Asian-Pacific Minnesotans, the Indian Affairs Council, the Capitol Area  
5.8 Architectural and Planning Board, the Amateur Sports Commission, and the Minnesota  
5.9 State Council on Disability must use the services specified in paragraph (a).

5.10 (c) The commissioner may require agencies receiving services under this section to  
5.11 reimburse the agency providing the services. Reimbursements received by a providing  
5.12 agency are reappropriated to the account making the expenditure in the providing agency.

5.13 (d) For agencies covered in this section, the commissioner has the authority  
5.14 to require the agency to comply with applicable state finance, accounting, payroll,  
5.15 purchasing, and human resources policies.

5.16 Sec. 8. Minnesota Statutes 2010, section 147.01, subdivision 4, is amended to read:

5.17 Subd. 4. **Disclosure.** Subject to the exceptions listed in this subdivision, all  
5.18 communications or information received by or disclosed to the board relating to any  
5.19 person or matter subject to its regulatory jurisdiction are confidential and privileged and  
5.20 any disciplinary hearing shall be closed to the public.

5.21 (a) Upon application of a party in a proceeding before the board under section  
5.22 147.091, the board shall produce and permit the inspection and copying, by or on behalf of  
5.23 the moving party, of any designated documents or papers relevant to the proceedings, in  
5.24 accordance with the provisions of rule 34, Minnesota Rules of Civil Procedure.

5.25 (b) If the board takes corrective action or imposes disciplinary measures of any kind,  
5.26 whether by contested case or by settlement agreement, the name and business address of  
5.27 the licensee, the nature of the misconduct, and the action taken by the board are public  
5.28 data. If disciplinary action is taken by settlement agreement, the entire agreement is public  
5.29 data. The board shall decide disciplinary matters, whether by settlement or by contested  
5.30 case, by roll call vote. The votes are public data.

5.31 (c) The board shall exchange information with other licensing boards, agencies, or  
5.32 departments within the state, as required under section 214.10, subdivision 8, paragraph  
5.33 (c), and may release information in the reports required under section 147.02, subdivision  
5.34 6.

6.1 (d) The board shall upon request furnish to a person who made a complaint, or the  
6.2 alleged victim of a violation of section 147.091, subdivision 1, paragraph (t), or both, a  
6.3 description of the activities and actions of the board relating to that complaint, a summary  
6.4 of the results of an investigation of that complaint, and the reasons for actions taken  
6.5 by the board.

6.6 (e) A probable cause hearing held pursuant to section 147.092 shall be closed to the  
6.7 public, except for the notices of hearing made public by operation of section 147.092.

6.8 (f) Findings of fact, conclusions, and recommendations issued by the administrative  
6.9 law judge, and transcripts of oral arguments before the board pursuant to a contested case  
6.10 proceeding in which an administrative law judge found a violation of section 147.091,  
6.11 subdivision 1, paragraph (t), are public data.

6.12 **EFFECTIVE DATE.** This section is effective for all corrective action taken on  
6.13 or after August 1, 2012.

6.14 Sec. 9. Minnesota Statutes 2010, section 147.111, is amended by adding a subdivision  
6.15 to read:

6.16 **Subd. 10. Failure to report.** On or after August 1, 2012, any person, health care  
6.17 facility, business, or organization that fails to report as required under subdivisions 2 to 6  
6.18 shall be subject to civil penalties for failing to report as required by law.

6.19 **EFFECTIVE DATE.** This section is effective August 1, 2012.

6.20 Sec. 10. Minnesota Statutes 2010, section 148.102, is amended by adding a subdivision  
6.21 to read:

6.22 **Subd. 8. Failure to report.** On or after August 1, 2012, any person or insurer that  
6.23 fails to report as required under subdivisions 2 to 4 shall be subject to civil penalties for  
6.24 failing to report as required by law.

6.25 **EFFECTIVE DATE.** This section is effective August 1, 2012.

6.26 Sec. 11. Minnesota Statutes 2010, section 148.263, is amended by adding a subdivision  
6.27 to read:

6.28 **Subd. 7. Failure to report.** On or after August 1, 2012, any person, institution,  
6.29 insurer, or organization that fails to report as required under subdivisions 2 to 5 shall be  
6.30 subject to civil penalties for failing to report as required by law.

6.31 **EFFECTIVE DATE.** This section is effective August 1, 2012.

7.1 Sec. 12. Minnesota Statutes 2010, section 148B.07, is amended by adding a  
7.2 subdivision to read:

7.3 Subd. 10. **Failure to report.** On or after August 1, 2012, any person, institution,  
7.4 insurer, or organization that fails to report as required under subdivisions 2 to 6 shall be  
7.5 subject to civil penalties for failing to report as required by law.

7.6 **EFFECTIVE DATE.** This section is effective August 1, 2012.

7.7 Sec. 13. Minnesota Statutes 2010, section 148C.095, is amended by adding a  
7.8 subdivision to read:

7.9 Subd. 8. **Failure to report.** On or after August 1, 2012, any person, institution,  
7.10 insurer, or organization that fails to report as required under subdivisions 2 to 5 shall be  
7.11 subject to civil penalties for failing to report as required by law.

7.12 **EFFECTIVE DATE.** This section is effective August 1, 2012.

7.13 Sec. 14. Minnesota Statutes 2010, section 148E.285, is amended by adding a  
7.14 subdivision to read:

7.15 Subd. 4. **Failure to report.** On or after August 1, 2012, any person, institution, or  
7.16 organization that fails to report as required under subdivisions 1 and 2 shall be subject  
7.17 to civil penalties for failing to report as required by law.

7.18 **EFFECTIVE DATE.** This section is effective August 1, 2012.

7.19 Sec. 15. Minnesota Statutes 2010, section 150A.13, is amended by adding a  
7.20 subdivision to read:

7.21 Subd. 10. **Failure to report.** On or after August 1, 2012, any person, institution,  
7.22 insurer, or organization that fails to report as required under subdivisions 2 to 6 shall be  
7.23 subject to civil penalties for failing to report as required by law.

7.24 **EFFECTIVE DATE.** This section is effective August 1, 2012.

7.25 Sec. 16. Minnesota Statutes 2010, section 153.24, is amended by adding a subdivision  
7.26 to read:

7.27 Subd. 8. **Failure to report.** On or after August 1, 2012, any person, institution, or  
7.28 insurer that fails to report as required under subdivisions 2 to 5 shall be subject to civil  
7.29 penalties for failing to report as required by law.

7.30 **EFFECTIVE DATE.** This section is effective August 1, 2012.

8.1       Sec. 17. **[214.056] FEES COLLECTED; FUND TRANSFER PROHIBITED.**

8.2             Fees collected by health-related licensing boards, as defined in section 214.01,  
8.3 subdivision 2, and the commissioner of health, as the regulator for occupational therapy  
8.4 practitioners, speech-language pathologists, audiologists, and hearing instrument  
8.5 dispensers, must be used only to pay the costs associated with regulation of occupations  
8.6 and professions under the jurisdiction of those boards. The legislature must not transfer  
8.7 money generated by these fees from a special revenue fund to the general fund. Surcharges  
8.8 collected by a health-related licensing board under section 16E.22 are not subject to  
8.9 this section.

8.10       Sec. 18. Minnesota Statutes 2010, section 214.06, subdivision 1, is amended to read:

8.11             Subdivision 1. **Fee adjustment.** Notwithstanding any law to the contrary, the  
8.12 commissioner of health as authorized by section 214.13, all health-related licensing  
8.13 boards and all non-health-related licensing boards shall by rule, with the approval of  
8.14 the commissioner of management and budget, adjust, as needed, any fee which the  
8.15 commissioner of health or the board is empowered to assess. As provided in section  
8.16 16A.1285, the adjustment shall be an amount sufficient so that the total fees collected by  
8.17 each board will be based on anticipated expenditures, including expenditures for the  
8.18 programs authorized by sections 214.10, 214.103, 214.11, 214.17 to 214.24, 214.28 to  
8.19 214.37, and 214.40, except that a health-related licensing board may have anticipated  
8.20 expenditures in excess of anticipated revenues in a biennium by using accumulated surplus  
8.21 revenues from fees collected by that board in previous bienniums. A health-related  
8.22 licensing board may accumulate up to one year of operating funds, and then must reduce  
8.23 fees. A health-related licensing board shall not spend more money than the amount  
8.24 appropriated by the legislature for a biennium. For members of an occupation registered  
8.25 after July 1, 1984, by the commissioner of health under the provisions of section 214.13,  
8.26 the fee established must include an amount necessary to recover, over a five-year period,  
8.27 the commissioner's direct expenditures for adoption of the rules providing for registration  
8.28 of members of the occupation. All fees received shall be deposited in the state treasury.

8.29       Sec. 19. Minnesota Statutes 2010, section 214.06, is amended by adding a subdivision  
8.30 to read:

8.31             Subd. 1b. **Health-related licensing boards; surcharges.** When a health-related  
8.32 licensing board imposes a surcharge, the surcharge must not be incorporated as a fee  
8.33 increase, but must be made as a separate assessment to be paid by the individuals regulated  
8.34 by the board.

9.1       Sec. 20. **[214.072] HEALTH-RELATED LICENSING BOARDS; WEB SITE.**

9.2           (a) Each health-related licensing board, as defined in section 214.01, subdivision 2,  
9.3 and the commissioner of health, as the regulator for occupational therapy practitioners,  
9.4 speech-language pathologists, audiologists, and hearing instrument dispensers, are  
9.5 required to post on its public Web site the name and business address of each regulated  
9.6 individual who has:

9.7           (1) a conviction during the previous ten years of a felony or gross misdemeanor.  
9.8 Conviction includes a conviction of an offense that if committed in this state would be  
9.9 considered a felony or gross misdemeanor without regard to its designation elsewhere,  
9.10 or a criminal proceeding where a finding or verdict of guilt is made or returned but the  
9.11 adjudication of guilt is either withheld or not entered;

9.12           (2) a malpractice judgment entered against the regulated individual in any state or  
9.13 jurisdiction within the past ten years. Information describing the judgments shall be  
9.14 developed by the boards, shall be stated in plain English, and shall ensure the public  
9.15 understands the context of the action involving the licensee; or

9.16           (3) any disciplinary or corrective action or restriction of privileges taken against the  
9.17 individual's license in this state or in any other state or jurisdiction. The Web site shall  
9.18 identify the basis for disciplinary action, the type of disciplinary action taken, and whether  
9.19 the action was taken by a licensing board in this or another state, the federal government,  
9.20 or a health care provider as defined in section 62A.63, subdivision 2.

9.21           (b) Each board and the commissioner of health must post in-state information  
9.22 required in paragraph (a) no later than January 1, 2013. Information from other states and  
9.23 jurisdictions must be posted no later than July 1, 2013.

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

9.25       Sec. 21. **[214.073] HEALTH-RELATED LICENSING BOARDS; AUTHORITY.**

9.26           (a) Each health-related licensing board, as defined in section 214.01, subdivision 2,  
9.27 and the commissioner of health, as the regulator for occupational therapy practitioners,  
9.28 speech-language pathologists, audiologists, and hearing instrument dispensers, shall  
9.29 require an applicant on or after August 1, 2012, to provide the individual's primary  
9.30 business address at the time of initial application and all subsequent renewals.

9.31           (b) Each health-related licensing board, as defined in section 214.01, subdivision 2,  
9.32 and the commissioner of health, as the regulator for occupational therapy practitioners,  
9.33 speech-language pathologists, audiologists, and hearing instrument dispensers, shall have  
9.34 the authority to conduct criminal background checks on all applicants, at the expense of  
9.35 the individual. A criminal background check on regulated individuals shall be conducted

10.1 at least every six years at the time of license renewal, at the expense of the individual.

10.2 The boards and the commissioner shall establish a protocol for conducting criminal  
10.3 background checks no later than January 1, 2013. This protocol must be effective January  
10.4 1, 2014, and require the applicant or regulated individual to:

10.5 (1) submit a full set of fingerprints to the board or its designee in a form and manner  
10.6 specified by the board; and

10.7 (2) provide consent authorizing the board to obtain the individual's state and national  
10.8 criminal history record information for the purpose of determining the individual's  
10.9 suitability for a receiving a credential to practice.

10.10 (c) Each health-related licensing board, as defined in section 214.01, subdivision 2,  
10.11 and the commissioner of health, as the regulator for occupational therapy practitioners,  
10.12 speech-language pathologists, audiologists, and hearing instrument dispensers, shall  
10.13 submit legislation for consideration in 2013 to require institutions, professional societies,  
10.14 other licensed professionals, and insurers and other entities to report conduct constituting  
10.15 grounds for disciplinary action to the respective regulatory entity. Each board and the  
10.16 commissioner must include penalties that may be imposed for failure to report. Boards  
10.17 with reporting obligations in statutes are exempt from this paragraph.

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

10.19 **Sec. 22. SUNSET ADVISORY COMMISSION; DEPARTMENT OF HEALTH**  
10.20 **REVIEW.**

10.21 The Sunset Advisory Commission review of the Department of Health in 2013  
10.22 and 2014 must include an analysis of the extent to which health occupations should be  
10.23 licensed by the Department of Health, and the extent to which occupations should be  
10.24 licensed by licensing boards.

10.25 **Sec. 23. REPORT; INVESTIGATIONS FOR HEALTH-RELATED LICENSING**  
10.26 **BOARDS.**

10.27 The health-related licensing boards and the attorney general shall review and  
10.28 make recommendations to the legislature by January 15, 2013, on the respective roles  
10.29 of the boards and the attorney general in conducting investigations of licensees of the  
10.30 health-related licensing boards.

10.31 **Sec. 24. REPORT; INFORMATION SYSTEMS FOR LICENSING BOARDS.**

10.32 The chief information officer of the Office of Enterprise Technology and the  
10.33 commissioner of administration shall report to the legislature by January 15, 2013, on the

11.1 best method of providing electronic licensing systems to the health-related licensing  
11.2 boards.

11.3 **Sec. 25. REPORT; HEALTH-RELATED LICENSING BOARD FEES.**

11.4 Each health-related licensing board, as defined in section 214.01, subdivision 2,  
11.5 and the commissioner of health, as the regulator for occupational therapy practitioners,  
11.6 speech-language pathologists, audiologists, and hearing instrument dispensers, shall  
11.7 report to the chair and lead minority member of the senate and house of representatives  
11.8 committees with jurisdiction over health and human services finance by January 15,  
11.9 2013, on the degree to which fees imposed by the board comply with Minnesota Statutes,  
11.10 sections 214.055 and 214.06. If a board determines that its fees are expected to produce  
11.11 more revenue than needed to recover expenditures during a five-year period, the board  
11.12 must propose reductions in those fees to the legislature.

11.13 **Sec. 26. REPORTS; ADMINISTRATIVE SUPPORT SERVICES.**

11.14 (a) The commissioner of administration shall report to the legislature by January 15,  
11.15 2013, on use of the SMART program by executive branch agencies.

11.16 (b) The administrative services unit of health-related licensing boards shall report to  
11.17 the legislature by January 15, 2013, evaluating use of the units' services by health-related  
11.18 licensing boards.

11.19 **Sec. 27. MEDICAL PRACTICE ACT; STUDY.**

11.20 (a) The Board of Medical Practice shall convene a working group to evaluate the  
11.21 state's Medical Practice Act to ensure that it effectively protects the safety and well-being  
11.22 of the citizens of the state and allows transparency. In this evaluation, the working  
11.23 group shall consider practice acts in other states, including conduct that may result in  
11.24 disciplinary action.

11.25 (b) Members of the working group shall include:

11.26 (1) members of the Board of Medical Practice;

11.27 (2) practicing physicians recommended by the Minnesota Medical Association;

11.28 (3) medical educators from the University of Minnesota and the Mayo Clinic;

11.29 (4) two senators, one from each caucus, appointed by the subcommittee on

11.30 committees, and two members of the house of representatives, one from each caucus,  
11.31 appointed by the speaker;

11.32 (5) consumers; and

11.33 (6) experts in the field of medical practice.

12.1 The majority of the working group must be composed of members who have no  
12.2 current or past affiliation with the Board of Medical Practice.

12.3 (c) Compensation for working group members is subject to Minnesota Statutes,  
12.4 section 15.059, subdivision 3, and must be paid from the operating funds of the Board  
12.5 of Medical Practice.

12.6 (d) The working group must elect a chair from its members.

12.7 (e) Meetings of the working group shall be open to the public.

12.8 (f) The board shall submit the report of the working group and legislation modifying  
12.9 the practice act for consideration during the 2013 legislative session.

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

12.11 Sec. 28. **BOARD OF MEDICAL PRACTICE REVIEW.**

12.12 (a) As provided in Minnesota Statutes, section 3.97, subdivision 3a, paragraph  
12.13 (b), the Legislative Audit Commission is requested to direct the legislative auditor to  
12.14 prepare a scoping document in response to the Sunset Advisory Commission's request  
12.15 for an evaluation of the Minnesota Medical Practice Act and its implementation by the  
12.16 Minnesota Board of Medical Practice.

12.17 (b) If the Office of the Legislative Auditor is not authorized to carry out the study  
12.18 in paragraph (a) by July 1, 2012, the commissioner of administration must contract for  
12.19 a programmatic and structural review of the Minnesota Board of Medical Practice. The  
12.20 commissioner must contract with the Federation of State Medical Boards to conduct the  
12.21 study. A copy of the review's work plan must be submitted to the chair and vice-chair  
12.22 of the Sunset Advisory Commission for review and comment. The review must be  
12.23 completed and submitted to the Sunset Advisory Commission and the senate and house of  
12.24 representatives policy committees having jurisdiction over the board by January 1, 2013.

12.25 (c) \$45,000 from the state government special revenue fund is appropriated to the  
12.26 commissioner for the study. Up to five percent of the appropriation is available to the  
12.27 commissioner for administrative costs related to the study.

12.28 Sec. 29. **FEES; REDUCTION.**

12.29 The application and renewal fees for the following boards are reduced by five  
12.30 percent:

12.31 (1) the Board of Examiners of Nursing Home Administrators established pursuant  
12.32 to section 144A.19;

12.33 (2) the Board of Medical Practice established pursuant to section 147.01;

12.34 (3) the Board of Nursing established pursuant to section 148.81;

- 13.1 (4) the Board of Chiropractic Examiners established pursuant to section 148.02;  
13.2 (5) the Board of Optometry established pursuant to section 148.52;  
13.3 (6) the Board of Physical Therapy established pursuant to section 148.67;  
13.4 (7) the Board of Psychology established pursuant to section 148.90;  
13.5 (8) the Board of Social Work established pursuant to section 148E.025;  
13.6 (9) the Board of Marriage and Family Therapy established pursuant to section  
13.7 148B.30;  
13.8 (10) the Board of Behavioral Health and Therapy established pursuant to section  
13.9 148B.51;  
13.10 (11) the Board of Dietetics and Nutrition Practice established pursuant to section  
13.11 148.622;  
13.12 (12) the Board of Dentistry established pursuant to section 150A.02;  
13.13 (13) the Board of Pharmacy established pursuant to section 151.02;  
13.14 (14) the Board of Podiatric Medicine established pursuant to section 153.02; and  
13.15 (15) the Board of Veterinary Medicine established pursuant to section 156.01.

13.16 **EFFECTIVE DATE.** This section is effective for all applications and renewals  
13.17 received on or after January 1, 2014.

13.18 Sec. 30. **REPEALER.**

13.19 Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05;  
13.20 and 138A.06, are repealed effective the day following final enactment.

### 13.21 **ARTICLE 3**

#### 13.22 **TRANSFER OF COMBATIVE SPORTS DUTIES**

13.23 Section 1. Minnesota Statutes 2010, section 341.21, is amended by adding a  
13.24 subdivision to read:

13.25 Subd. 3a. **Commissioner.** "Commissioner" means the commissioner of labor and  
13.26 industry.

13.27 Sec. 2. **[341.221] ADVISORY COUNCIL.**

13.28 The commissioner must appoint a Combative Sports Advisory Council to advise  
13.29 the commissioner on administration of duties under this chapter. The council must  
13.30 include members knowledgeable in the boxing and mixed martial arts industries and  
13.31 public members. Membership terms, removal of members, filling of vacancies, and  
13.32 compensation of members is as provided in section 15.059.

14.1 Sec. 3. Minnesota Statutes 2010, section 341.28, subdivision 1, is amended to read:

14.2 Subdivision 1. **Regulatory authority; combative sports.** All combative sport  
14.3 contests are subject to this chapter. ~~The commission shall, for every combative sport~~  
14.4 ~~contest:~~

14.5 ~~(1) direct a commission member to be present; and~~

14.6 ~~(2) direct the attending commission member to make a written report of the contest.~~

14.7 All combative sport contests within this state must be conducted according to the  
14.8 requirements of this chapter.

14.9 Sec. 4. Minnesota Statutes 2010, section 341.37, is amended to read:

14.10 **341.37 APPROPRIATION.**

14.11 A ~~commission~~ combative sports account is created in the special revenue fund.

14.12 Money in the account is annually appropriated to the ~~commission~~ commissioner for the

14.13 purposes of conducting its statutory responsibilities and obligations under this chapter.

14.14 Sec. 5. **TRANSFER OF DUTIES.**

14.15 The Combative Sports Commission is abolished. Duties of the commission are  
14.16 transferred to the commissioner of labor and industry. Minnesota Statutes, section 15.039,  
14.17 subdivisions 1 to 6, apply to this transfer.

14.18 Sec. 6. **REVISOR'S INSTRUCTION.**

14.19 The revisor of statutes shall substitute the term "commissioner" for "commission" in  
14.20 each place the term "commission" appears in Minnesota Statutes, chapter 341.

14.21 Sec. 7. **REPEALER.**

14.22 Minnesota Statutes 2010, sections 341.21, subdivisions 3 and 4a; 341.22; 341.23;  
14.23 341.24; and 341.26, are repealed.

14.24 Sec. 8. **EFFECTIVE DATE.**

14.25 This article is effective July 1, 2013.

APPENDIX  
Article locations in H2555-4

ARTICLE 1	SUNSET REVIEW .....	Page.Ln 1.23
ARTICLE 2	ADMINISTRATIVE PROCEDURES AND FEES .....	Page.Ln 3.17
ARTICLE 3	TRANSFER OF COMBATIVE SPORTS DUTIES .....	Page.Ln 13.21

**138A.01 LABOR INTERPRETIVE CENTER; BOARD OF DIRECTORS.**

Subdivision 1. **Establishment.** The Labor Interpretive Center is a public corporation of the state and is not subject to the laws governing a state agency except as provided in this chapter.

Subd. 2. **Purpose.** The purpose of the Labor Interpretive Center is to celebrate the contribution of working people to the past, present, and future of Minnesota; to spur an interest among the people of Minnesota in their own family and community traditions of work; to help young people discover their work skills and opportunities for a productive working life; and to advance the teaching of work and labor studies in schools and colleges.

Subd. 3. **Board of directors.** The center is governed by a board of ten directors. The membership terms, compensation, removal, and filling of vacancies of members of the board are as provided in section 15.0575. Membership of the board consists of:

- (1) three directors appointed by the governor;
- (2) one director appointed by the mayor of St. Paul, subject to the approval of the city council;
- (3) three directors appointed by the speaker of the house; and
- (4) three directors appointed by the Subcommittee on Committees of the senate Committee on Rules and Administration.

Directors must be representatives of labor, business, state and local government, local education authorities, and arts groups. The chairs of the senate Committee on Jobs, Energy, and Community Development and the house of representatives Committee on Labor-Management Relations shall serve as nonvoting members.

The board shall select a chair of the board from its members, and any other officers of the board deemed necessary.

Subd. 4. **Location.** The center must be located in the Capitol area of St. Paul as defined in section 15B.02, at the site recommended by the Capitol Area Architectural and Planning Board.

Subd. 5. **Meetings of the board.** The board shall meet at least twice a year and may hold additional meetings upon giving notice. Board meetings are subject to chapter 13D.

Subd. 6. **Conflict of interest.** A director, employee, or officer of the center may not participate in or vote on a decision of the board relating to a matter in which the director has either a direct or indirect financial interest or a conflict of interest as described in section 10A.07.

Subd. 7. **Tort claims.** The center is a state agency for purposes of section 3.736.

**138A.02 CENTER PERSONNEL.**

Subdivision 1. **Generally.** The board shall appoint an executive director of the center to serve in the unclassified service. The executive director must be chosen on the basis of training, experience, and knowledge in the areas of labor history and the changing world of work. The center shall employ staff, consultants, and other parties necessary to carry out the mission of the center.

Subd. 2. **Status of employees.** Employees of the center are executive branch state employees.

**138A.03 POWERS; DUTIES; BOARD; CENTER.**

Subdivision 1. **General powers.** The board has the powers necessary for the care, management, and direction of the center. The powers include:

- (1) overseeing the planning and construction of the center as funds are available;
- (2) leasing a temporary facility for the center during development of its organization and program; and
- (3) establishing advisory groups as needed to advise the board on program, policy, and related issues.

Subd. 2. **Duties.** The center is a state agency for purposes of the following accounting and budgeting requirements:

- (1) financial reports and other requirements under section 16A.06;
- (2) the state budget system under sections 16A.095, 16A.10, and 16A.11;
- (3) the state allotment and encumbrance, and accounting systems under sections 16A.14, subdivisions 2, 3, 4, and 5; and 16A.15, subdivisions 2 and 3; and
- (4) indirect costs under section 16A.127.

Subd. 3. **Program.** The board shall appoint a program advisory group to oversee the development of the center's programming. It must consist of representatives of cultural and educational organizations, labor education specialists, and curriculum supervisors in local schools.

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The program of the center may be implemented through exhibits, performances, seminars, films and multimedia presentations, participatory programs for all ages, and a resource center for teachers. Collaborative program development is encouraged with technical colleges, the Minnesota Historical Society, and other cultural institutions.

Subd. 4. **Board of governors.** The board may establish a board of governors to incorporate as a nonprofit organization to receive donations for the center and to serve as honorary advisors to the board of directors.

#### **138A.04 LABOR INTERPRETIVE CENTER ACCOUNT.**

The Minnesota labor interpretive center account is an account in the special revenue fund. Funds in the account not needed for the immediate purposes of the center may be invested by the state Board of Investment in any way authorized by section 11A.24. Funds in the account are appropriated to the center to be used as provided in this chapter.

#### **138A.05 AUDITS.**

The center is subject to the auditing requirements of sections 3.971 and 3.972.

#### **138A.06 ANNUAL REPORTS.**

The board shall submit annual reports to the legislature on the planning, development, and activities of the center. The board shall supply more frequent reports if requested.

#### **341.21 DEFINITIONS.**

Subd. 3. **Commission.** "Commission" means the Combative Sports Commission.

Subd. 4a. **Director.** "Director" means the executive director of the commission.

#### **341.22 COMBATIVE SPORTS COMMISSION.**

There is hereby created the Minnesota Combative Sports Commission consisting of nine members who are citizens of this state. The members must be appointed by the governor. One member of the commission must be a retired judge of the Minnesota district court, Minnesota Court of Appeals, Minnesota Supreme Court, the United States District Court for the District of Minnesota, or the Eighth Circuit Court of Appeals, and at least four members must have knowledge of the boxing industry. At least four members must have knowledge of the mixed martial arts industry. The governor shall make serious efforts to appoint qualified women to serve on the commission. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements must be as provided in sections 214.07 to 214.09. Unless otherwise provided, the provision of staff, administrative services, and office space; the review and processing of complaints; the setting of fees; and other provisions relating to commission operations are as provided in chapter 214. The purpose of the commission is to protect health, promote safety, and ensure fair events.

#### **341.23 LIMITATIONS.**

No member of the commission may directly or indirectly promote a contest, directly or indirectly engage in the managing of a combatant, or have an interest in any manner in the proceeds from a combative sport contest.

#### **341.24 EXECUTIVE DIRECTOR.**

The governor may appoint, and at pleasure remove, an executive director and prescribe the powers and duties of the office. The executive director shall not be a member of the commission. The commission may employ personnel necessary to the performance of its duties.

#### **341.26 MEETINGS.**

The commission shall hold a regular meeting quarterly and may hold special meetings. Except as otherwise provided in law, all meetings of the commission must be open to the public and reasonable notice of the meetings must be given under chapter 13D. If compliance with section 13D.02 is impractical, the commission may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

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(1) all members of the commission participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the commission can hear clearly all discussion and testimony and all votes of members of the commission and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the commission is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Each member of the commission participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The commission may require the person making such a connection to pay for documented costs that the commission incurs as a result of the additional connection.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. The timing and method of providing notice is governed by section 13D.04.