



Minnesota State Colleges & Universities

# Mandates and Curiosities

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## **Mandates and Curiosities – 2009 Session**

This summary is designed to highlight and explain legislation that affects the Minnesota State Colleges and Universities system. All relevant bills are included with a summary. Readers are cautioned against relying on summaries alone. When a detailed understanding of a new law is required, refer directly to the actual law.

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**WORKFORCE INVESTMENT IN REGIONAL ECONOMIC DEVELOPMENT  
BILL**

**[S.F. 643 \(Chapter 25\)](#)**

*SUMMARY:* The bill provides eligibility for unemployment benefits to workers who receive reduced hours while taking skills training programs associated with the Workforce Investment in Regional Economic Development, or WIRED, program. The bill allows employees faced with layoffs to work reduced hours, attend classes under the WIRED program and retain partial unemployment benefits.

**Section**

***WIRED Bill***

- 1 Unemployed benefit eligibility; Federal WIRED program.** This section provides for eligibility for unemployment compensation benefits for participants in the federal Workforce Investment in Regional Economic Development program, or WIRED, that provides funding for training for working employees to upgrade their skills in the hopes of keeping their current employment.

The employees would not otherwise be eligible for unemployment benefits because they would not comply with the requirement that they were available for work and certain other requirements. There is a current state program that provides eligibility for unemployment benefits for workers who voluntarily reduce their hours of work to avoid the layoff of fellow employees. This program is called the "shared work" program. The bill treats the employees in the WIRED program as though they were eligible for benefits under the shared work program.





**ENVIRONMENT AND NATURAL RESOURCES FINANCE BILL**

**[S.F. 2123 \(Chapter 37\)](#)**

SUMMARY: The environment and natural resources omnibus finance bill provides funding for agencies such as the Department of Natural Resources, the Department of Commerce, Pollution Control Agency and the Public Utilities Commission. The bill also makes policy changes that affect a number of agencies. Changes that affect the Minnesota State Colleges and Universities system can be found below. Specifically, the bill provides \$1.5 million to the Minnesota State Colleges and Universities for the International Renewable Energy Technology Institute (IRETI) to be located at Minnesota State University, Mankato.

***ARTICLE 1***

***Environment and Natural Resources Finance***

**Section**

**4 Natural Resources**

**Subdivision 8. Enforcement.** This section states that the commissioner must publicize opportunities for conservation officer employment and recruit, when possible, conservation officer candidates from the biological sciences departments at colleges and universities.

- 59 Sale of state land.** This section extends the time period the commissioner of administration has to coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$6,440,000 of state-owned land. Sales were originally to be completed no later than June 30, 2009. That date has been extended to June 30, 2011.

***ARTICLE 2***

***Energy Finance***

**Section**

**3 Department of Commerce**

**Subdivision 7. Office of Energy Security.** This section appropriates \$625,000 each year for continued funding of community energy technical assistance and outreach on renewable energy and energy efficiency. This section also appropriates \$25,000 the first year of the biennium for a grant to a nonprofit organization with experience in creating innovative partnerships through collaborative action with diverse interests, including businesses, government agencies, environmental organizations, and others, to manage a stakeholder process on green jobs that would integrate the work of the state Green Jobs Task Force and the mayors' initiative on green manufacturing.

- 7 **Minnesota Green Enterprise Assistance.** This section requires the commissioner of employment and economic development, in consultation with the commissioner of commerce, to lead a multiagency project to advise, promote, market, and coordinate state agency collaboration on green enterprise and green economy projects. The objective of the project is to utilize existing state resources to expedite the delivery of grants, licenses, permits, and other state authorizations and approvals for green economy projects.
- 13 **Appropriations and Cancellations – IRETI.** This section transfers the remaining balance of the fiscal year 2009 special revenue fund appropriation for the Green Jobs Task Force to the commissioner of employment and economic development for the purposes of green enterprise assistance. \$1.5 million is for a grant to the Board of Trustees of the Minnesota State Colleges and Universities for the International Renewable Energy Technology Institute (IRETI) to be located at Minnesota State University, Mankato, as a public and private partnership to support applied research in renewable energy and energy efficiency to aid in the transfer of technology from Sweden to Minnesota and to support technology commercialization from companies located in Minnesota and throughout the world.

**PUBLIC SAFETY POLICY BILL**

**[H.F. 1301 \(Chapter 59\)](#)**

*SUMMARY:* The public safety policy bill makes policy changes in the areas of predatory offenders, crime victims, the courts, corrections and sentencing guidelines, public safety and the Bureau of Criminal Apprehension. Policy changes that affect the Minnesota State Colleges and Universities are summarized below.

***ARTICLE 5***  
***Public Safety***

**Section**

- 11 Public employment; consideration of criminal records.** This section prohibits a public employer from considering the criminal history of an applicant for employment until the applicant has been selected for a job interview.

Minnesota Statutes 364 provides generally that a person may not be disqualified from public employment based on their criminal history, unless the applicant's criminal history is directly related to the position of employment sought by the applicant, and the applicant has not shown evidence of rehabilitation and fitness to perform the duties of the job.

The prohibition on considering criminal history until an applicant has been selected for an interview does not apply to the Department of Corrections or public employers who have a statutory duty to conduct a criminal history background check or consider criminal history in the hiring process.

- 16 Rules required.** This section amends the language granting the POST Board (Peace Officers Standards and Training Board) rulemaking authority over pre-service training and education so that the statute reflects the language and standards found in the Board's rules.
- 17 Board authority.** This section removes an obsolete reference to peace officer training schools and replaces it with a reference to certified schools that offer the professional peace officer education program.
- 18 Powers and duties.** This section removes obsolete language and language that is duplicated in other statutes concerning the POST Board. Included in the POST Board's duties is to certify postsecondary schools to provide programs of professional peace officer education based on a set of board-approved professional peace officer education learning objectives.

- 24** **Policies on hiring practices.** This section authorizes the commissioner of administration, Minnesota State Colleges and Universities, the University of Minnesota, and cities to adopt policies that address the goal of improving employment for local residents or former criminal offenders.

## WORKFORCE DEVELOPMENT BILL

### [S.F. 1569 \(Chapter 65\)](#)

*SUMMARY:* This bill establishes four local projects through local workforce councils, in cooperation with public education, adult basic education and other agencies, to plan and implement collaborative services for employment, training and education.

#### Section

#### *Workforce Development Bill*

- 1 Membership on local workforce councils.** This section requires at least one representative of Adult Basic Education programs on the local workforce councils.
  
- 2 Collaborative local projects; coordination of employment, training and education services.**
  - Subd. 1. Collaborative local projects; selection.** This section requires the Governor's workforce development council to convene a meeting with representatives of state agencies, public higher education, K-12 institutions and adult basic education to select four projects assigned to local workforce councils to plan and coordinate local employment, training and education. Language provides geographic and other criteria for the selection.
  
  - Subd. 2. Employment, training, and education goals.** This section specifies goals for the local project and lists ten minimum goals, including increasing and upgrading skill levels, training for working individuals, improved responsiveness to employers, improved access for public assistance recipients, improved career planning, improved coordination, reduction of duplication, evaluation of needs and no cost remediation for students.
  
  - Subd. 3. Collaboration plan.** This section requires a local workforce council to be assigned a collaborative project to develop a plan with named stakeholders, including the Minnesota State Colleges and Universities. The plan must be reported to the Governor's workforce development council which must report on all plans to the Legislature by March 15, 2010.
  
  - Subd. 4. Plan implementation.** This section requires a one-year implementation period for the plans beginning July 1, 2010.
  
  - Subd. 5. Second report to Legislature.** This section requires the local projects to report on the progress of each plan to the Governor's workforce development council which must report to the Legislature by February 15, 2011, with recommendations on funding, system design and statutory

changes necessary to achieve the goals of this section.

Effective Date. This section is effective the day following final enactment.

**ECONOMIC DEVELOPMENT FINANCE BILL**

**[H.F. 2088 \(Chapter 78\)](#)**

*SUMMARY:* The economic development omnibus finance bill provides appropriations for the Department of Employment and Economic Development as well as the Department of Labor and Industry among others. This bill includes provisions related to business and community development and workforce development that affect the Minnesota State Colleges and Universities system. There are also changes to the prevailing wage law included in the bill that have an effect on the system. All related legislation that has an impact on the system is summarized below.

***ARTICLE 1***

***Jobs and Economic Development Appropriations***

**Section**

**3 Department of Employment and Economic Development  
Subdivision 2. Business and Community Development.**

(b) This section appropriates \$200,000 each year from the general fund for a grant to WomenVenture for women's business development programs and for programs that encourage and assist women to enter nontraditional careers in the trades; manual and technical occupations; science, technology, engineering, and mathematics-related occupations; and green jobs. This appropriation may be matched dollar for dollar with any resources available from the federal government for these purposes with priority given to initiatives that have a goal of increasing by at least ten percent the number of women in occupations where women currently comprise less than 25 percent of the workforce.

(d) This section appropriates \$500,000 each year from the general fund for a grant to BioBusiness Alliance of Minnesota for bioscience business development programs to promote and position the state as a global leader in bioscience business activities. The funds may be used to create, recruit, retain, and expand biobusiness activity in Minnesota; implement the destination 2025 statewide plan; update a statewide assessment of the bioscience industry and the competitive position of Minnesota-based bioscience businesses relative to other states and other nations; and develop and implement business and scenario-planning models to create, recruit, retain, and expand biobusiness activity in Minnesota. The BioBusiness Alliance is to report to the Legislature by February 15 each year on the use of the funds.

(e) Of the money available in the Minnesota Investment Fund to the commissioner of the Department of Employment and Economic Development, up to \$3 million is appropriated in fiscal year 2010 for a

loan to an aircraft manufacturing and assembly company, associated with the aerospace industry, for equipment utilized to establish an aircraft completion center at the Minneapolis-St. Paul International Airport. The finishing center must use the state's vocational training programs designed specifically for aircraft maintenance training, and to the extent possible, work to recruit employees from these programs.

(i) This section appropriate \$100,000 each year from the workforce development fund for a grant to the Rural Policy and Development Center at St. Peter, Minnesota. The grant is to be used for research and policy analysis on emerging economic and social issues in rural Minnesota, to serve as a policy resource center for rural Minnesota communities, to encourage collaboration across higher education institutions, to provide interdisciplinary team approaches to research and problem-solving in rural communities, and to administer overall operations of the center.

(l) This section appropriates \$1 million from the Minnesota minerals 21st century fund to the Board of Trustees of the Minnesota State Colleges and Universities for a grant to the Northeast Higher Education District for planning, design, and construction of classrooms and housing facilities for upper division students in the engineering program.

**Subdivision 3. Workforce Development.**

(a) This section appropriates \$4,562,000 each year for the Minnesota job skills partnership program.

**7 Department of Labor and Industry**

**Subdivision 3. Labor Standards/Apprenticeship.**

(b) This section appropriates \$150,000 each year from the workforce development fund for prevailing wage enforcement.

**ARTICLE 2**

***Employment and Economic Development – Related Provisions***

**13 Minnesota Green Enterprise Assistance.** This section directs the commissioner of Employment and Economic Development, in consultation with the commissioner of Commerce, to lead a multiagency project to advise, promote, market, and coordinate state agency collaboration on green enterprise and green economy projects.

**16 Minnesota Science and Technology Economic Development Project.** This section directs the commissioner of Employment and Economic Development to lead a public-private project to provide advice on state agency collaboration in the design, coordination, and administration of a strategic science and technology program for the state. Project

membership includes a representative from the Minnesota State Colleges and Universities. Language requires a report to the Legislature by January 15, 2010, on project activities and recommendations for changes or additions to the project's organization.

- 35** **Blind, vending stands and machines on governmental property; liability limited.** This section provides that the Department of Employment and Economic Development is not liable under the Workers' Compensation law for any injury sustained by a blind vendor's employee, and that the Department is not liable for acts or omissions of a blind vendor that result in the blind vendor's liability to third parties. Also provides that the Department is not liable for negligence based on any theory of liability for claims arising from the relationship created under this subdivision with the blind vendor.

Current law provides that for the rehabilitation of blind persons the commissioner shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by the Minnesota State Colleges and Universities at a state university, a community college, a consolidated community technical college, or a technical college.

- 41** **Economic Development Strategy Working Group.** This section creates an eighteen member, bipartisan working group to develop an economic development strategy for the state. Language provides that the working group will consist of six members of each body and three public members appointed by each body. A report is required to the Legislature by February 15, 2010.

### *ARTICLE 3*

#### *Unemployment Insurance Policy*

- 10** **Benefits paid during certain voluntary unemployment.** This section authorizes the payment of unemployment insurance benefits for certain workers who elect to be voluntary laid off in order to avoid the layoff of other employees.

### *ARTICLE 5*

#### *Labor Standards and Wages; Licensing and Fees*

- 1** **Contract awards.** This section provides that an agency is not liable for costs when the prevailing wage law is applicable, if it includes specified language in its contracts.

- 2 **Compliance orders.** This section requires the commissioner of Employment and Economic Development to issue an order requiring an employer to comply with the prevailing wage law if a violation is repeated.
- 3 **Keeping records; penalty.** This section requires an employer subject to the prevailing wage law to furnish, under oath, a certified payroll report for each employee every two weeks as specified.
- 4 **Posting of laws and rules; penalty.** This section clarifies statutory cross-references to incorporate the prevailing wage law.
- 5 **Penalties.** This section clarifies statutory cross-references to incorporate the prevailing wage law.
- 6 **Prevailing wage rate.** This section clarifies what is encompassed by “prevailing wage rate”.
- 7 **Employer.** This section defines “employer” for purposes of the prevailing wage law.
- 8 **Contract requirements.** This section requires a contracting authority to include applicable prevailing wage determinations and notifications in prevailing wage proposals and contracts. Language provides that failure to include the required items will make the contracting authority liable to the contractor or subcontractor for any increases in wages paid.
- 9 **Required equipment and apparel.** This section prohibits a public employer, including the Minnesota State Colleges and Universities from knowingly purchasing or acquiring, furnishing, or requiring an employee to purchase or acquire for wear or use while on duty, uniforms, safety equipment, or protective accessories, if they are not manufactured in the United States.

**ARTICLE 6**

***Miscellaneous Provisions***

- 23 **Creation of committee; purpose.** This section provides that the Iron Range Higher Education Committee does not expire.

**ARTICLE 7**

***Iron Range Resources***

- 14 **Per diem.** This section allows non-legislative members of the Iron Range Higher Education Committee to be reimbursed for expenses related to membership duties.

- 17**     **Iron Range higher education account.** This section changes the Board approval process for expenditures from the Iron Range Higher Education Account, by requiring approval of at least seven members. Currently a majority of a quorum is necessary for approval.

**HEALTH AND HUMAN SERVICES FINANCE BILL**

**[H.F. 1362 \(Chapter 79\)](#)**

*SUMMARY:* The health and human services omnibus finance bill includes provisions that expand the definition of mental health professional by adding licensed professional clinical counselor, or LPCC. With this legislation, an LPCC is considered a qualified provider under medical assistance.

*ARTICLE 7*

*Chemical and Mental Health*

**Section**

- 1 Mental health professional.** This section adds licensed professional clinical counselor to the definition of mental health professional for purposes of the adult mental health act.
- 2 Availability of outpatient services.** This section adds licensed professional clinical counselors as mental health professionals who can provide outpatient adult mental health services.
- 3 Mental health professional.** This section adds licensed professional clinical counselor to the definition of mental health professional for purposes of the children’s mental health act.
- 4 Availability of outpatient services.** This section adds licensed professional clinical counselors as mental health professionals who can provide outpatient children’s mental health services.
- 14 Definitions.** This section adds licensed professional clinical counselors as mental health professionals who can provide intensive inpatient and outpatient rehabilitative mental health services.
- 15 Qualifications of provider staff.** This section adds licensed professional clinical counselors as mental health professionals who can provide adult rehabilitative mental health services.
- 16 Mobile crisis intervention staff qualifications.** This section adds licensed professional clinical counselors as mental health professionals who can provide adult mental health crisis intervention services.
- 17 Adult crisis stabilization staff qualifications.** This section adds licensed professional clinical counselors as mental health professionals who can provide adult mental health crisis stabilization services.

- 18 Mental health professional.** This section adds licensed professional clinical counselor to the definition of mental health professional for purposes of medical assistance.
- 19 Definitions.** This section adds licensed professional clinical counselor to the definition of mental health professional for purposes of providing children’s therapeutic services and supports.
- 24 Qualified professional.** This section adds licensed professional clinical counselor to the definition of qualified professional for purposes of providing mental health services under the Minnesota Family Investment Program.

**OPEN MEETING LAW BILL**

**[S.F. 764 \(Chapter 80\)](#)**

*SUMMARY:* This bill provides greater flexibility for state entities, including the Minnesota State Colleges and Universities Board of Trustees, to hold meetings by telephone or other electronic means. Whenever this technology is used to hold a meeting, the following conditions must be met: all members can hear and be heard; the public can hear and be heard; at least one board member must be physically present at the regular meeting location; all votes must be conducted by roll call; members participating by telephone or other electronic means are included in determining quorum and participation; whenever practical, a member of the public must be able to monitor the meeting electronically from a remote location; and notice must be provided to the public on the board's Web site at least ten days before a meeting. The new law is effective August 1, 2009.

**Section**

***Open Meeting Law Bill***

**1 Meetings by telephone or other electronic means.**

**Subdivision 1. Application.** This section states that the change to the open meeting law applies to state entities, not local governments.

**Subdivision 2. Conditions.** This section permits a meeting to be conducted by telephone or other electronic means if:

- All members of the body can hear one another and can hear all discussion and testimony.
- Members of the public at the regular meeting location can hear all discussion, testimony, and votes.
- At least one member of the body is physically present at the regular meeting place.
- All votes are by roll call.

**Subdivision 3. Quorum; participation.** This section deems members present for purposes of quorum and participation even if participating by telephone or other electronic means.

**Subdivision 4. Monitoring from remote site; costs.** This section requires the public entity to allow a person to monitor the meeting electronically from a remote location and permits the public entity to charge the person monitoring for documented marginal costs incurred by the public entity.

**Subdivision 5. Notice.** This section requires the meeting notice to identify the regular meeting location, state that some members may participate by other means, and that observers may monitor the meeting.

In addition, the entity must post the notice on its Web site at least 10 days prior to the meeting.

**PUBLIC SAFETY FINANCE BILL**

**[S.F. 802 \(Chapter 83\)](#)**

*SUMMARY:* The public safety omnibus finance bill contains appropriations for the Supreme Court, Court of Appeals, Trial Courts, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Human Rights, Department of Corrections, and the Sentencing Guidelines Commission. The bill also makes policy changes. Those changes that affect the Minnesota State Colleges and Universities are summarized below.

***ARTICLE 3***

***Public Safety and Corrections***

**Section**

- 23    Corrections Strategic Management and Operations Advisory Task Force.** This section establishes a task force to advise the governor and the Legislature on management and operations strategies to improve efficiency for the Department of Corrections and reduce inmate per diems. Language specifies membership of the task force, including three people appointed by the governor from a postsecondary academic institution who have expertise in applied economics, organizational efficiency, or business management. Language requires the task force to submit a report to the Legislature by Feb. 15, 2010.

**STATE EMPLOYEE LABOR AGREEMENT RATIFICATION BILL**

**[S.F. 1036 \(Chapter 85\)](#)**

*SUMMARY:* This bill provides legislative ratification of the Inter Faculty Organization, or IFO, for the period of July 1, 2009 through June 30, 2011. The bill also includes the ratification of the 2007-2009 MSUAASF contract, which reached a contract settlement, but due to timing, was not included in the 2008 contract ratification bill.

When the Legislature is not in session, the Legislative Coordinating Commission Subcommittee on Employee Relations is empowered to review and accept contract settlements conditionally pending formal legislative approval by the full Legislature. The Subcommittee on Employee Relations did approve the MSUAASF contract on July 18, 2008. The bill also includes the ratification of prior contracts and plans, including the commissioner's plan and managerial plan.

**Section**                      *State Employee Labor Agreement Ratification Bill*

**1**      **Labor agreements and compensation plans.**

**Subd. 1. MSUAASF.** Minnesota State University Association of Administrative and Service Faculty contract as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations July 18, 2008.

**Subd. 2. Commissioner's Plan.** The amendments to the commissioner of employee relations' plan for unrepresented employees, as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations July 18, 2008.

**Subd. 3. Managerial Plan.** As approved by the Legislative Coordinating Commission Subcommittee on Employee Relations July 18, 2008.

**Subd. 10. IFO.** Inter Faculty Organization contract as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations March 23, 2009.

**2**      **Effective Date.** Section 1, subdivisions 1 to 9, are effective the day following final enactment and Section 1, subdivision 10, is effective July 1, 2009.

## RESIDENTIAL CONSTRUCTION WARRANTIES BILL

### [H.F. 420 \(Chapter 91\)](#)

*SUMMARY:* This bill involves the statutory implied warranties from residential building contractors to homeowners for new homes or home improvements under chapter 327A of Minnesota Statutes. The bill converts the implied statutory warranty to a written warranty, which builders would be required to give in writing. The warranty language would now need to be included in the sales contract. The bill impacts the institutions within the Minnesota State Colleges and Universities system that have carpentry programs and build and sell homes.

#### Section

#### *Residential Construction Warranties Bill*

- 1 Waiver and modification limited.** This section makes technical corrections in a statutory range reference. The section strikes the word “statutory” in describing the warranty to reflect it becoming a required written warranty. This section is effective August 1, 2009, and applies to contracts entered into on or after that date.
- 2 Other warranties.** This section strikes the word “statutory” to reflect its new status as a required written warranty. This section is also effective August 1, 2009, and applies to construction of dwellings or home improvements completed on or after that date.
- 3 Variations.** This section strikes the word “statutory” to reflect its new status as a required written warranty. This section is also effective August 1, 2009, and applies to contracts entered into on or after that date.
- 4 Limitations.** This section makes a technical change to correct statutory range references. Language requires that the statutory implied warranties described in Minnesota Statute 327A be provided by the contractor as written warranties in the construction contract. This section also makes a violation of that requirement a violation of the law under which residential building contractors are licensed. If the contractor does not make the warranties as required under this bill, they are implied statutory warranties that have the same effect as if the contractor had made them in writing. Language prohibits agreements to waive or modify the warranties and makes any such purported waiver or modification void, except for waivers or modifications already expressly permitted in statute.

This section is effective August 1, 2009, and applies to contracts entered into on or after that date.

**OMNIBUS BONDING BILL**

**[H.F. 855 \(Chapter 93\)](#)**

*Note: Chapter 93 represents the bill as presented to the governor. It does not represent the official 2009 session law, which includes governor vetoes. Due to this, section numbering may change when the final law is available summer 2009.*

**SUMMARY:** The omnibus bonding bill contains language to fund construction of state financed facilities, as well as remodeling and renovation of existing buildings. Even-numbered year sessions are typically considered bonding years, however, the 2009 Legislature did pass a smaller bonding bill with the goal of creating jobs in a time of economic crisis and capitalize on federal stimulus funding. Legislators and the governor determined the bill’s projects should be “shovel-ready.”

Prior to governor vetoes at the end of session, the general obligation bond proceeds in the final bill totaled \$299.9 million. Included in the bill was \$40 million in asset preservation for the Minnesota State Colleges and Universities, as well as the five vetoed projects from 2008:

- Lake Superior College health science center - \$11 million
- Mesabi Range Community and Technical College, Eveleth addition - \$5.25 million
- Metropolitan State University classroom center - \$5.7 million
- North Hennepin Community College center for business - \$13.3 million
- System wide classroom renovations - \$3.625 million

The governor did line-item veto a total of \$85.16 million, and said while many of the projects are meritorious, they should be considered next year as part of the larger, regular bonding bill. Those vetoed-projects include; the five system projects listed above and \$6.5 million to the City of Mankato for the women's hockey Expo Center for use by Minnesota State University, Mankato.

Overall, the Minnesota State Colleges and Universities received \$40 million in asset preservation funding as well as some language changes described below. In addition a grant for \$5 million to Olmsted County to design and construct a new steam pipeline from the Olmsted Waste-to-Energy Facility to the Rochester Community and Technical College campus, was also approved.

**Section**

***Omnibus Bonding Bill***

<b>3</b>	<b>Minnesota State Colleges and Universities</b>	
	Subd. 1. <b>Total Appropriation</b>	\$78,875,000
	Subd. 2. <b>Higher Education Asset Preservation and Replacement</b>	\$40,000,000
	Subd. 3. <b>Lake Superior College - VETOED</b>	\$11,000,000
	Design, construct, furnish and equip an addition to the Health and Science Center.	

- Subd. 4. **Mesabi Range Community & Technical College, Eveleth - VETOED** \$5,250,000  
 Construct, furnish, and equip shop space for the industrial Mechanical technology and carpentry programs.
- Subd. 5. **Metropolitan State University – VETOED** \$5,700,000  
 Construct, furnish and equip renovation of two floors of technology-enhanced classrooms and academic offices in the power plan building.
- Subd. 6. **Minnesota State College, Southeast Technical – Aviation Training Center.** The net proceeds of the sale or Disposition of the Aviation Training Center in Winona, after paying all expenses incurred in selling the property and retiring any remaining debt, are appropriated to Minnesota State Colleges and Universities for use in a capital project at the Minnesota State College, Southeast Technical - Winona campus.
- Subd. 7. **North Hennepin Community College - VETOED** \$13,300,000  
 Construct, furnish, and equip an addition to the Center for Business and Technology and to renovate the center for classrooms and related space.
- Subd. 8. **Systemwide Initiatives - VETOED** \$3,625,000  
 Design, construct, furnish, and equip renovation of classroom and academic space at Central Lakes College, Brainerd; Minnesota State Community and Technical College, Moorhead and Wadena; Minnesota West Community and Technical College, Pipestone; Northland Community and Technical College, Thief River Falls; Pine Technical College; and Rochester Community and Technical College.
- Subd. 9. **Debt Service.** The Board of Trustees is to pay the debt service on one-third of the principal amount on the projects authorized in this section with the exception of higher education asset preservation and replacement.
- Subd. 10. **Unspent Appropriations.** Upon substantial completion of a project authorized in this section, any remaining funding may be used for HEAPR at the same campus as the project for which the original appropriation was made. The Board of Trustees is to report to the Legislature of any such action by February 1 of each even-numbered year.

**16 Employment and Economic Development**

- Subd. 3. **Mankato – Civic Center Expansion – VETOED** 6,500,000  
 Grant to the city of Mankato for its Civic Center expansion, including to prepare a site for and to design, construct, furnish, and equip the Southern Minnesota Women’s Hockey Exposition Center for use by Minnesota State University, Mankato. The Minnesota State Colleges and Universities may lease land on the campus of Minnesota State University, Mankato to the city

of Mankato on which to construct the exposition center.

Subd. 5. **Olmsted County – Steam Line Extension** \$5,000,000

Grant to Olmsted County to design and construct approximately 1.25 miles of a new steam pipeline from the Olmsted Waste-to-Energy Facility to the Rochester Community and Technical College campus, supplying steam heat and cooling from a renewable energy source.

- 27 Standards.** This section adds building energy efficiency improvements using current best practices to allowable HEAPR projects.
- 28 Issuance of bonds.** This section allows the Board of Trustees of the Minnesota State Colleges and Universities to issue revenue bonds for state colleges in addition to the universities already able to take part in the revenue fund.
- 38 Metropolitan State University.** In cooperation with Minneapolis Community and Technical College, this section allows up to \$2 million from each college or university, or other nonstate money, excluding revenue from student tuition and fees, to be used for the remainder of the design and construction of the law enforcement training center located on the campus of Hennepin Technical College in Brooklyn Park.
- 39 Owatonna College and University Center.** This section allows use of the 2008 capital appropriation for other minor capital improvements to the property as well as to acquire it.
- 40 St. Cloud State University.** This section permits the 2008 capital appropriation to the Brown Science Hall Renovation to also be used to complete design and construction drawings for the science and engineering lab and to demolish a building.
- 48 Effective date.** Except as otherwise provided, this article is effective the day following final enactment.

**AGRICULTURAL AND VETERANS AFFAIRS FINANCE BILL**  
**[H.F. 1122 \(Chapter 94\)](#)**

SUMMARY: The agricultural and veterans affairs omnibus finance bill provides funding for the Departments of Agriculture and Veteran Affairs, as well as makes policy changes that affect both departments and other state agencies. Changes that affect the Minnesota State Colleges and Universities system can be found below.

***ARTICLE 1***  
***Agriculture***

**Section**

- 3**     **Department of Agriculture**  
**Subdivision 5. Administration and financial assistance.** This section appropriates \$100,000 the first year and \$100,000 the second year to the Minnesota State Colleges and Universities Board of Trustees for mental health counseling support to farm families and business operators through farm business management programs at Central Lakes College and Ridgewater College.
- 80**     **Feeding Minnesota Taskforce.** This section creates a new task force to study the consumption of Minnesota grown produce and livestock by facilitating the donation of harvested products to charities that provide food for hungry people. One member of the task force will represent Minnesota higher education institutions. Policy recommendations are to be made to the Legislature by November 1, 2010.
- 83**     **Agricultural Growth, Research and Innovation Program.** This section creates a new financial assistance program for the state's agricultural and renewable energy industries. The program expires June 30, 2013.
- 100**    **Green jobs food production; study.** This section requires the Agricultural Utilization Research Institute to prepare a detailed study of the state's food production sector in coordination with the Minnesota State Colleges and Universities; urban, rural, and tribal community-based agriculture and food security organizations; members of the Legislature with service on committees created by the Green Jobs Task Force and other interested stakeholders. The study is due to the Legislature no later than January 15, 2010.

***ARTICLE 3***  
***Veterans Affairs***

**Section**

- 2**     **Veterans Affairs**  
**Subdivision 2. Veterans Services.** This section appropriates \$100,000 each year for the costs of administering the Minnesota GI Bill program under Minnesota Statutes,

section 197.791. The funds will be transferred to the Minnesota Office of Higher Education for this purpose.

- 3**     **Veteran-owned small businesses.** This section provides small businesses owned by recently separated veterans with up to a six percent preference in the amount bid on state contracts for certain goods and services being procured by state agencies. The purpose of this designation is to facilitate the transition of veterans from military to civilian life, and to help compensate veterans for their sacrifices, including but not limited to their sacrifice of health and time, to the state and nation during their military service, as well as to enhance economic development within Minnesota.
- 6**     **Ranking of veterans.** This section directs that, when hiring into the state civil service, state government agencies must grant an interview to each of the top five veterans, provided that the veteran is qualified for the position, has served in federal active service at any time since September 11, 2001, and has been honorably discharged from the military.
- 7**     **General.** This section allows a dependent of a state employee to enroll in the State Employee Group Insurance Plan (SEGIP) even though the dependent is over age 19 and not a full-time student, if the dependent has recently completed military service and was a full-time student immediately before entering military service. Language permits the enrollment to continue until the dependent's twenty-fifth birthday, which is the same age limit that regularly applies to full-time students who are dependents of state government employees.
- 14**    **Application.** This section extends to veterans employed in State classified civil service positions certain protections pertaining to job dismissal that currently apply to local government employees. Language provides that the veteran may make an irrevocable choice to either file a grievance under the contract provisions normally applicable to the person as a state employee, or to request a hearing under the terms of veterans preference laws. A veteran appealing through the veterans preference provisions is precluded from appealing under the grievance procedure of the collective bargaining agreement.
- 15**    **Veterans Preference Act; Removal forbidden; right of mandamus.** This section strikes a provision in current law that prohibits veterans preference laws from applying to the position of teacher in Minnesota's public education systems. The current law being amended provides certain hearing protections for a veteran facing dismissal from a covered position of employment.
- 16**    **Appropriation.** This section establishes an open and standing appropriation for payment of entitlements under the Minnesota GI Bill Program. The total amount of such funding may not exceed \$6 million in any year.
- 22**    **Reporting required.** This section directs the commissioner of Minnesota management and budget to annually collect certain data from each cabinet level state agency, except for the Metropolitan Council, and report those data specifically by agency, to the

Legislature. The specified data items were chosen to reflect upon agency recruitment and hiring of veterans in a manner that will reflect whether and where any fallout might be occurring.

*ARTICLE 4*  
*Military Affairs*

**Section**

**2 Military Affairs**

**Subdivision 4. Enlistment incentives.** This section appropriates \$13.3 million in 2010, and \$10.3 million in 2011 for enlistment incentives. \$3 million of the funding in the first year is a onetime appropriation. The principal program in this category is the National Guard Tuition Reimbursement Program, which provides national guard members with higher education funding assistance.

**HIGHER EDUCATION FINANCE BILL**

**[S.F. 2083 \(Chapter 95\)](#)**

SUMMARY: The higher education omnibus finance bill provides funding for the Minnesota State Colleges and Universities, the University of Minnesota and the Minnesota Office of Higher Education for the 2010-2011 biennium. The bill also includes other statutory and language changes that affect higher education. Article 3 of the bill relates specifically to the newly created dental therapist program that can be offered either through the Minnesota State Colleges and Universities or the University of Minnesota. Gov. Pawlenty line-item vetoed three areas in the bill; funding for the TEACH program, funding for the Power of You program and funding for the Cook County Higher Education Board.

**ARTICLE 1**

***Higher Education Appropriations***

**Section**

- 1 Summary of appropriations.** This section summarizes higher education appropriations by fund and agency.
- 2 Higher education appropriations.** This section provides that appropriations are for fiscal years 2010 and 2011 from the general fund or another specified fund.
- 3 Minnesota Office of Higher Education**
  - Subdivision 1. Total appropriation.** Appropriates \$187.8 million for fiscal year 2010 and \$187.5 million for fiscal year 2011.
  - Subd. 2. State grants.** Appropriates \$144.1 million in fiscal year 2010 and \$144.1 million in fiscal year 2011 with authority to carry forward or back either year's appropriation.

This subdivision also increases the tuition and fee maximums to \$10,488 in each year from \$9,838 in fiscal year 2009 for students in four-year programs. There is no change to the two-year program tuition maximum, which stays at \$5,808 for students in two-year programs.

This subdivision also increases the living and miscellaneous allowance to \$7,000 each year from \$5,900 in fiscal year 2009.

This subdivision also states that up to \$75,000 of the funds may be used to complete computer programming changes necessary to implement the new Minnesota Statute, 136A.121, subd. 9b

**Subd. 3. Safety officers' survivors.** Appropriates \$100,000 each year for educational grants for dependent children and spouses of public safety officers killed in the line of duty.

**Subd. 4. Child care grants.** Appropriates \$6.684 million each year for child

care grants.

**Subd. 5. State work study.** Appropriates \$14.944 million each year for state work study.

**Subd. 6. Achieve scholarship program.** Appropriates \$4.35 million each year for the modified Achieve Scholarship program.

**Subd. 7. Indian scholarships.** Appropriates \$2 million each year and requires a contract with a knowledgeable person from the Bemidji area to help students with these scholarships and other financial aid. Language also requires Bemidji State University to provide free office space for administration of the Indian Scholarship program.

**Subd. 8. TEACH program.** Appropriates \$250,000 each year for the TEACH program which provides tuition scholarships to early childhood care and education providers. **VETOED by the governor.**

**Subd. 9. Intervention for College Attendance Program Grants.**

Appropriates \$746,000 each year, of which up to \$50,000 each year may be used for administrative expenses, to the ICAP grant program. Language requires priority for existing grantees in order to provide continuity. A report on eligible recipients who are not served is required.

**Subd. 10. Midwest Higher Education Compact.** Appropriates \$95,000 each year for dues to MHEC.

**Subd. 11. Power of You.** Appropriates as a transfer to the Minnesota State Colleges and Universities, \$1 million each year, of which \$500,000 is considered one-time funds for the new pilot sites, to the Power of You program. **VETOED by the governor.**

**Subd. 12. Technical and Community College Emergency Grants.**

Appropriates \$150,000 each year to the financial aid offices at Minnesota State Colleges and Universities college campuses for emergency aid grants to technical and community college students who are experiencing extraordinary economic circumstances to help students avoid dropping out of school.

**Subd. 13. Veterinary Loan Forgiveness.** Appropriates \$225,000 in fiscal year 2011 for the large animal loan forgiveness program at the University of Minnesota.

**Subd. 14. United Family Medicine Residency Program.** Appropriates \$448,000 in fiscal year 2010 and \$467,000 in fiscal year 2011 for a grant for up to 18 residents in family practice to prepare doctors for family care medicine in underserved areas.

**Subd. 15. Interstate tuition reciprocity.** Appropriates \$2.75 million each year for tuition reciprocity.

**Subd. 16. Minnesota College Savings Plan.** Appropriates \$700,000 each year for the college savings plan.

**Subd. 17. MnLINK Gateway and Minitex.** Appropriates \$6.031 million each year for MnLINK, the Minnesota Library Information Network and Minitex, a publicly supported network of academic, public, state government, and special libraries working to improve library service.

**Subd. 18. Other programs.** Appropriates \$357,000 each year for the following programs:

- \$125,000 for student and parent information;
- \$184,000 for the get ready outreach program;
- \$48,000 for a grant to the Minnesota Minority Education Partnership.

**Subd. 19. Agency administration.** Appropriates \$2.785 million each year for the Office of Higher Education administration. It includes \$100,000 to administer the Achieve scholarship program and \$75,000 to administer the Indian scholarship program.

**Subd. 20. Balances forward.** This subdivision provides that balances in this section are available in the second year.

**Subd. 21. Transfers.** This subdivision authorizes the transfer of unencumbered funds from other programs to financial aid programs and the reciprocity program. A transfer requires the written approval by the higher education legislative chairs.

**Subd. 22. TANF work-study.** This subdivision provides that work-study jobs funded by a TANF appropriation do not require employer matching funds.

**Subd. 23. Accreditation.** This subdivision states that the Office of Higher Education must work with small institutions to identify cost-effective methods to achieve accreditation necessary to be an eligible institution for state and federal financial aid.

#### 4 **Board of Trustees of the Minnesota State Colleges and Universities**

**Subdivision 1. Total appropriation.** Appropriates \$677.8 million in fiscal year 2010, of which \$63.9 million is from federal stimulus funds. Appropriates \$666.3 million in fiscal year 2011.

**Subd. 2. American Recovery and Reinvestment Act of 2009.** Appropriates federal stimulus money of \$15.273 million in fiscal year 2009 and \$63.9 million in fiscal year 2010. Language specifies that the funds must be used consistent with federal purposes for modernization, renovation or repair of facilities that are primarily used for instruction, research, or student housing but may not be used for maintenance of systems, equipment or facilities.

Language also requires money to be used as a bridge to future cuts including education and general expenses, to retain faculty and staff jobs, to provide severance and early retirement incentives and to mitigate the rising cost of tuition.

The Legislature also intends the federal stimulus funds to be used to mitigate tuition with a tuition increase cap for resident undergraduate students of 5 percent per year bought down with federal funds to 3 percent per year for a net six percent increase. **(Note: 2009 Session Laws, Chapter 177 amended the tuition language to a buy-down of no more than three percent in fiscal year 2010 only for a net increase of eight percent).**

**Subd. 3. Central Office and Shared Services Unit.** This subdivision appropriates \$47,328,000 each year for the Office of the Chancellor and the Shared Services Division.

**Subd. 4. Operations and maintenance.** This subdivision appropriates \$561,824,000 in fiscal year 2010 and \$614,130,000 in fiscal year 2011 for

operations and maintenance at the campuses.

- (a) The Legislature intends to increase the amount of funding distributed to colleges and universities through the allocation model to provide direct support of instruction and related functions necessary to protect the core mission of educating students.
- (b) The Board of Trustees is required to submit expenditure reduction plans to the Legislature by March 15, 2010 that are based on plans developed at each institution detailing reductions to achieve lower base allocations.
- (c) For the 2010-2011 biennium, spending for technology initiatives, including technology infrastructure improvements, must not exceed \$40 million.
- (d) Appropriates \$40,000 each year for the Cook County Higher Education Board to provide educational programs and academic support services. **VETOED by the governor.**
- (e) Appropriates \$1 million each year for the Northeast Higher Education District and area high schools for state-of-the-art technical education opportunities, including the 2+2 Pathways initiative.
- (f) Appropriates \$225,000 each year to enhance eFolio Minnesota and for a center to provide on-site and Internet-based support and technical assistance to eFolio users – located in Northeast Minnesota.
- (g) The base appropriation for campuses in fiscal years 2012 and 2013 is to be \$602,759,000.

**Subd. 5. Learning Network of Minnesota.** Appropriates \$4.8 million each year for the Learning Network of Minnesota program to be administered by the Minnesota State Colleges and Universities. The program was previously administered by the Office of Higher Education.

**Subd. 6. System improvements.** This subdivision directs the Board of Trustees to place a priority on improvements to the human resources system with a goal of providing seamless information on faculty and employees to facilitate transfers between institutions.

- 7 Board of Dentistry.** This section appropriates \$93,000 in fiscal year 2010 and \$17,000 in fiscal year 2011 from the state government special revenue fund for the purpose of licensing dental therapists.
- 8 Department of Health.** This section increases the base appropriation from the state government special revenue fund for an evaluation of the impact of dental therapists.

*ARTICLE 2*

*Related Higher Education Provisions*

- 1 **Course equivalency.** This section requires course equivalency guides, for use in considering transferring between higher educational institutions, to include information on course equivalency and credit for learning acquired through completion of formal military courses and occupational training.
- 2 **Notice to students regarding possible impact of criminal records.** This section requires all postsecondary institutions in Minnesota to notify students that criminal arrests, charges or convictions may limit their educational choices and access to financial aid. The notice must be given at the time the student is accepted and when the student selects a major.
- 3 **Minnesota Office of Higher Education responsibilities.** This section updates the requirements for the Office of Higher Education to provide information on textbook publishers.
- 4 **American made clothing in college bookstores.** This section requires bookstores on the campuses of public higher education institutions, to the extent possible, to sell clothing manufactured in the United States. The college or university is required to report to the Legislature on the results of efforts made to comply.
- 5 **High school-to-college developmental transition programs.** This section establishes a program to offer research-based high school-to-college programs to prepare students for college. A program must not be more than the equivalent of one semester of full-time study occurring in the summer following high school graduation. Language requires an evaluation for participating programs with a working group to develop methods and timelines for data collection and analysis of program effectiveness. A report is required to the Legislature on the effectiveness of these programs in improving the academic performance of participating students.
- 7 **Federal funds.** This section adds a cross-reference to the legislative review of federal funds.
- 8 **Definitions; reciprocity agreements.** This section adds a definition of resident student to the reciprocity program that is the same definition used in the state financial aid programs. Students are required to meet one of eight listed criteria.
- 9 **Appeal; resident status.** This section establishes a statutory appeals process for students who do not meet the definition of a resident student in the reciprocity program after living in Minnesota for 12 months. The director of the Office of Higher Education may grant resident status if the student

presents documents that show a reason for living in Minnesota that is other than education.

- 10 **Eligible institution.** This section extends by two years the requirement for postsecondary institutions to be accredited to participate in the state grant program.
- 11 **Minnesota Promise.** This section explains the legislative policy to fund financial aid at a level to cover the costs for low-income students to attend public two-year institutions when combined with other public and private aid. Also requires the Office of Higher Education to promote the Minnesota Promise, financial aid, and the benefits of higher education.
- 12 **Awards.** This section increases the eligibility period for the state grant award to nine semesters from eight semesters and provides an additional semester or eligibility for students who withdraw from a term due to a serious illness while under the care of a medical professional.
- 13 **Onetime grant for high school-to-college developmental transition program.** This section provides a new grant for eligible students attending the transition programs established in this bill with a formula for calculating the award and the requirement that it counts as a semester of eligibility for the state grant. These grants are available to students who graduate from high school beginning in 2010.
- 14 **Free application for Federal Student Aid (FAFSA) compliance.** This section requires postsecondary institutions that are eligible to participate in the state grant program to implement policies and procedures to make students aware of the federal financial aid form necessary to receive federal and state financial aid.
- 15 **Achieve; qualifying program.** This section waives the foreign language requirement to be eligible for an Achieve scholarship for students whose first language is not English.
- 16 **Achieve; student eligibility.** This section makes changes to the student eligibility for Achieve scholarships that require students to have a high school grade point average of 2.5, qualify for state or Pell grants, and enroll full-time in an eligible postsecondary institution in the year after graduation.
- 17 **Achieve; scholarship awards.** This section provides for the calculation of a one-year scholarship amount based on factors in the state grant program. A minimum award is set at \$1,200 per academic year.
- 18 **Achieve; additional award for online course completion.** This section provides \$150 in additional award to students eligible for Achieve awards who

take a qualifying online course in high school.

- 19 Achieve; student investment.** This section provides for the calculation of the student's share of the grant award.
- 20 Achieve; evaluation report.** This section makes changes to the existing report to eliminate certain reporting requirements.
- 21-22 SELF loan revenue bonds annual certificate of need.** These sections provide for a potential general fund budget request as a backup for bonds issued for the SELF loan program. The Office of Higher Education is required annually to certify to the governor any amount needed to:
- restore the loan capital fund to a minimum level required on outstanding bonds;
  - provide for the payment of principal and interest due and payable in the year; and
  - restore debt service funds securing outstanding bonds as required.
- 23 Large animal veterinarian loan forgiveness program.** This section directs the Office of Higher Education to establish and administer the program, and prescribes eligibility criteria, including a full-time practice in designated underserved rural areas with at least half-time caring for food animals. Language requires an application by a current student or recent graduate of the University of Minnesota College of Veterinary Medicine, and each successful applicant is required to sign a five-year service obligation contract.
- Language authorizes the Office of Higher Education to select up to five applicants each year for the loan forgiveness program within the limits of appropriations. Applicants are to be prioritized who are most suitable to practice in a designated area and who are closest to completing their training. If a participant submits an annual affidavit certifying that the participant is practicing as required, an annual payment of up to \$15,000 for up to 5 years, not to exceed the amount owed may be issued.
- 24 Planning information for postsecondary education.** This section changes the responsibilities of the Office of Higher Education to provide information on planning and preparing for postsecondary education to provide the information earlier and include additional programs.
- 25 Board of Trustees membership.** This section makes changes to the process for nominating and electing the members of the Board of Trustees of the Minnesota State Colleges and Universities by making future commissioners of state agencies ineligible for board service.
- 26-28 Board of Trustees recommendations.** These sections require recommendations for candidates by the advisory council, student associations

and the Minnesota AFL-CIO to be made to both the Legislature and the governor.

- 29 Job placement impact on program review; information to students.** This section requires the Minnesota State Colleges and Universities to use labor market data in reviews of college programs and to provide job placement rates to prospective students of an occupational or technical program.
- 30 Solicitation.** This section makes a technical correction to an obsolete reference.
- 31 University scholarship.** This section authorizes the Board of Regents with the University of Minnesota to establish a middle income scholarship for students from families who are not eligible for the federal Pell grant and have annual family incomes below \$100,000.
- 32-33 Regent nomination and election.** This section limits a member of the University of Minnesota regent selection advisory committee to two terms, and eliminates any restrictions on the number or purpose of meetings of the joint legislative committee.
- 34 Appropriations not for buildings.** This section authorizes state appropriations to the University of Minnesota to be made in 12 monthly payments.
- 35 Public employee or employee.** This section makes a technical correction to a reference to Metropolitan State University.
- 36 Peace officers survivor grants; eligibility.** This section increases the eligibility period for the postsecondary grant awards to nine semesters from eight semesters.
- 37 State-owned recreation; entertainment facilities.** This section provides that a liquor license may only be issued to the Board of Regents for a stadium or arena facility if legal liquor sales are available throughout the facility and not limited to premium seating areas. This section is effective for applications made after December 1, 2008.
- 38 Implementation of textbook information requirements.** This section requires the Office of Higher Education to report to the Legislature on implementation of federal textbook information requirements. The report with recommendations must be done in conjunction with representatives of students, publishers, and public and private postsecondary education, including the Minnesota State Colleges and Universities.
- 39 Achieve scholarship for students eligible prior to January 1, 2009.** This

section provides for a \$1,200 scholarship to eligible students as transition to the new program. This section expires December 31, 2012.

- 40 Teacher education report.** This section requires the Office of Higher Education and the Department of Education to report by June 15, 2010, to the Legislature on best practices in teacher education programs and research. The report is to include at minimum, teacher education preparation program curricula that will prepare prospective teachers to teach an increasingly diverse student population; opportunities for mid-career professionals employed in professions in which there is a shortage of teachers to pursue a teaching career; and enhancing the ability of teachers to use technology in the classroom.
- 41 Fiscal stabilization account; primary payee.** This section establishes an account for deposit of funds received through the American Recovery and Reinvestment Act of 2009 and authorizes the commissioner of finance to designate a primary payee for awards from these funds with an immediate effective date.
- 42 Minnesota State College – Southeast Technical; Aviation Training Center.** This section appropriates the net proceeds from the sale of the Aviation Training Center in Winona operated by Minnesota State College – Southeast Technical, after paying all expenses incurred in selling the property and retiring any remaining debt attributable to the project, to Minnesota State Colleges and Universities for use in a capital project at the campus.
- 43 Power of You pilot programs.** This section establishes two pilot programs to provide financial aid and attendance assistance to qualifying low-income students for campuses in the Minnesota State Colleges and Universities system in a suburban area and a rural area with a multi-campus college in an agricultural part of the state and in a non-agricultural part of the state dependent on natural resources. Each college in the pilot program must work with a high school partner selected by the Board.
- 44 Minnesota State Colleges and Universities degree requirements.** This section provides a moratorium for associate of applied science degrees from the Board of Trustees' policy limiting two-year degrees to 60 credits, until July 2, 2012. By January 2, 2012, MSCF and MSCSA are to present a joint report to the Legislature on a process for reviewing the credit requirements for the associate of applied science degree.
- 45 FAFSA report.** This section requires the Office of Higher Education to report to the Legislature by March 15, 2011, on policies adopted by postsecondary institutions to increase student awareness of the need to complete federal financial aid forms.

- 46 **Repealer.** This section repeals unnecessary subdivisions of the Achieve scholarship program, Minnesota Statutes 136A.127, subs. 8, 12 and 13.

*ARTICLE 3*  
*Dental Therapists*

- 1 **Dental therapist.** This section defines “dental therapist” to mean a person licensed under this chapter to perform the services authorized under section 150A.105.
- 2 **Advanced dental therapist.** This section defines “advanced dental therapist” to mean a person licensed as a dental therapist under this chapter and who has been certified by the board to practice as an advanced dental therapist under section 150A.106.
- 3 **Practice of dental therapy.** This section defines the practice of dental therapy.
- 4 **Exemptions and exceptions of certain practices and operations.** This section adds dental therapy students acting under the instruction of a licensed dental professional to the list of individuals exempt from sections 150A.01 to 150A.12.
- 5 **Dental therapists.** This section requires applicants to be of good moral character and a graduate of a program accredited by the American Dental Association Commission on Dental Accreditation.
- 6 **Resident dental providers.** This section states that a person who is a graduate of an undergraduate program and is an enrolled graduate student of an advanced dental education program shall obtain from the board a license to practice as a resident dental hygienist or dental therapist. The license must be designated a “resident dental provider license” and authorizes the licensee to practice only under the supervision of a licensed dentist or licensed dental therapist. A resident dental provider license must be renewed annually by the board.
- 7 **Continuing education and professional development waiver.** This section amends Minnesota Statute 150A.06, subd. 2d by adding the term “dental therapist.”
- 8 **Fraud in securing licenses or registrations.** This section amends Minnesota Statute 150A.06, subd. 5 by adding the term “dental therapy.”
- 9 **Display of name and certificates.** This section amends Minnesota Statute 150A.06, subd. 6 by adding the term “dental therapist.”

- 10 **Grounds.** This section amends Minnesota Statute 150A.08, subd. 1 by adding the term “dental therapist.”
- 11 **Costs; additional penalties.** This section amends Minnesota Statute 150A.08, subd. 3a by adding the term “dental therapist.”
- 12 **Medical examinations.** This section amends Minnesota Statute 150A.08, subd. 5 by adding the term “dental therapist.”
- 13 **Registration information and procedure.** This section amends Minnesota Statute 150A.09, subd. 1 by adding the term “dental therapist.”
- 14 **Current address, change of address.** This section amends Minnesota Statute 150A.09, subd. 3 by adding the term “dental therapist.”
- 15 **Application fees.** This section adds a \$100 application fee for dental therapists.
- 16 **Initial license or registration fees.** This section adds a prorated initial fee for a dental therapist of \$10 times the number of months of the initial term.
- 17 **Biennial license or registration fees.** This section adds a \$180 biennial license fee for a dental therapist.
- 18 **Duplicate license or registration fee.** This section adds a \$35 license replacement fee for dental therapists.
- 19 **Reinstatement fee.** This section adds an \$85 reinstatement fee for a dental therapist
- 20 **Dental hygienists.** This section adds licensed dental therapists to the list of providers who can use the services of dental hygienists.
- 21 **Dental assistants.** This section requires licensed dental therapists who use the services of unlicensed persons to be responsible for the acts of these persons. Language permits a dental therapist to supervise no more than four registered dental assistants in any one practice setting.
- 22 **Dental technicians.** This section permits dental therapists to issue work orders.
- 23 **Restorative procedures.** This section adds licensed advanced dental therapists to the exceptions for the restorative procedures.
- 24 **Dental therapist.** This section requires a dental therapist to practice under the supervision of a Minnesota licensed dentist. Language is also included that

limits dental therapist practice to low-income and underserved patients or in a dental health professional shortage area. This section also sets out the requirements of the written agreement between the dental therapist or advanced dental therapists and a Minnesota-licensed dentist.

This section also lists the services that may be provided by a dental therapist under the parameters of the collaborative management agreement. In general, this subdivision permits a dental therapist to perform preventive, evaluative, and educational oral health services. A dental therapist is allowed to dispense analgesics, anti-inflammatories, and antibiotics under this section.

This section also requires a licensed dental therapist to practice within the collaborative management agreement and according to this chapter and permits a dental therapist to supervise no more than two registered or unregistered dental hygienists at any one practice setting, if this is authorized by the collaborative management agreement.

- 25**    **Advanced practice dental therapist.** This section requires an advanced dental therapist to complete an education program, pass an examination, be a licensed dental therapist who has completed 2,000 hours of supervised clinical therapy, pass an exam and be certified.

This section lists the services that may be provided by an advanced dental therapist under the parameters of the collaborative management agreement. These include, under general supervision, the practices of dental therapists, evaluation, assessment, and nonsurgical extraction. This section also requires all procedures and services to be authorized by the collaborating dentist. Language sets limits for teeth extraction, requirements for providing for advanced patient needs and requires written protocols governing patients who need advanced treatment. Language also establishes the conditions, within the collaborative agreement, for administering specified drugs.

- 26**    **Dividing fees.** This section amends Minnesota Statutes 150A.11, subd. 4 by adding the term “licensed dental therapist.”
- 27**    **Violation and defenses.** This section amends Minnesota Statutes 150A.12 by adding the term “dental therapy.”
- 28**    **Patient’s name and Social Security number.** This section amends Minnesota Statutes 150A.21, subd. 1 by adding the term “dental therapist.”
- 29**    **Failure to comply.** This section amends Minnesota Statutes 150A.21, subd. 4 by adding the term “dental therapist.”
- 30**    **Practitioner.** This section adds dental therapist to the definition of “practitioner” under specified sections of the pharmacy practice act for the

purpose of dispensing and administering medications.

- 31**    **Impact of dental therapists.** This section instructs the Board of Dentistry to evaluate the impact of the use of dental therapists and requires a report to the Legislature by January 15, 2014.
  
- 32**    **Repealer.** This section repeals section 150A.061, oral health practitioner.

**K-12 EDUCATION FINANCE BILL**

**[H.F. 2 \(Chapter 96\)](#)**

*SUMMARY:* The K-12 education omnibus finance bill provides funding for the Minnesota Department of Education as well as makes changes to K-12 education policy. The governor signed the bill without any line-item vetoes. Some of the changes as they relate to the Minnesota State Colleges and Universities system include the establishment of a P-20 education partnership, which adds four legislators to the initial membership of the Minnesota P-16 Education Partnership. A college and career-readiness work group on a comprehensive high school assessment and accountability system that aligns to college and career readiness was also created in the bill. And the bill includes changes to the structure of charter schools. A community college, state university, or technical college governed by the Board of Trustees is eligible to authorize a charter school.

***ARTICLE 1***  
***General Education***

**Section**

- 21** **Onetime general education revenue reduction replaced with federal funds from the fiscal stabilization account.** This section allocates \$500 million of federal funds from the fiscal stabilization account to school districts to replace the same amount of state aid. The commissioner of Minnesota Management and Budget may designate a primary payee for each state fiscal stabilization award. The primary payee must transfer the amount of stabilization funds appropriated by law to the state agencies and higher education institutions designated to receive the federal stimulus funds in law.

***ARTICLE 2***  
***Education Excellence***

- 3** **Educational expectations for Minnesota's students.** This section ties course credits to state and local academic standards, and strikes obsolete language distinguishing between those students who are required to pass the state basic skills tests and those who must pass the MCA-IIs. Language requires Minnesota students to successfully pass state graduation exams. This section is effective August 1, 2012, and applicable to 9<sup>th</sup> grade students beginning in the 2012-2013 school year and later.
- 8** **Statewide testing and reporting system.** This section aligns high school tests with required academic standards and strikes the requirement for constructed response questions. Language makes GRAD tests applicable in 2012-2013 to those students who have not passed the Minnesota basic skills tests. Language also requires the state assessment system to be aligned to state academic standards and provides a timeline for aligning

mathematics, science, and language arts and reading standards and assessments.

This section also allows students enrolled in grade 8 in any school year between the 2005-2006 and 2009-2010 school years who do not pass the math graduation-required assessment for diploma (GRAD) to receive a diploma with a passing state notation if they satisfactorily complete all coursework and credits required for graduation and participate in academic remediation. Language also allows a school board to include a notation of high achievement on students' high school diplomas indicating exemplary academic achievement during high school based on board-established criteria.

- 9 Educational accountability and public reporting.** This section requires Minnesota's educational accountability and reporting system to promote greater academic achievement and preparation for higher academic education, the world of work, citizenship, and the arts.
- 12 Student academic achievement and growth.** This section requires the statewide educational accountability and reporting system to measure and separately report the adequate yearly progress of schools and the academic growth of individual students. Language requires the system to include statewide measures of high and low student academic growth.

This section also directs the commissioner of education, in consultation with assessment and evaluation experts and other stakeholders, to implement an assessment model that uses a value-added growth indicator and includes criteria for identifying schools with medium and high growth, and to recommend other value-added measures. Language allows this model to be used to advance educators' professional development and replicate programs that meet students' diverse learning needs.

This section also directs the commissioner of education to annually report, beginning July 1, 2011, two core measures indicating the extent to which students are completing (1) course work important to preparing them for postsecondary academic and career opportunities and (2) rigorous courses of study such as advanced placement, international baccalaureate or post secondary enrollment options or industry certification courses or programs.

- 14 Comprehensive, scientifically based reading instruction.** This section clarifies what a comprehensive, scientifically-based reading instruction program includes and defines areas of reading instruction. Fluency is defined as the ability of students to read text with speed, accuracy, and proper expression; phonemic awareness is defined as the ability to notice, think about, and manipulate individual sounds; phonics is defined as

teaching beginning readers explicitly and systematically to understand how letters are linked to sounds to form letter-sound correspondences, to recognize spelling patterns, and to apply this knowledge to their reading; reading comprehension is defined as teaching comprehension skills explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning by intentional, problem-solving thinking processes; and vocabulary development is defined as teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items.

- 17 License and rules.** This section includes as part of the Board of Teaching’s licensure exams, an assessment of reading instruction for teacher licensure prekindergarten and elementary school candidates.
- 19 Reading strategies.** This section makes an additional requirement on all colleges and universities approved by the Board of Teaching to prepare licensure candidates for the Minnesota reading instruction competence assessment. This section is effective the day following final enactment.
- 25 Plan components.** This section includes as an element of the educational improvement plan under Q-Comp, a rigorous and research-based professional development system based on national and state standards of effective teaching practice that is consistent with staff development programs and aligned with educational improvement, and designed to achieve ongoing and school-wide progress and growth in teaching practice. This section is applicable to plans developed in the 2009-2010 school year and later.
- 41 Charter schools**  
**Subdivision 3. Authorizer.**  
(a) Defines “application” both in the context of an eligible authorizer receiving approval to charter a school and the business plan that a school developer submits to an authorizer for approval to form a charter school. This section also defines “affidavit” both in the context of the written statement that an authorizer submits to the commissioner of education for approval before chartering a school and the form that an authorizer submits to the commissioner of education as a precondition for a charter school to establish an affiliated nonprofit building corporation.  
(b) Lists the organizations that are eligible to authorize charter schools, including a community college, state university, or technical college, governed by the Board of Trustees of the Minnesota State Colleges and Universities. This section also makes ineligible those charitable organizations under the federal tax code that are non-public sectarian or religious institutions or their affiliates, and any charitable organizations that for federal tax purposes describe activities indicating a religious purpose. Language allows three single-purpose sponsors and establishes a

process to obtain the commissioner of education approval for such sponsors.

(c) Establishes the process by which an eligible authorizer must apply to the commissioner of education for approval as an authorizer. This section lists the criteria for approval that the commissioner must consider.

(d) Lists the required content of an applicant's affidavit to become an authorizer.

(e) Requires an authorizer to participate in department-approved training.

(f) Establishes a June 30, 2011 deadline by which current authorizers must apply to the commissioner of education for approval to continue as an authorizer.

(g) Directs the commissioner of education to review an authorizer's performance at least once every five years, permit more frequent reviews at the commissioner's discretion, and subject an authorizer that has not performed satisfactorily to corrective action that may include terminating an authorizer's eligibility to charter a school.

(h) Allows the commissioner of education to take corrective action against an authorizer, including terminating an authorizer's ability to authorize a charter school for failing to demonstrate the criteria under which the commissioner of education approved the authorizer; violating a term of the chartering contract; or unsatisfactory performance as an authorizer.

**Subd. 4. Formation of school.**

(a) Allows an authorizer to charter a licensed teacher or a group of individuals that includes at least one licensed teacher to operate a charter school subject to approval by the commissioner of education.

(b) Requires an authorizer to file a separate affidavit with the commissioner of education for each school it intends to charter, and establishes a process for approving the affidavit and for addressing deficiencies in the affidavit.

(c) Allows an authorizer to prevent an approved charter school from opening under certain circumstances.

(d) Requires at least five unrelated parties to serve as members of the initial and the ongoing boards of directors, and clarifies that charter school staff and parents and guardians are the voters eligible to elect the board of directors.

(e) Makes meeting records and financial information publicly available and requires a charter school to post information on its official Web site identifying and providing contact information on its authorizer.

(f) Requires board members to attend department-approved training on specified topics and prevents untrained board members from continuing to serve on the board.

(g) Requires an ongoing board to be elected by the end of the third year and requires the board of directors to be composed of at least five non-related members and include at least one licensed teacher, the parent of a student and an interested community member who is not a school

employee or parent.

(i) Prohibits an authorizer from acquiring unfair financial gain in its relationship with a charter school.

(j) Outlines the process and timeline for approving a supplemental affidavit.

(k) Clarifies the process by which an authorizer submits a supplemental affidavit to the commissioner of education for approval and establishes the timeline by which the commissioner must approve or disapprove a supplemental application under paragraph (k).

**Subd. 15. Review and comment.**

(a) Requires an authorizer to submit a formal charter school evaluation to the commissioner of education for review and comment before the authorizer charters a school or renews a charter school contract, and directs the department to review and comment upon an authorizer's evaluation process at periodic intervals.

(b), (c), (d) Establishes a formula for calculating fees that an authorizer may charge a charter school for evaluating the fiscal, operational, and student performance of the charter school, including the pre-operational planning period.

(e) Allows the authorizer to assess a charter school a fee equal to the basic formula allowance in the pre-operational planning year.

(f) Requires the authorizer to submit a statement of expenditures related to chartering activities each year.

**Subd. 19. Disseminate information.** This section allows authorizers, operators, and the department of education to disseminate information about successful best practices in teaching and learning demonstrated by charter schools.

**Subd. 23. Causes for nonrenewal or termination of charter school contract.** This section restates the timelines for not renewing or terminating a charter school contract in terms of business days and strikes language allowing the commissioner of education to approve a different sponsor for a charter school where an existing sponsor elects to terminate or not renew the charter school contract.

Language also allows a change in authorizers if an existing authorizer and a charter school board of directors mutually agree to voluntarily terminate or not renew a charter school contract, subject to approval by the commissioner of education. The commissioner is also allowed to terminate a charter school contract if the charter school fails to meet performance requirements, engages in financial mismanagement, or violates laws.

**48 Eligible programs.** Consistent with changes elsewhere in this bill, this section refers to a state-approved alternative program instead of alternative

learning centers. Under the graduation incentives program, this section makes a high school junior or senior in an alternative program, instead of a pupil between the ages of 16 and 21, eligible to enroll in a post secondary enrollment options course or program.

- 58 Minnesota P-20 Education Partnership.** This section establishes a P-20 partnership to create a seamless education system that maximizes the achievement of all students from early childhood through postsecondary education and promotes the efficient use of resources. Partnership members include members of the P-16 Education Partnership and four legislators. Language establishes meeting procedures and requires partnership members to be the leader or designee of their respective organizations and requires partnership members to meet at least three times during each calendar year. Language also directs the partnership to seek outside expertise.

This section also directs the partnership to recommend to the governor and the Legislature how to maximize the achievement of all P-20 students and promote efficient use of resources. Language directs the partnership to submit an annual report to the Legislature and the governor by January 15 each year that summarizes the partnership's progress and includes any recommendations. The P-20 partnership is permanent and does not expire.

- 60 Implement rigorous coursework measures related to student performance.** This section establishes a process for the commissioner of education and qualified experts and other stakeholders including parents and teachers to develop a model that projects anticipated high school performance on preparation and rigorous coursework measures and compares schools with similar schools. The group expires June 30, 2011.
- 62 High school assessment system; recommendations.** This section establishes a college and career-readiness workgroup to evaluate and make recommendations to the commissioner of education and the Legislature on the design of the state high school assessment system, levels of and mechanisms for accountability, postsecondary uses of the assessments and an implementation timeline.
- 66 Assessment of reading instruction.** Beginning January 1, 2012, this section directs the Board of Teaching to administer an assessment of reading instruction for prekindergarten and elementary teacher licensure candidates that is part of the exam of licensure-specific teaching skills.
- 67 Appropriations**  
**Subdivision 8. American Indian teacher preparation grants.** This section appropriates \$190,000 each year for joint grants to assist American Indian people to become teachers.

**Subd. 12. Examination fees; teacher training and support programs.**

This section appropriates \$4.5 million each year for students' advanced placement and international baccalaureate examination fees and the training and related costs for teachers and other interested educators. The advanced placement program shall receive 75 percent of the appropriation each year and the international baccalaureate program shall receive 25 percent of the appropriation each year.

At least \$500,000 each year is for teachers to attend subject matter summer training programs and follow-up support workshops approved by the advanced placement or international baccalaureate programs. The commissioner of education shall determine the payment process and the amount of the subsidy.

The commissioner of education shall pay all examination fees for students of low-income families, and to the extent of available appropriations shall also pay examination fees for students sitting for an advanced placement examination, international baccalaureate examination, or both.

**Subd. 13. Concurrent enrollment programs.** This section appropriates \$2 million each year for concurrent enrollment programs.

**Subd. 14. Collaborative urban educator.** This section appropriates \$528,000 each year for the collaborative urban educator grant program.

**Subd. 17. Education Planning and Assessment System (EPAS) program.** This section appropriates \$829,000 each year for the Educational Planning and Assessment System program.

**Subd. 19. Math and science teacher centers.** This section appropriates \$750,000 one-time funding in fiscal year 2010 for math and science teacher centers.

**ARTICLE 5**

**Libraries, Nutrition, and Accounting**

**13 Appropriations**

**Subdivision 8. Electronic library for Minnesota.** This section appropriates \$900,000 each year for statewide licenses to online databases selected in cooperation with the Minnesota Office of Higher Education for school media centers, public libraries, state government agency libraries, and public or private college or university libraries.

**STATE GOVERNMENT FINANCE BILL**

**[S.F. 2082 \(Chapter 101\)](#)**

*SUMMARY:* The state government omnibus finance bill provides appropriations for a wide variety of state agencies not otherwise included in separate bills. Also in the bill are statutory language changes that have an impact not only on agencies funded in the bill, but on agencies in the Executive Branch. The Minnesota State Colleges and Universities system is affected by some of these language changes as noted below.

**ARTICLE 2**

***State Government Operations***

**Section**

- 3** **Review of financial management and internal controls.** This section requires the Legislative Audit Commission to review legislative auditor reports and make recommendations, as the commissioner determines necessary, for improvements in the state's system of internal controls and financial management.
- 4** **Financial audits.** This section expands the scope of the requirement for the Legislative Auditor to investigate allegations of noncompliance in the course of financial audits by eliminating the limitation to state employees and employees of agencies listed in this subdivision, including the Minnesota State Colleges and Universities.
- 5** **Duties concerning misuse of public money or other resources.** This section provides that when the Legislative Auditor determines that a state official or employee has used money for a purpose other than the purpose for which the money was appropriated, the Auditor must report this to the Legislative Audit Commission, the Attorney General, and the appropriate county attorney.
- 37** **Employer restrictions; liability.** This section forbids an employer from forbidding an employee to disclose information to a public entity in furtherance of an action under this section or from discriminating against an employee in terms or conditions of employment because of these disclosures.
- 43** **Web site with searchable database on state expenditures.**
  - Subd. 1. Web database requirement.** This section requires the commissioner of Minnesota management and budget, in consultation with the commissioners of administration and revenue, to maintain a Web site with a searchable data base with information on state contracts, state appropriations, state expenditures, and state tax expenditures. Language

requires that for each data field, the searchable database must allow a user to perform a search using that field; sort by that field; obtain information grouped or aggregated by that field, if feasible; and view information by fiscal year or years.

**Subd. 2. Contracts.** This section requires that the database on contracts include data fields showing: the name of the entity entering into and receiving the contract; an indication if the contract is for goods, professional or technical services, other services, or a grant; and the funding source for the contract. Language also provides that for each contract the data base must include an address of the entity receiving the contract and a brief statement of the purpose of the contract. There is also a requirement that information on a new contract or grant be entered into the database within 30 days.

**Subd. 3. Appropriations.** This section requires that the database on state appropriations include information on: the agency receiving the appropriation; the agency program, activity, and item, to the extent applicable; the fund from which the appropriation is made; and the object of expenditure.

**Subd. 4. State expenditures.** This section requires that the database on state expenditures include data fields showing: the agency making the expenditure; the agency program, activity, and item, to the extent applicable; the fund from which the expenditure is made; and the object of expenditure.

**Subd. 5. Tax expenditures.** This section requires the Web site to include a searchable database of state tax expenditures, including data fields showing the estimated impact on state revenues of each tax expenditure item listed in a report that current law (section 270C.11) requires the commissioner of revenue to prepare.

**Subd. 6. Audits.** This section requires the Web site to link to web sites containing legislative auditor findings.

**Subd. 7. Retention of data.** This section requires that the database required under this section include information beginning with fiscal year 2010 funds and must retain data for at least ten years.

**Subd. 8. Consultation.** This section requires the commissioner of Minnesota management and budget to consult with the Legislature before encumbering funds appropriated on or after July 1, 2009, for state accounting or procurement systems. Language provides that funds appropriated for these purposes may not be spent unless the commissioner certifies that the system will allow compliance with requirements of this

section.

- 46 Payroll direct deposit and deductions.** This section removes language from the law governing state employee payroll deductions that limits payroll deductions to only one labor organization of which the employee is a member.
- 47 Misappropriation of money.** This section provides a gross misdemeanor penalty for a state official or employee of a department in the executive, legislative, or judiciary who intentionally uses money appropriated by law or fees collected, knowing that the use is for a purpose other than the purpose for which the money has been appropriated.
- 52 Employee fitness and wellness facilities.** This section authorizes a state entity to use space under its control to offer fitness or wellness classes to its employees, and allows persons conducting these activities to charge employees a fee. Language provides that revenue received by a public entity under this section is appropriated to the entity.
- 54 Bird-safe buildings.** This section requires occupants of state owned or leased property to attempt to reduce dangers to migrating birds by turning off building lights between midnight and dawn during specified times of the year, to the extent consistent with normal use of the buildings.
- 56 Veteran-owned small businesses.** This section provides small businesses owned by recently separated veterans and veterans with service-connected disabilities with up to a six percent preference in the amount bid on state contracts for certain goods and services being procured by state agencies.
- 61 Vacation donation to sick leave account.** Under current law, a state employee may donate up to 12 hours of vacation leave each year to the sick leave account of other state employees. This section changes that law including increasing the limit to 40 hours each year.
- 62 Sick leave for veterans with service-related disabilities.** This section provides that a state employee who is a veteran with a service-related disability may apply to the appointing authority for additional sick leave to receive treatment for the disability. Language authorizes an appointing authority to grant up to 40 hours of sick leave each fiscal year to each employee.
- 63 Best practices for investigations.** This section requires the commissioner of Minnesota management and budget to develop and make available to executive appointing authorities a best practices policy for conducting investigations in which the appointing authority compels its employees to answer questions about allegedly inappropriate activity.

- 64** **Voluntary unpaid leave of absence.** This section makes permanent a provision (which currently expires June 30, 2009) that allows a state employee who takes unpaid leave of absence up to 1,044 hours each two-year period to continue to accrue vacation and sick leave, be eligible for holidays and insurance benefits, accrue seniority and accrue service credit and credited salary in state retirement plans as if the employee had been working during the unpaid leave period. Appointing authorities retain discretion to grant these leaves.
- 99** **Training services.** This section provides that during the 2010-2011 biennium, state executive agencies must consider using services provided by government training services before contracting with outside vendors for similar services.
- 100** **Rental cost savings.** This section requires the commissioner of administration to report to the Legislature by January 15, 2010, on savings in state agency costs for rental space in state-owned and state-leased buildings that can be achieved by expected decreases in agency complement and by encouraging or requiring increased telecommuting.
- 101** **Cash flow study.** This section requires the commissioner of Minnesota management and budget to report to the Legislature by January 15, 2010, on the cash flow condition of the general fund for the fiscal year 2010-2011 biennium and the following biennium, including an assessment of options for improving long-term cash flow. Language provides that this report should also identify major provisions of law that result in state expenditures or revenues being recognized in budget documents earlier or later than the year in which the obligation to pay expenses or pay taxes was incurred.

**ENERGY POLICY BILL**

**[S.F. 550 \(Chapter 110\)](#)**

*SUMMARY:* The omnibus energy policy bill makes multiple policy changes as they relate to utilities. Policy changes of interest to the Minnesota State Colleges and Universities system can be found below.

**Section**

***Omnibus Energy Policy Bill***

- 2**     **Initiative for renewable energy and the environment.** This section allocates \$5 million annually from the Renewable Development Account to fund a grant to the Board of Regents of the University of Minnesota for the Initiative for Renewable Energy and the Environment. Language specifies how funding must be allocated and activities that may be funded by the grant. The director of the initiative is required to submit an annual report to the Legislature on its activities.
- 18**     **Building performance standards; Sustainable Building 2030.** This section requires a utility's Sustainable Building 2030 design assistance program to consider strategic tree planting of trees and shrubs around buildings as an energy conservation strategy for a designed project. Language specifies that \$350,000 of the annual contract amount must be spent on programmatic activities as specified, in addition to the subcontracts already authorized by the section
- 36**     **Cancellation and appropriation.** This section cancels \$750,000 of the amount remaining of the appropriation to the Commissioner of Commerce to provide competitive, cost-share grants to fund renewable energy research, to the special revenue fund. Language appropriates that amount to the Commissioner of Commerce for a one time grant to the BioBusiness Alliance of Minnesota for bioscience business development programs.

**FEDERAL STIMULUS ENERGY BILL**

**[S.F. 657 \(Chapter 138\)](#)**

*SUMMARY:* The federal stimulus energy bill allocates funding received by the state of Minnesota from the American Recovery and Reinvestment Act of 2009 for energy programs. Provisions in the bill that have an affect on the Minnesota State Colleges and Universities system are summarized below.

***ARTICLE 2***  
***Energy Efficiency***

**Section**

- 8 State government building renovations.** This section requires the Department of Administration to develop a plan to fund and implement projects using stimulus funds for energy efficiency projects in state buildings. Priority must be given to lighting upgrades, window repair and replacement with energy-efficient windows, energy recommissioning, and other cost-effective energy projects that are ready for immediate implementation.
- 13 National energy efficiency center.** This section requires the commissioner of the Department of Administration to develop a plan for a national energy efficiency center in Minnesota to test energy efficiency equipment and systems to measure actual energy savings performance, to provide an ongoing assessment of energy efficiency best practices, and to coordinate with appropriate public and private entities to disseminate information and provide training on technology developments and best practices.

***ARTICLE 5***  
***Miscellaneous***

- 1 Training and workforce development.** This section requires the Department of Employment and Economic Development, in coordination with Minnesota State Colleges and Universities and the Office of Higher Education, to develop a plan and procedures to allocate stimulus funds to programs to train energy professionals, such as auditors, energy managers and building operators to implement the energy-efficiency programs specified in this article.

Language specifies that the plan must include procedures to train individuals already employed in implementing energy programs; recruit individuals to be trained to perform work in energy projects using stimulus funding who are unemployed, especially targeting communities experiencing disproportionately high rates of unemployment, including,

but not limited to, low-income, youth, rural, or tribal communities and individuals in construction trades and crafts.

- 2 **Accountability and transparency reporting.** This section requires the director of the Office of Energy Security, after compiling information supplied by the commissioners of administration, education, and employment and economic development, and the Office of Higher Education, to submit to the Legislature four quarterly reports on the progress of the programs funded, beginning in September 2009. The reports must contain information for each project on the number of projects funded and their location; the number of jobs retained and created; energy savings; training courses provided and the number of trainees; and compliance with prevailing wage and disadvantaged enterprise requirements.
- 3 **Competitive energy activities.** This section directs the Office of Energy Security to coordinate state and local government efforts to obtain competitive grants for energy-related purposes authorized by the American Recovery and Reinvestment Act.

**ARTICLE 6**  
***Appropriations***

- 3 **State energy program appropriation.** This section appropriates funds for programs addressed in the bill, including \$6.992 million for energy efficiency projects in the state government buildings consistent with the requirements of Article 2, Sec. 8. This section also appropriates \$1 million for training and workforce development consistent with Article 5, Sec. 1, Subd. 2, and \$1.5 million for training and workforce development consistent with Article 5, Sec. 1, Subd. 1.

**ARTICLE 7**  
***Effective Date***

- 1 **Effective Date.** This act is effective the day following final enactment.

## HUMAN SERVICES LICENSING BILL

### [S.F. 1447 \(Chapter 142\)](#)

*SUMMARY:* The Department of Human Services Licensing bill modifies the data practices act in Article 1 by creating new subdivisions described below. Article 2 of the bill includes a repealer that removes from Minnesota Statutes 245C.10, subdivision 1, language that prohibited Minnesota State Colleges and Universities from charging students for the cost of a background study. Colleges and universities are now permitted to charge the fee directly to the student who requires the background check, or they may charge a differential tuition rate to cover the cost.

#### *ARTICLE 1* *Data Practices*

##### Section

- 1 Continuity of operations.** This section creates a new subdivision that allows employee home contact information to be used and shared by government in the event of an emergency or other disruption affecting continuity of operation of a government entity.
- 2 Private personnel data.** This section creates a new subdivision allowing state employee personnel data to be shared with the Department of Administration for worker's compensation purposes.

#### *ARTICLE 2* *Licensing*

##### Section

- 49 Repealer.** This section removes from Minnesota Statutes 245C.10, subdivision 1, the below language that prohibited Minnesota State Colleges and Universities from charging students for the cost of a background study.

245C.10 BACKGROUND STUDY; FEES.

Subdivision 1. Subject of background study.

No applicant, license holder, or individual who is the subject of a background study shall pay any fees required to conduct the study.

**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES  
FUNDING BILL**

**[S.F. 1012 \(Chapter 143\)](#)**

*SUMMARY:* The Legislative-Citizen Commission on Minnesota Resources (LCCMR) reviewed and recommended funding for special environment and natural resource projects in the 2009 legislative session. Appropriations for 63 individual projects across the state were funded for a total of \$25.7 million, primarily from the Environment and Natural Resources Trust Fund. Gov. Pawlenty line-item vetoed two projects in the bill. Included in the bill is funding for St. Cloud State University as described below.

**Section**

***LCCMR Funding Bill***

**2 Minnesota Resources**

**Subdivision 5. Water resources.**

**(b) Vulnerability of Fish Populations in Lakes to Endocrine**

**Disrupting Contaminants.** This section appropriates \$297,000 from the trust fund to the commissioner of natural resources for an agreement with the United States Geologic Survey and St. Cloud State University to develop quantitative data on juvenile and adult fish vulnerability to endocrine-active emerging contaminants found in Minnesota lakes. This appropriation is available until June 30, 2012, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

**FIRE FIGHTER LICENSING STANDARDS BILL**

**[S.F. 1219 \(Chapter 153\)](#)**

*SUMMARY:* This bill creates licensing standards for full-time firefighters. The Minnesota State Colleges and Universities offer many different fire training courses and programs throughout the state, and the Fire/EMS/Safety Center has been part of the Office of the Chancellor since 1998. The system educates 9,000 firefighters and emergency first responders each year.

**Section** *Fire Fighter Licensing Standards Bill*

- 1 Powers and duties.** This section requires the board of Firefighter Training and Education to license full-time and volunteer firefighters.
- 2 Definitions.** This section defines terms for the purposes of this bill.
- 3 Firefighter Certification**
  - Subdivision 1. Certification examination; requirements.** This section requires the board to appoint an accredited organization to prepare and administer firefighter certification examinations. Language also requires the examinations to be designed to ensure competency in the areas of fire prevention, fire suppression and hazardous materials operations.  
  
**Subd. 2. Eligibility for certification examination.** This section allows any person to take the firefighter certification examination who has successfully completed the following:
    - firefighter course from a postsecondary educational institution, an accredited institution of higher learning, other entities approved by the board, or an apprenticeship program maintained by a fire department employing the person; and
    - skills-oriented basic training course.
  - Subd. 3. Certain baccalaureate or associate degree holders eligible to take certification examination.** This section allows a person to take the firefighter certification examination who has a baccalaureate or an associate degree in applied fire science technology from an accredited college or university, provided they have successfully completed the skills-oriented basic training course.
- 4 License Required**
  - Subdivision 1. Licensure requirement.** This section requires a full-time firefighter employed on or after July 1, 2011, by a fire department to be licensed as a firefighter by the board.
  - Subd. 2. Optional licensing.** This section allows a volunteer firefighter to apply for a licensure under this section.

**Subd. 3. Prior appointment.** This section provides that a full-time or volunteer firefighter who has received a permanent appointment with a fire department prior to July 1, 2011, will be licensed by the board at the request of the firefighter upon providing the board with a signed statement by the chief firefighting officer of the fire department that employs the firefighter.

**Subd. 4. Newly employed firefighters.** This section requires any full-time firefighter employed by a fire department on or after July 1, 2011, to obtain a license from the board.

**Subd. 5. Issuance of license.** This section requires the board to license any individual who meets the requirements of this section. Language provides that a license is valid for three years, and has an issuance fee of \$75.

**Subd. 6. License renewal.** This section provides that the license will be renewed as long as the firefighter had at least 72 hours of firefighter training during the previous three years. The license renewal fee is \$75 and the license is valid for another three years.

**Subd. 7. Duties of chief firefighting officer.** This section requires every chief firefighting officer to ensure that all full-time firefighters have a license beginning July 1, 2011. Applications for licensure may be submitted after January 1, 2011.

**Subd. 8. Revocation; suspension; denial.** This section allows the board to revoke, suspend, or deny a license issued or applied for if the individual has been convicted of a felony that the board recognizes would disqualify the licensee from participating in the profession of firefighting.

**Subd. 9. Fees.** This section requires licensing fees to be deposited in a special account and used for the board's costs for licensing and certification.

**DEPARTMENT OF HEALTH TECHNICAL PROVISION BILL**  
**[H.F. 1745 \(Chapter 157\)](#)**

*SUMMARY:* This bill includes changes related to health occupations, including speech language pathologists, occupational therapists and social workers; all programs in the Minnesota State Colleges and Universities system. The bill also expands the definition of a licensed health care professional and requires operators of mobile food units, food carts, and seasonal temporary food stands to display license decals.

***ARTICLE 1***  
***Health-Related Provisions***

**Section**

- 3 Practice of speech-language pathology.** This section changes “audiometric screening” to “screening individuals for hearing loss or middle ear pathology.”
- 4 Auditing continuing education reports.** This section strikes all existing language and now allows the commissioner to audit a random selection of continuing education reports; requires the licensee to maintain all documentation for two years; subjects late renewal applications to a continuing education audit; if a complaint has been filed against a licensee, the commissioner may conduct a continuing education report audit; and provides for a detailed list of information a licensee must make available to the commissioner for audit purposes.
- 5 Speech-language pathologist biennial licensure fee.** This section imposes a \$200 renewal fee for speech-language pathologists.
- 8 Licensed health care professional.** This section adds advanced practice registered nurses and physician assistants to the list of health care professionals in the occupational therapy statute.
- 10 Licensure application requirements: procedures and qualifications.** This section lists the requirements for licensure for individuals who meet the requirements for licensure as an occupational therapist or occupational therapy assistant, but do not seek licensure for more than two years and less than four years after they qualify for licensure.
- 11 Written documentation required.** This section requires coursework that was completed more than two years prior to the date of application for licensure must be retaken. Language permits a practitioner who has completed a course previously approved by the commissioner and complied with documentation requirements to practice these modalities under supervision while waiting for written approval of the commissioner.

- 14 Posting requirements.** This section requires the commissioner to issue decals with the initial license and each license renewal to operators of mobile food units, food carts, and seasonal temporary food stands. The decals must be displayed and are not transferable.

*ARTICLE 2*

*Amendments to Current Licensing Statute*

**Section**

- 2 Graduate degree.** This section defines a "graduate degree" as a master's degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university.

*ARTICLE 3*

*Licensing Statute Effective 2011*

- 8 Licensure by examination; licensed independent clinical social worker.** This section states that to be licensed as a licensed independent clinical social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant has completed 360 clock hours (one semester credit hour equals 15 clock hours) in prescribed clinical knowledge areas. This may be satisfied through graduate coursework from an accredited institution of higher learning; or up to 90 continuing education hours, not to exceed 20 hours of independent study.

**HEALTH CARE POLICY BILL**

**[H.F. 1760 \(Chapter 159\)](#)**

*SUMMARY:* This bill contains various provisions related to health care policy, some of which have an impact on the Minnesota State Colleges and Universities system as described below. Included are provisions on the state suicide prevention plan and dental assistant licensure.

**Section**

***Health Care Policy Bill***

- 11** **Suicide prevention plan.** This section modifies the current state suicide prevention plan by including that the plan should focus on awareness and prevention. (Current statutes specify prevention alone.) This section also adds Minnesota State Colleges and Universities and the University of Minnesota to the list of entities with which the commissioner of health must collaborate in implementing the plan.
- 12** **Community-based programs.** Current statute permits grants to community-based programs for suicide prevention and education for school staff, parents, and students in grades kindergarten through 12. This section adds students attending Minnesota colleges and universities for which grants may be provided.
- 40-65, 75-78** **Licensed dental assistants.** These sections in the bill change “registered” dental assistants to “licensed” dental assistants. A “licensed dental assistant” means a person licensed pursuant to Minnesota Statutes 150A.06 on licensure.
- 42** **Exemptions and exceptions of certain practices and operations.** This section changes the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, or schools of dental assisting approved by the board, from acting under the direction of a licensed dentist or a licensed dental hygienist acting as an instructor, to acting under the indirect supervision of a Minnesota licensed dentist and under the instruction of a licensed dentist, licensed dental hygienist, or licensed dental assistant.

**OMNIBUS PENSION BILL**

**[S.F. 191 \(Chapter 169\)](#)**

*SUMMARY:* The omnibus pension bill contains various provisions related to pension of an administrative nature, as well as provisions with some policy substance. Minnesota State Colleges and Universities administers all or part of several pension programs, and employees currently participate in no less than seven plans, including deferred compensation and tax sheltered annuity programs. Those provisions that affect Minnesota State Colleges and Universities, including an early separation incentive program, are summarized below.

***ARTICLE 2***

***Disability Benefit Provision Changes***

**Section**

- 4 Medical or psychological examinations; authorization for payment of benefit.** This section extends the deadline for the filing of a disability benefit application from 180 days to 18 months for those individuals covered by the Minnesota State Retirement System.

***ARTICLE 4***

***Administrative Provisions***

**Section**

- 1 Eligibility.** This section expands the PERA (Public Employees Retirement Association) staff inclusion to include all state employees with PERA coverage in the Post Retirement Option.
- 2 Duration.** This section eliminates the requirement that there be a 30-day break following termination of a Post Retirement Option position before an offer of renewal can be offered if the person is under age 62.
- 5 Allowable service; limits and computation.** This section applies to the PERA retirement plan and modifies allowable service definitions by clarifying language, revising periodic, repetitive leave and the Uniformed Services Employment and Reemployment Rights Act (USERRA) - complaint service credit language to permit contributions within 30 days of termination of service rather than within 20 days.
- 6 Uncredited military service credit purchase.** This section applies to the PERA retirement plan and disallows military service credit purchase if the service credit was purchased from another Minnesota public pension plan or if the separation from military service was other than honorable.

- 11 Adjustment for erroneous receipts or disbursements.** This section applies to the PERA retirement plan and augments the existing erroneous receipts provision by specifying that interest will be paid to employees when excess contributions are refunded to the employee, and a statute of limitations is added as an adjustment period of the fiscal year in which the error is discovered and the prior two fiscal years unless there is evidence of fraud or abuse, in which case a longer period may apply. All returned employer contributions are without interest and will be done by a credit against future contributions. Any fees or penalties assessed by reporting eligible members and salary must be paid by the employer.
- 12 Recovery of overpayments.** This section applies to the PERA retirement plan and revises the overpayment recovery provision by providing that when a benefit overpayment results from an overpayment of contributions, the amount of the benefit overpayment recapture must be netted against the refund of the contributions.
- 13 Age, service, and salary requirements.** This section applies to the PERA retirement plan and revises the PERA-General disability eligibility provision by clarifying that basic member disability benefit eligibility ends at normal retirement age.
- 14 Benefit restriction.** This section applies to the PERA retirement plan and adds a new subdivision to the PERA-General disability provision, clarifying that no PERA-General member can receive a disability benefit and a retirement benefit at the same time.
- 16 Basic disabilitant transfer to retirement status; survivor benefits.** This section applies to the PERA retirement plan and revises the PERA-General basic member disability and disabilitant survivor benefit provision by clarifying language and by specifying that the disability benefit converts to a retirement benefit at normal retirement age.
- 21 Fiscal year.** This section applies to the TRA retirement plan and adds a subdivision defining annual base salary for purposes of computing TRA service credit.
- 22 Employee contribution.** This section applies to the TRA retirement plan and simplifies language in the TRA employee contribution provision.
- 23 Retirement annuity accrual date.** This section applies to the TRA retirement plan and revises the annuity accrual date provision by permitting annuities to accrue as early as the day after termination rather than on the 16th of the month after application for retirement if application is made before the 15th or on the first of the following month if

application is made after the 16th of the month.

- 24 **Resumption of teaching service after retirement.** This section revises TRA's reemployed annuitant exempt earnings provision by comparing salary to exempt earnings limits on a fiscal year rather than calendar year basis.
- 25 **Death before retirement.** This section revises TRA's death refund provision by specifying that any permanent disability benefits received by the member prior to death must be subtracted from any death refund to heirs otherwise payable following the member's death.
- 26 **Determination by executive director.** This section revises a TRA disability determination provision requiring the TRA executive director to have disability applicants examined by at least two medical practitioners selected by the TRA medical advisor by removing redundant language stating that the practitioners must be selected by the medical advisor.
- 27 **Regular physical examinations.** This section allows the TRA executive director to waive periodic disabilitant physical examinations.
- 28 **Calculation.** This section revises the primary TRA refund provision by specifying that any permanent disability benefits received by the member must be subtracted from any refund otherwise payable to the terminated employee.
- 29 **Postretirement income reporting.** This section applies to the TRA retirement plan and revises a provision requiring employers to report annually on post-retirement income of its employees by indicating that postretirement income reporting will now occur through the regular payroll cycle reporting.
- 30 **Payroll cycle reporting requirements.** This section revises a TRA payroll cycle reporting requirement provision by adding a requirement that employing units must report the postretirement salary earned by TRA annuitants who provide teaching service, and by striking the requirement that the employing unit compute service credit for its members.
- 31 **Prior or uncredited military service credit purchase.** This section creates a TRA military service credit purchase at full actuarial value provision that permits a vested TRA member who performed military service before becoming a TRA member, or who had a break in TRA service to provide military service but who failed to purchase service credit in the plan in a timely manner under the more favorable TRA USERRA-compliant military service purchase provision, to purchase TRA service credit at full actuarial value for the initial period of enlistment,

induction, or call to active duty without voluntary extension. Purchases are permitted if the individual has not purchased service credit for that military service period in any other Minnesota defined benefit plan. Payment must be made prior to the termination of teaching service.

- 32 Deferred annuity; augmentation.** This section revises the TRA deferred annuity augmentation provision by removing obsolete/incorrect references, and clarifies the provision.
- 40 Automatic deposits.** This section revises the automatic deposit authority provision by placing restrictions on deposits to joint or multi-party accounts. Direct deposit to joint accounts may only be made if the benefit recipient consents in writing to authorize the financial institution to release to the pension fund the names and addresses of joint owners of the account. If there is an overpayment to the account following the death of the annuitant, the pension plan can issue an administrative subpoena ordering the financial institution to disclose the account co-owners and all deposits and withdrawals from the account which occur after the annuitant's death.
- 41 Inclusion as recipient.** This section amends the authority for retiring plan members to name a supplemental needs trust to the second half of a joint-and-survivor annuity to clarify that this provision does not take precedence over the mandatory spousal joint-and-survivor provision enacted in 2008.
- 42 Expanded eligibility.** This section applies to the TRA retirement plan and expands the authority to designate a supplemental needs trust as the second recipient of a joint-and-survivor optional annuity form to include an active, disabled, or deferred TRA member.
- 43 Maximum benefit limitations.** This section revises the federal compliance maximum benefit limitation provision to indicate that the maximum must be increased for cost of living increases after termination of service, and eliminates obsolete language.
- 44 Compensation.** This section amends the federal compliance definition of compensation provision by clarifying items included and excluded from the determination of compensation.
- 45 Eligible retirement plan.** This section revises a federal compliance provision list of eligible plans to receive rollovers to include, for rollovers to a non-spousal beneficiary, an account or annuity treated as an inherited IRA under Sec. 402(c)(11) of the Internal Revenue Code.
- 46 Distributee.** This section revises a federal compliance provision definition of distributee to include a non-spouse beneficiary who qualifies for a

distribution under the plan and is a designated beneficiary under Sec. 401(a)(9)(E) of the Internal Revenue Code.

- 47** **Petition for review.** This section adds language to the major plan appeal procedure petition for review provision permitting an executive director to require the applicant to participate in a fact-finding session conducted by an administrative law judge assigned by the Office of Administrative Hearings, and, if applicable, to take part in a vocational assessment.

*ARTICLE 6*

*Minnesota State Colleges and Universities*

*Related Retirement Provisions*

**Section**

- 1** **Early separation incentive program.** This section authorizes the Minnesota State Colleges and Universities Board of Trustees to establish an early separation incentive program consisting of either cash incentives, employer contributions to the MSRS post-retirement health savings plan, or a combination of the two. Language permits the incentives to be offered by the Chancellor or by a college or university president to employees consistent with board established eligibility requirements. The cost of the incentives is the responsibility of the system office or the applicable college or university, whichever applies. The system is to report annually on the number and types of early separation incentives offered and utilized to the board and the Legislative Reference Library on or before September 1. This section expires June 30, 2014.
- 2** **Application of other laws.** This section exempts Minnesota State Colleges and Universities early retirement incentive implementation from the Public Employees Labor Relations Act.
- 3** **Coverage; election.** This section allows post-June 2009 Minnesota State Colleges and Universities faculty members to elect TRA retirement coverage rather than Minnesota State Colleges and Universities IRAP coverage within one year of reaching tenure, with a purchase of all pre-retirement coverage election service credit at full actuarial value.

**LESSARD OUTDOOR HERITAGE BILL**

**[H.F. 1213 \(Chapter 172\)](#)**

*SUMMARY:* The Lessard Outdoor Heritage bill provides appropriations from sales tax revenues resulting from the constitutional amendment passed by voters in the November 2008 election. Revenues are deposited in four dedicated funds under Article XI, section 15 of the Minnesota Constitution. The Outdoor Heritage Council, made up of 12 members, is charged with making recommendations on the use of the funds in Article 1.

***ARTICLE 1***

***Outdoor Heritage Fund***

**Section**

- 4 Council recommendations.** This section provides for the council to make recommendations to the Legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and achieve the outcomes of existing natural resource plans. The council may work with the Clean Water Council, the Legislative-Citizen Commission on Minnesota Resources, the Board of Water and Soil Resources, soil and water conservation districts, and experts from Minnesota State Colleges and Universities and the University of Minnesota in developing recommendations.

***ARTICLE 4***

***Arts and Cultural Heritage Fund***

- 9 Volunteer working group on Dakota and Ojibwe language revitalization and preservation.** This section establishes a volunteer working group to develop a unified strategy to revitalize and preserve indigenous languages of the 11 federally recognized American Indian tribes in Minnesota. The working group shall, among other duties, look at the efforts to teach the Dakota and Ojibwe languages to students and to create fluent speakers at both the secondary and postsecondary level, and inventory these efforts and make recommendations regarding how to further revitalize and preserve Dakota and Ojibwe languages.

The director of the Office of Higher Education or the director's appointee and one member of the Board of Teaching are to be members of this volunteer working group. The working group is to report its findings, including draft legislation if necessary, to the Legislature by February 15, 2011. The committee expires on February 16, 2011.

**FEDERAL STIMULUS OVERSIGHT BILL**

**[H.F. 2251 \(Chapter 177\)](#)**

*SUMMARY:* This bill provides federal stimulus oversight funding for certain state agencies and conforms Minnesota law to the requirements necessary to receive federal stimulus money. Specifically for the Minnesota State Colleges and Universities, the bill adjusts higher education limits on tuition increases the second year of the biennium and modifies funding for the system.

**Section** *Federal Stimulus Oversight Bill*

**9 Summary by fund.** This section amends Session Laws 2009, chapter 95, article 1, section 1, summary of appropriations to the Minnesota State Colleges and Universities Board of Trustees. The fiscal year 2010 appropriation is adjusted from \$677,845,000 to \$678,062,000. The fiscal year 2011 appropriation is adjusted from \$666,258,000 to \$665,961,000.

**10 Board of Trustees of the Minnesota State Colleges and Universities.** This section amends Session Laws 2009, chapter 95, article 1, section 4, subdivision 1, total appropriation for the Minnesota State Colleges and Universities from \$677,845,000 to \$678,062,000 in fiscal year 2010 and from \$666,258,000 to \$665,961,000 in fiscal year 2011.

This section also amends Session Laws 2009, chapter 95, article 1, section 4, subdivision 2, American Recovery and Reinvestment Act of 2009. The bill amends the tuition buy-down requirement for the Minnesota State Colleges and Universities system from the higher education omnibus bill (Session Laws 2009, chapter 95). The language requires the system to buy-down tuition to no more than three percent using federal stimulus funds in fiscal year 2010 only for a net increase of eight percent.

This section also amends Session Laws 2009, chapter 95, article 1, section 4, subdivision 4, operations and maintenance at the system campuses from \$561,824,000 to \$562,041,000 in fiscal year 2010, and from \$614,130,000 to \$613,833,000 in fiscal year 2011. The bill also removes the funding for Cook County in this section that was vetoed by the governor.

**12 Effective Date.** The bill is effective the day following final enactment.