

and serve on: any other government authority that previously approved the structured settlement; and all interested parties, a notice of the proposed transfer and the application for its authorization. The notice must include:

(1) a copy of the transferee's application to the court or responsible administrative authority;

(2) a copy of the transfer agreement;

(3) a copy of the disclosure statement required under section 549.31, subdivision 1, paragraph (b);

(4) notification that an interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

(5) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, in order to be considered by the court or responsible administrative authority. Written responses to the application must be filed within 15 days after service of the transferee's notice.

Sec. 5. [549.33] NO WAIVER; NO PENALTIES.

Subdivision 1. NO WAIVER. The provisions of sections 549.30 to 549.34 may not be waived.

Subd. 2. NO PENALTY. No payee who proposes to make a transfer of structured settlement payment rights shall incur a penalty, forfeit an application fee or other payment, or otherwise incur any liability to the proposed transferee based on the failure of the transfer to satisfy the conditions of section 549.31.

Sec. 6. [549.34] CONSTRUCTION.

Nothing contained in sections 549.30 to 549.34 may be construed to authorize the transfer of workers' compensation payment rights in contravention of applicable law or to give effect to the transfer of workers' compensation payment rights that is invalid under applicable law.

Sec. 7. EFFECTIVE DATE.

Sections 1 to 6 are effective August 1, 1999, and apply to structured settlement agreements entered into on or after August 1, 1999, and the transfer of structured settlement payment rights under a transfer agreement entered into on or after August 1, 1999.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 10:06 a.m.

CHAPTER 213—S.F.No. 1485

An act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continu-

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ing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

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

Section 1. [326.105] FEES.

(a) The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, or geoscience professional is \$120 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is \$120 per biennium. The fee for an architect applying for original certification as a certified interior designer is \$50 per biennium. The initial license or certification fee for all professions is \$120. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

(b) The application fee is \$25 for in-training applicants and \$75 for professional license applicants.

(c) The fee for monitoring licensing examinations for applicants is \$25, payable by the applicant.

Sec. 2. [326.106] DEFINITIONS.

Subdivision 1. SCOPE. The terms used in section 326.107 have the meanings given them in this section.

Subd. 2. BIENNIAL RENEWAL. "Biennial renewal" means a period of time consisting of two consecutive 12-month periods ending on June 30 of each even-numbered year.

Subd. 3. DUAL LICENSE OR CERTIFICATE HOLDER. "Dual license or certificate holder" means a person who is licensed or certified in two professions regulated by the board.

Subd. 4. PROFESSIONAL DEVELOPMENT HOURS. "Professional development hours" means contact hours consisting of not less than 50 minutes each of instruction or presentation meeting the requirements of section 326.107.

Sec. 3. [326.107] CONTINUING EDUCATION.

Subdivision 1. REQUIREMENTS. (a) Architects, professional engineers, land surveyors, landscape architects, geoscientists, and interior designers licensed or certified by this board must obtain the number of professional development hours described in paragraphs (b) to (d) during each two-year period of licensure or certification identified in section 326.105. This requirement must be satisfied during the two-year period prior to biennial renewal except for a carryover permitted from the previous renewal period, which must not exceed 50 percent of the biennial requirement of professional development hours.

(b) Licensed professional engineers must earn a minimum of 24 professional development hours per biennial renewal except for the carryover permitted.

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(c) Licensed architects, land surveyors, landscape architects, geoscientists, and certified interior designers must earn a minimum of 24 professional development hours per biennial renewal except for the carryover permitted.

(d) Dual license or certificate holders who have obtained a license or certificate for two professions must earn professional development hours required by the license or certificate requiring the greatest number of professional development hours and must obtain in each profession a minimum of one-third of the total professional development hours required. The remaining one-third requirement may be obtained in either profession at the sole discretion of the licensee or certificate holder.

Subd. 2. PROGRAMS AND ACTIVITIES. Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or welfare of the public. Continuing education activities which satisfy the professional development requirement include, but are not limited to, the following:

(1) completing or auditing college-sponsored courses;

(2) completing self-study college or noncollege sponsored courses, presented by correspondence, Internet, television, video, or audio, ending with examination or other verification processes;

(3) participation in seminars, tutorials, televised or videotaped courses, or short courses;

(4) attending self-sponsored and prepared in-house educational programs;

(5) completing a study tour with a structured program resulting in a written or visual presentation by the licensee or certificate holder;

(6) presenting or instructing qualifying courses or seminars. Professional development hours may be earned for preparation time for the initial presentation;

(7) authoring published papers, articles, or books. Professional development hours earned may equal preparation time spent, may be claimed only following publication, and shall be given for authorship or presentation, but not for both;

(8) participating in professional examination grading or writing. A maximum of five professional development hours per biennium may be applied from this source;

(9) providing professional service to the public which draws upon the licensee's or certificate holder's professional expertise on boards, commissions, and committees such as planning commissions, building code advisory boards, urban renewal boards, or non-work-related volunteer service. A maximum of ten professional development hours per biennium may be applied from this source; and

(10) patents, after they are granted, for a credit of ten professional development hours.

Subd. 3. CRITERIA. (a) Continuing education courses and activities must meet the criteria in paragraphs (b) to (f).

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(b) There must be a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or certification or develop new and relevant skills and knowledge.

(c) The content of each presentation must be well organized and presented in a sequential manner.

(d) There must be evidence of preplanning which must include the opportunity for input by the target group to be served.

(e) The presentation must be made by persons who are well qualified by education or experience.

(f) There must be a provision for documentation of the individual's participation in the activity, including information required for recordkeeping and reporting.

Subd. 4. EXEMPTIONS. (a) A licensee or certificate holder is exempt from the continuing education requirements for one of the reasons listed in paragraphs (b) to (d).

(b) A new licensee or certificate holder is exempt for the individual's first biennial renewal.

(c) A licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances as reviewed and approved by the board is exempt. Supporting documentation must be furnished to the board prior to the end of the biennial renewal period.

(d) A licensee or certificate holder is exempt who, for a period of time exceeding 120 consecutive days, serves honorably on active duty in the military services where such activity restricts participation in a continuing education program.

Subd. 5. COMITY. Continuing education requirements may be met without completing the entire renewal form if an individual is licensed or certified in another state, province, or district which is listed by the Minnesota board as having continuing education requirements acceptable to the Minnesota board and the licensee or certificate holder certifies in the appropriate section that all continuing education and licensing or certification requirements for that state, province, or district have been met. The licensee or certificate holder must still maintain complete records as described in subdivision 7.

Subd. 6. FORMS. A renewal application must include a completed continuing education form as specified by the board outlining professional development hours claimed. The licensee or certificate holder must supply sufficient detail on the form to permit audit verification, must sign the continuing education form certifying completion of the requirements, and must submit the form with the renewal application and fee in section 326.105.

Subd. 7. REPORTS AND RECORDS. The licensee or certificate holder shall maintain a file in which records of courses and activities are kept, including dates, subjects, duration of programs, sponsoring organization, professional development hours earned, registration receipts where appropriate, and other pertinent documentation, for a period of two years after submission to the board. This information may be required to be produced by licensees or certificate holders. The board may require a licensee or certificate holder to produce this information in connection with verification of a renewal ap-

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plication, a random audit conducted by the board, or upon receipt of a complaint alleging noncompliance on the part of a licensee or certificate holder.

Subd. 8. NONCOMPLIANCE. A licensee or certificate holder who does not satisfy the continuing education requirements for licensure or certification renewal shall be placed on probationary status and shall be promptly notified of that fact. The licensee or certificate holder has 180 days after notification to substantiate the original claim or to earn other professional development hours to meet the minimum requirement. If the deficiencies are not made up within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the probation period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

An individual who applies for license or certification renewal after the biennial renewal period has lapsed and has not satisfied the continuing education requirements shall be notified of that fact. The licensee or certificate holder shall have 180 days after notification to substantiate the original claim or to earn other professional development hours to meet the minimum requirement. If the deficiencies are not made up within the specified period of time, the individual's licensure or certification shall be suspended.

Subd. 9. REINSTATEMENT. A person who wishes to reinstate a lapsed license or certificate of one year or more must satisfy one-half the biennium requirement multiplied by the number of years of lapsed status. The minimum continuing education requirement is one-half the biennium requirement. The maximum continuing education requirement is equal to the biennium requirement. The requirement shall be satisfied with continuing education acquired within the period of the lapse, not to exceed four years, prior to reinstatement.

Sec. 4. Minnesota Statutes 1998, section 326.111, subdivision 6, is amended to read:

Subd. 6. VIOLATIONS; PENALTIES; COSTS OF PROCEEDING. (a) The board may impose a civil penalty not to exceed ~~\$2,000~~ \$10,000 per violation upon a person who commits an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or violates a statute, rule, or order that the board has issued or is empowered to enforce.

(b) The board may, in addition, impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action authorized by this section, the imposition of civil penalties, or the issuance of a cease and desist order. The fee may be imposed when the board shows that the position of the person who commits an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or violates a statute, rule, or order that the board has issued or is empowered to enforce is not substantially justified, unless special circumstances make an award unjust, notwithstanding the provisions of Minnesota Rules, part 1400.8401. The costs include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff.

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Sec. 5. REPEALER.

Minnesota Rules, part 1800.0500, subpart 3, is repealed.

Sec. 6. REVISOR'S INSTRUCTION.

The revisor of statutes shall correct the references in Minnesota Rules, part 1800.0500, subpart 4, from "subpart 3" to "Minnesota Statutes, section 326.105."

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:44 a.m.

CHAPTER 214—H.F.No. 2380

An act relating to education; appropriating money for higher education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; requiring post-secondary institutions to provide certain information; modifying financial aid provisions; making technical changes to membership and terms of certain advisory councils, boards, and student associations; modifying curriculum provisions for Minnesota state colleges and universities; extending and transferring the farmer-lender mediation program to the Minnesota extension service; requiring certain reports to the legislature; clarifying and changing requirements of private career schools; amending Minnesota Statutes 1998, sections 16B.465, subdivision 4; 135A.14, by adding a subdivision; 135A.155; 136A.031, subdivision 3; 136A.121, subdivision 5; 136A.125, subdivision 4; 136A.243, subdivision 7; 136A.244, subdivision 2; 136A.245, subdivision 6; 136F.02, subdivision 2; 136F.04, subdivision 1; 136F.22, subdivision 1; 136F.32, subdivision 2, and by adding a subdivision; 141.21, subdivisions 3, 5, 6, and by adding subdivisions; 141.25, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12; 141.26, subdivision 2; 141.271, subdivisions 1, 2, 3, 4, 5, 6, and 12; 141.28, subdivisions 3 and 5; 141.29, subdivision 1; 141.31; 141.32; 141.35; 471.59, subdivision 1; and 583.22, subdivision 5; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; and 141; repealing Minnesota Statutes 1998, sections 136A.1359; 136A.136; 141.22; 141.25, subdivisions 9a, 9b, and 11; and 141.36.

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

ARTICLE 1
APPROPRIATIONS**Section 1. HIGHER EDUCATION APPROPRIATIONS.**

The sums in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or other named fund, to the agencies and for the purposes specified in this article. The listing of an amount under the figure "2000" or "2001" in this article indicates that the amount is appropriated to be available for the fiscal year ending June 30, 2000, or

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