

1.1 **Senator Dahms from the Committee on Commerce and Consumer Protection**
1.2 **Finance and Policy, to which was re-referred**

1.3 **S.F. No. 3036:** A bill for an act relating to professional licensing; establishing a
1.4 preliminary application procedure for individuals seeking professional licenses; permitting
1.5 licensing boards to charge application fees; authorizing appeals; requiring reports; proposing
1.6 coding for new law in Minnesota Statutes, chapter 214.

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

1.8 Page 1, delete lines 9 to 12 and insert:

1.9 "Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.10 the meaning given them.

1.11 (b) "Conviction" has the meaning given in section 609.02, subdivision 5.

1.12 (c) "Criminal record" means a record of an arrest, prosecution, criminal proceeding, or
1.13 conviction.

1.14 (d) "State licensor" or "licensor" means a state agency or examining and licensing board,
1.15 including a health-related licensing board and nonhealth-related licensing board that issues
1.16 an occupational or professional license, registration, or certificate and considers before
1.17 issuing the license, registration, or certificate any criminal record or conviction of an applicant
1.18 that may make an applicant ineligible to receive the license, registration, or certificate.

1.19 Subd. 2. Scope. (a) This section does not apply to a license, registration, or certificate
1.20 issued by a state licensor if the license, registration, or certificate does not require an applicant
1.21 to report to the state licensor as part of the application process the applicant's criminal record
1.22 or does not require an applicant to obtain a criminal background check or study as part of
1.23 the application process to obtain the license, registration, or certificate.

1.24 (b) The preliminary application process described under this section is may only be
1.25 utilized by an individual who has a criminal record."

1.26 Renumber the subdivisions in sequence

1.27 Page 1, line 14, delete "person" and insert "an individual"

1.28 Page 1, line 15, delete everything after "criminal" and insert "record or conviction"

1.29 Page 1, line 16, delete "misconduct"

1.30 Page 1, line 17, delete "person" and insert "individual"

1.31 Page 2, delete lines 3 to 14 and insert:

- 2.1 "(c) A state licensor may charge a fee for processing a preliminary application. The fee
- 2.2 charged shall equal 50 percent of the initial fee for the applicable license, registration, or
- 2.3 certificate. If the applicant subsequently applies for the license, registration, or certificate,
- 2.4 the applicant shall not be required to pay the initial application fee for the license, registration,
- 2.5 or certificate. If the state licensor does not collect a fee for issuing an occupational or
- 2.6 professional license, registration, or certificate, the state licensor may charge the applicant
- 2.7 a fee that equals 50 percent of the actual cost to the state licensor for processing the
- 2.8 preliminary application. Fees collected under this paragraph shall be deposited in the fund
- 2.9 in the state treasury in which the state licensor deposits fees collected for issuing occupational
- 2.10 or professional licenses, registrations, or certificates. If the state licensor does not collect a
- 2.11 fee for issuing a license, registration, or certificate, the fee collected under this paragraph
- 2.12 shall be deposited pursuant to section 214.06, subdivision 1."
- 2.13 Page 2, line 16, after "criminal" insert "record or"
- 2.14 Page 2, line 17, delete everything before "that"
- 2.15 Page 2, line 21, after "criminal" insert "record or" and delete "or other record of alleged
- 2.16 misconduct"
- 2.17 Page 2, line 28, after "criminal" insert "records or" and delete "or other records of alleged"
- 2.18 Page 2, line 29, delete "misconduct"
- 2.19 Page 2, line 30, delete "the applicant"
- 2.20 Page 2, line 31, before "is" insert "the applicant"
- 2.21 Page 2, line 33, before "provided" insert "the applicant" and delete "or"
- 2.22 Page 3, line 1, before "provided" insert "the applicant" and delete the period and insert
- 2.23 ": or"
- 2.24 Page 3, after line 1, insert:
- 2.25 "(4) changes to state law were enacted after the date the decision was issued, making
- 2.26 the applicant ineligible under state law to receive a license, registration, or certificate.
- 2.27 (e) Nothing in this section shall preclude a licensor from issuing a license, registration,
- 2.28 or certificate to an applicant that includes limitations or conditions on the license, registration,
- 2.29 or certificate based on a criminal conviction or alleged misconduct of the applicant.
- 2.30 (f) By August 1 of each year, each state licensor shall submit to the commissioner of
- 2.31 management and budget the number of applicants who submitted preliminary applications
- 2.32 to the licensor in accordance with this section and the number of applicants who subsequently

- 3.1 applied for a license, registration, or certificate for the previous fiscal year. The state licensor
- 3.2 shall also submit the total amount of initial application fees that were not paid by these
- 3.3 applicants pursuant to paragraph (c), or, if the licensor does not collect a fee for issuing a
- 3.4 license, registration, or certificate, the cost of processing the preliminary application fee
- 3.5 that was not covered pursuant to paragraph (c). Each fiscal year, an amount necessary to
- 3.6 pay each state licensor the rest of each initial application fee or the rest of the cost of
- 3.7 processing each preliminary application if an initial application fee was not collected by
- 3.8 the licensor is appropriated from the general fund to the appropriate state licensor."
- 3.9 Page 3, lines 7 and 11, after "criminal" insert "record or" and delete "or other record of
- 3.10 alleged misconduct"

3.11 And when so amended the bill do pass and be re-referred to the Committee on Finance.

3.12 Amendments adopted. Report adopted.

3.13

3.14 (Committee Chair)

3.15 March 28, 2022.....

3.16 (Date of Committee recommendation)