

# Revised

## Consolidated Fiscal Note

2021-2022 Legislative Session

### SF295 - 0 - Radon Regulation Transfer to DLI

Chief Author: **Rich Draheim**  
 Committee: **Jobs And Economic Growth Finance And Policy**  
 Date Completed: **3/25/2022 11:07:24 AM**  
 Lead Agency: **Labor and Industry Dept**  
 Other Agencies:  
     Health Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Health Dept</b>					
State Government Special Rev	-	-	432	432	432
<b>Labor and Industry Dept</b>					
Restrict Misc. Special Revenue	-	-	(185)	(210)	(210)
Workers Compensation	-	-	(13)	(13)	(13)
<b>State Total</b>					
State Government Special Rev	-	-	432	432	432
Restrict Misc. Special Revenue	-	-	(185)	(210)	(210)
Workers Compensation	-	-	(13)	(13)	(13)
<b>Total</b>	-	-	<b>234</b>	<b>209</b>	<b>209</b>
<b>Biennial Total</b>			<b>234</b>		<b>418</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Health Dept</b>					
State Government Special Rev	-	-	(1.75)	(1.75)	(1.75)
<b>Labor and Industry Dept</b>					
Restrict Misc. Special Revenue	-	-	4	4	4
Workers Compensation	-	-	-	-	-
<b>Total</b>	-	-	<b>2.25</b>	<b>2.25</b>	<b>2.25</b>

#### Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

This fiscal note has been revised to include new information that became available related to how duties would more specifically transfer from the Minnesota Department of Health to the Department of Labor and Industry.

**LBO Signature:** Darren Sheets    **Date:** 3/25/2022 11:07:24 AM

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**Phone:** 651-297-1423 **Email:** [darren.sheets@lbo.mn.gov](mailto:darren.sheets@lbo.mn.gov)

# Revised

## State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>	<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Health Dept</b>					
State Government Special Rev	-	-	432	432	432
<b>Labor and Industry Dept</b>					
Restrict Misc. Special Revenue	-	-	(185)	(210)	(210)
Workers Compensation	-	-	(13)	(13)	(13)
<b>Total</b>	-	-	<b>234</b>	<b>209</b>	<b>209</b>
<b>Biennial Total</b>			<b>234</b>		<b>418</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
<b>Health Dept</b>					
State Government Special Rev	-	-	(322)	(322)	(322)
<b>Labor and Industry Dept</b>					
Restrict Misc. Special Revenue	-	-	569	544	544
Workers Compensation	-	-	-	-	-
<b>Total</b>	-	-	<b>247</b>	<b>222</b>	<b>222</b>
<b>Biennial Total</b>			<b>247</b>		<b>444</b>
<b>2 - Revenues, Transfers In*</b>					
<b>Health Dept</b>					
State Government Special Rev	-	-	(754)	(754)	(754)
<b>Labor and Industry Dept</b>					
Restrict Misc. Special Revenue	-	-	754	754	754
Workers Compensation	-	-	13	13	13
<b>Total</b>	-	-	<b>13</b>	<b>13</b>	<b>13</b>
<b>Biennial Total</b>			<b>13</b>		<b>26</b>

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## Fiscal Note

2021-2022 Legislative Session

### SF295 - 0 - Radon Regulation Transfer to DLI

Chief Author: **Rich Draheim**  
 Committee: **Jobs And Economic Growth Finance And Policy**  
 Date Completed: **3/25/2022 11:07:24 AM**  
 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Restrict Misc. Special Revenue	-	-	(185)	(210)	(210)
Workers Compensation	-	-	(13)	(13)	(13)
<b>Total</b>	-	-	<b>(198)</b>	<b>(223)</b>	<b>(223)</b>
<b>Biennial Total</b>			<b>(198)</b>		<b>(446)</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Restrict Misc. Special Revenue	-	-	4	4	4
Workers Compensation	-	-	-	-	-
<b>Total</b>	-	-	<b>4</b>	<b>4</b>	<b>4</b>

#### LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

This fiscal note has been revised to include new information that became available related to how duties would more specifically transfer from the Minnesota Department of Health to the Department of Labor and Industry.

**LBO Signature:** Darren Sheets **Date:** 3/25/2022 11:06:58 AM  
**Phone:** 651-297-1423 **Email:** darren.sheets@lbo.mn.gov

# Revised

## State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Restrict Misc. Special Revenue	-	-	(185)	(210)	(210)
Workers Compensation	-	-	(13)	(13)	(13)
<b>Total</b>	-	-	<b>(198)</b>	<b>(223)</b>	<b>(223)</b>
<b>Biennial Total</b>			<b>(198)</b>		<b>(446)</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Restrict Misc. Special Revenue	-	-	569	544	544
Workers Compensation	-	-	-	-	-
<b>Total</b>	-	-	<b>569</b>	<b>544</b>	<b>544</b>
<b>Biennial Total</b>			<b>569</b>		<b>1,088</b>
<b>2 - Revenues, Transfers In*</b>					
Restrict Misc. Special Revenue	-	-	754	754	754
Workers Compensation	-	-	13	13	13
<b>Total</b>	-	-	<b>767</b>	<b>767</b>	<b>767</b>
<b>Biennial Total</b>			<b>767</b>		<b>1,534</b>

## Bill Description

This bill moves the regulation of radon licensing and enforcement activities from the MN Dept. of Health (MDH) to the MN Dept. of Labor & Industry (DLI) and provides rulemaking authority to DLI.

This bill appropriates money in FY22 to DLI from the special revenue fund for implementation.

## Assumptions

There are four license types currently issued by MDH: measurement professional licenses, mitigation professional licenses, mitigation company licenses, and radon analysis laboratory licenses. DLI assumes the quantity of licenses issued for measurement professional and radon analysis laboratory would remain constant.

It is assumed that all the radon-related licensing, permitting, inspection, and enforcement activities currently performed by MDH would transfer to DLI.

Per MDH, staff assigned to radon licensing, permitting, inspection, and enforcement activities include 0.5 FTE clerical, 0.5 FTE supervisory, and 3.0 FTE professional (4 FTE total). However, the professional responsibilities are spread out over several positions. Therefore, MDH is assuming only 1.75 FTE will move to DLI. The 1.75 FTE are the 2 radon licensing specialists (at 0.7 FTE each) and 1 Environmental Research Scientist (at 0.35 FTE). The remaining positions would stay within MDH.

It is assumed DLI would need to 4.0 FTE to assume the responsibilities previously performed by MDH.

- 1.40 FTE would be the 2 MDH radon specialists (State Program Administrator Principal MAPE 14L). DLI will likely increase these positions to 2.0 FTE responsible for inspections. The experienced staff will assist the new staff and existing leadership on the Radon program and develop DLI procedures and materials.
- 0.35 FTE Environmental Research Scientist
- 1.0 FTE to perform licensing and clerical functions (Customer Services Specialist Sr. AFSCME 64L) for

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the estimated 9,380 licenses and tags.

- 0.65 FTE responsible for enforcement functions (Investigator Senior MAPE 14L).

The new staff would be under the licensing and enforcement unit of the Construction Codes and Licensing Division. This unit has 2 supervisors and one manager for 25 staff. The leadership team will incorporate the additional work as the unit learns the new responsibilities and develops procedures and materials for the team.

DLI's enforcement responsibilities would include developing resources such as quality assurance plans, outreach, compliance assistance, complaint investigations, audits, inspections, and enforcement action.

Lack of radon expertise among DLI staff would require significant outside training. DLI assumes MDH's training resources and materials will be made available to DLI at no cost. DLI would also send employees to radon specific training and/or conferences at an estimated cost of \$12,000 annually.

DLI is transitioning its licensing software to IMS, which is a web-based platform. DLI does not expect any costs for the creation of the licensure categories in IMS, as this functionality is already built into the software. However, DLI assumes it would be responsible for license data retention, current license holder information, and data related to lapsed licenses. MN.IT estimates \$25k in FY23 for analysis of data transferring, automatic inserts of data files from MDH licensing software to DLI's licensing software, and to ensure data validation.

DLI assumes one enforcement case annually would get referred to the Office of Administrative Hearings (OAH) and require 9 hours of administrative law judge (ALJ) time at the currently approved billable rate of \$215 per hour. The total annual estimated costs for OAH are \$1,935. DLI pays Attorney General (AG) hourly rates to represent DLI before OAH, as well as AG hourly rates for cases that are settled. Without having better assumptions, DLI assumes total legal costs for OAH and AG fees to match MDH's budgeted costs of \$22,000 which will support enforcement actions outlined below.

MDH estimates 50 enforcement cases per year. DLI estimates that 25% of enforcement cases would result in enforcement action and a penalty. On average, DLI would assess a \$2,000 penalty and expect to collect only \$1,000 per penalty. Penalties are deposited in to DLI's Assigned Risk Safety Account within the Workers Compensation Fund.

DLI assumes we will not need to engage in rulemaking. MS15.039 authorizes rules adopted pursuant to responsibilities that are transferred to another agency remain effective and such authorization fulfills the 'shall adopt rules' requirement under section 1 of the bill. DLI assumes there is some risk to a legal challenge related to the 'shall adopt rules' language in section 1 that could result in legal fees and rulemaking costs in the future. Those costs are a secondary impact and not included in the expenditure calculation below.

## Expenditure and/or Revenue Formula

<b>Customer Service Specialist Sr. (AFSCME 64L)</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
FTE	0	1	1	1
Salary per FTE (midpoint)	-	48,630	48,630	48,630
Fringe Benefits (35% of Salary)	-	17,021	17,021	17,021
Indirect (22.5% of Salary/Fringe)	-	14,771	14,771	14,771
<b>Salary / Fringe / Indirect</b>	-	80,423	80,423	80,423
<b>Non-Personnel Services</b>	-	6,963	6,963	6,963
<b>Cumulative Cost</b>	-	87,386	87,386	87,386

<b>Investigator Sr. (MAPE 14L)</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
FTE	0	0.65	0.65	0.65

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Salary per FTE (Midpoint)	-	74,782	74,782	74,782
Fringe Benefits (35% of Salary)	-	26,174	26,174	26,174
Indirect (22.50% of Salary/Fringe)	-	22,715	22,715	22,715
<b>Salary / Fringe / Indirect</b>	-	<b>80,385</b>	<b>80,385</b>	<b>80,385</b>
<b>Non-Personnel Services</b>	-	<b>8,569</b>	<b>8,569</b>	<b>8,569</b>
<b>Cumulative Cost</b>	-	<b>88,955</b>	<b>88,955</b>	<b>88,955</b>

State Program Admin Principal (MAPE14L)	2022	2023	2024	2025
FTE	0	2	2	2
Salary per FTE (Midpoint)	-	74,782	74,782	74,782
Fringe Benefits (35% of Salary)	-	26,174	26,174	26,174
Indirect (22.50% of Salary/Fringe)	-	22,715	22,715	22,715
<b>Salary / Fringe / Indirect</b>	-	<b>247,341</b>	<b>247,341</b>	<b>247,341</b>
<b>Non-Personnel Services</b>	-	<b>26,367</b>	<b>26,367</b>	<b>26,367</b>
<b>Cumulative Cost</b>	-	<b>273,708</b>	<b>273,708</b>	<b>273,708</b>

Environmental Research Scientist (MAPE16L)	2022	2023	2024	2025
FTE	0	0.35	0.35	0.35
Salary per FTE (Midpoint)	-	96,006	96,006	96,006
Fringe Benefits (35% of Salary)	-	33,602	33,602	33,602
Indirect (22.50% of Salary/Fringe)	-	29,162	29,162	29,162
<b>Salary / Fringe / Indirect</b>	-	<b>55,569</b>	<b>55,569</b>	<b>55,569</b>
<b>Non-Personnel Services</b>	-	<b>4,614</b>	<b>4,614</b>	<b>4,614</b>
<b>Cumulative Cost</b>	-	<b>60,184</b>	<b>60,184</b>	<b>60,184</b>

Cumulative Expenditures	2022	2023	2024	2025
Customer Service Specialist Sr.	-	87,386	87,386	87,386
Investigator Sr.	-	88,955	88,955	88,955
State Program Admin Principal	-	273,708	273,708	273,708
Environmental Research Scientist	-	60,184	60,184	60,184
Training/Travel - Inspections	-	12,000	12,000	12,000
MNIT	-	25,000	-	-
Attorney General	-	20,065	20,065	20,065
OAH	-	1,935	1,935	1,935

# Revised

<b>Cumulative Expenditures</b>	-	569,233	544,233	544,233
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<b>Penalty Revenue</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Cases resulting in enforcement penalty	-	13.0	13.0	13.0
Penalty Assessed per Case	-	2,000	2,000	2,000
Revenue collected per penalty assessed	-	50%	50%	50%
<b>Total Revenue</b>	-	13,000	13,000	13,000

<b>Radon License Type</b>	<b>Quantity of Licenses Issued Annually by MDH</b>	<b>Estimated quantity of Licenses Issued by DLI</b>	<b>Annual License Fee</b>	<b>Annual License Revenue</b>
Measurement Professional	292	292	\$150	\$ 43,800
Mitigation Professional	133	133	\$250	\$ 33,250
Mitigation Company	22	22	\$100	\$ 2,200
Radon Analysis Laboratory	11	11	\$500	\$ 5,500
Mitigation System Tags	8,922	8,922	\$75	\$ 669,150
<b>Total License Revenue</b>				<b>\$ 753,900</b>

## Long-Term Fiscal Considerations

### Local Fiscal Impact

### References/Sources

MDH website

DLI records and data

**Agency Contact:** Scott McLellan 651-284-5869

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# Revised

## Fiscal Note

2021-2022 Legislative Session

### SF295 - 0 - Radon Regulation Transfer to DLI

Chief Author: **Rich Draheim**  
 Committee: **Jobs And Economic Growth Finance And Policy**  
 Date Completed: **3/25/2022 11:07:24 AM**  
 Agency: **Health Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		
		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
State Government Special Rev	-	-	432	432	432	432
<b>Total</b>	-	-	<b>432</b>	<b>432</b>	<b>432</b>	<b>432</b>
<b>Biennial Total</b>			<b>432</b>			<b>864</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
State Government Special Rev	-	-	(1.75)	(1.75)	(1.75)
<b>Total</b>	-	-	<b>(1.75)</b>	<b>(1.75)</b>	<b>(1.75)</b>

#### LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Carlos Guereca **Date:** 2/28/2022 4:45:08 PM  
**Phone:** 651-284-6541 **Email:** carlos.guereca@lbo.mn.gov

# Revised

## State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
State Government Special Rev	-	-	432	432	432
<b>Total</b>	-	-	<b>432</b>	<b>432</b>	<b>432</b>
<b>Biennial Total</b>			<b>432</b>		<b>864</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
State Government Special Rev	-	-	(322)	(322)	(322)
<b>Total</b>	-	-	<b>(322)</b>	<b>(322)</b>	<b>(322)</b>
<b>Biennial Total</b>			<b>(322)</b>		<b>(644)</b>
<b>2 - Revenues, Transfers In*</b>					
State Government Special Rev	-	-	(754)	(754)	(754)
<b>Total</b>	-	-	<b>(754)</b>	<b>(754)</b>	<b>(754)</b>
<b>Biennial Total</b>			<b>(754)</b>		<b>(1,508)</b>

## Bill Description

The bill transfers the authority to license and regulate radon mitigation and testing professionals, mitigation companies, and radon laboratories from the Minnesota Department of Health (MDH) to the Minnesota Department of Labor and Industry (DLI). Money is appropriated to DLI and the appropriation to MDH is rescinded. The bill does not include an effective date.

### Technical comment:

This bill was introduced in 2021 with appropriation adjustments set for fiscal year 2022. The appropriation should be revised to fiscal year 2023.

## Assumptions

We assume the bill will be effective July 1, 2022, with the reduction in the department's spending authority beginning in fiscal year 2023.

The department assumes that all regulatory responsibility for radon mitigation and measurement would transfer to DLI. MDH would no longer collect any fees for licensure, nor would we conduct any licensure work, including reviewing license applications, developing resources (such as a quality assurance plan template, report templates, etc.), outreach, compliance assistance, complaint investigations, audits, inspections, and enforcement action. MDH would no longer maintain an online IT system to license individuals; provide a searchable database to the public of licensees; and track radon measurement and mitigation work.

MDH has implemented the radon licensing act since January 1, 2019. To calculate lost revenue to MDH for licenses, we used the number of licenses paid for the period February 18, 2021, to February 17, 2022. To calculate lost tag revenue, we used the number of tags paid for during 2021. It is assumed this bill would go into effect at the beginning of fiscal year 2023, and MDH would not need to reimburse fees for fiscal year 2022 or earlier.

MDH expenditures, including 1.75 full-time equivalent staff, information technology systems, legal, and other costs would be eliminated. The department assumes that MDH would not provide any significant technical assistance to DLI in its implementation of the radon licensing program. The department also assumes IT costs; such as transferring the existing IT system, if requested by DLI, would be paid from a DLI budget. MDH does not assume costs for the transfer of duties, equipment, or systems, which would be the responsibility of DLI. The fiscal year 2023 expenditure budget for radon licensing is \$322,000 in the state government special revenue fund at the MDH, which would be reduced from the department's base beginning in fiscal year 2023 and each year thereafter.

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## Expenditure and/or Revenue Formula

### Expenditure

Expenditure (Actual Dollars)	Amount	FY 2022	FY 2023	FY 2024	FY 2025
<b>Salary &amp; Fringe:</b>		FTE	FTE	FTE	FTE
State Program Administrator Principal	121,945	0.00	(0.70)	(0.70)	(0.70)
State Program Administrator Principal	106,810	0.00	(0.70)	(0.70)	(0.70)
Environmental Research Scientist	130,670	0.00	(0.35)	(0.35)	(0.35)
	<b>FTE</b>	<b>0.00</b>	<b>(1.75)</b>	<b>(1.75)</b>	<b>(1.75)</b>
	<b>Subtotal</b>	<b>0</b>	<b>(205,863)</b>	<b>(205,863)</b>	<b>(205,863)</b>
<b>Information Technology:</b>					
	<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other Operating Costs:</b>					
Travel (trainings, inspections, car lease, parking)			(12,000)	(12,000)	(12,000)
Software application (licensing IT system)			(25,000)	(25,000)	(25,000)
Legal			(22,000)	(22,000)	(22,000)
	<b>Subtotal</b>	<b>0</b>	<b>(59,000)</b>	<b>(59,000)</b>	<b>(59,000)</b>
<b>Grants, Aids &amp; Subsidies:</b>					
	<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Indirect (21.7% Eligible Costs)</b>	<b>Subtotal</b>	<b>0</b>	<b>(57,475)</b>	<b>(57,475)</b>	<b>(57,475)</b>
<b>Expenditure</b>	<b>Total</b>	<b>0</b>	<b>(322,338)</b>	<b>(322,338)</b>	<b>(322,338)</b>
<b>Fiscal Tracking (Dollars in Thousands)</b>		<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Health Protection BACT 03</b>		<b>0</b>	<b>(322)</b>	<b>(322)</b>	<b>(322)</b>
Administration		0	(322)	(322)	(322)
Grants		0	0	0	0

### Revenue

Revenue (Actual Dollars)		FY 2022	FY 2023	FY 2024	FY 2025
<b>Fee Description:</b>	<b>Amount</b>	<b>Units</b>	<b>Units</b>	<b>Units</b>	<b>Units</b>
Measurement Professional	150.00		(292)	(292)	(292)
Laboratories	500.00		(11)	(11)	(11)
Mitigation Professional License	250.00		(133)	(133)	(133)
Mitigation Company License	100.00		(22)	(22)	(22)

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Mitigation System Installation Fee(tags)	75.00		(8,922)	(8,922)	(8,922)
	<b>Total</b>	<b>0</b>	<b>(753,900)</b>	<b>(753,900)</b>	<b>(753,900)</b>
<b>Fiscal Tracking (Dollars in Thousands)</b>		<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Impact:</b>					
Expenditure		0	(322)	(322)	(322)
Revenue		0	(754)	(754)	(754)
<b>Annual Cost (Savings)</b>		<b>0</b>	<b>432</b>	<b>432</b>	<b>432</b>
<b>Cumulative Cost (Savings)</b>		<b>0</b>	<b>432</b>	<b>864</b>	<b>1,296</b>

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Brian Awsumb

**Phone:** 651-201-5235

**Date:** 2/28/2022 4:09:30 PM

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