

A bill for an act

relating to state government; appropriating money for jobs, economic development, and housing; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing penalties; amending Minnesota Statutes 2006, sections 13.7931, by adding a subdivision; 116J.401, by adding a subdivision; 116J.551, subdivision 1; 116J.554, subdivision 2; 116J.555, subdivision 1; 116J.575, subdivisions 1, 1a; 116J.966, subdivision 1; 116L.01, by adding a subdivision; 116L.04, subdivision 1a; 116L.17, subdivision 1; 116L.20, subdivision 1; 116L.666, subdivision 1; 116M.18, subdivision 6a; 177.27, subdivisions 1, 4, 5, 8, 9, 10, by adding a subdivision; 177.28, subdivision 1; 177.30; 177.43, subdivisions 3, 4, 6, by adding a subdivision; 178.01; 178.02; 178.03, subdivision 3; 178.041, subdivision 1; 179A.04, subdivision 3; 181.932, subdivision 1; 181.935; 182.65, subdivision 2; 190.096; 268.085, subdivision 3; 268.196, by adding a subdivision; 268A.01, subdivision 13, by adding a subdivision; 268A.085, subdivision 1; 268A.15, by adding a subdivision; 298.22, subdivision 2; 298.227; 325E.37, subdivision 6; 326.01, subdivision 6g; 326.241, subdivisions 1, 2; 326.242, subdivisions 3d, 5, 11, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.38; 326.40, subdivision 1; 326.401, subdivision 2; 326.405; 326.42, subdivision 1; 326.46; 326.461, by adding a subdivision; 326.47, subdivisions 2, 6; 326.48, subdivisions 1, 2, by adding a subdivision; 326.50; 326.51; 326.52; 341.28, subdivision 2, by adding a subdivision; 341.32, subdivision 2; 341.321; 462.39, by adding a subdivision; 462A.21, subdivision 8b; 462A.33, subdivision 3; 469.021; proposing coding for new law in Minnesota Statutes, chapters 116J; 116O; 154; 177; 179; 181; 181A; 182; 325E; 326; repealing Minnesota Statutes 2006, sections 16C.18, subdivision 2; 176.042; 268.035, subdivision 9; 326.01, subdivision 4; 326.242, subdivision 4; 326.45.

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

ARTICLE 1

**JOBS, ECONOMIC DEVELOPMENT, HOUSING AND MINNESOTA
HERITAGE APPROPRIATIONS SUMMARY**

Section 1. SUMMARY.

The amounts shown in this section summarize direct appropriations, by fund, made in this act.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	\$ <u>213,756,000</u>	\$ <u>156,634,000</u>	\$ <u>370,390,000</u>
<u>Workforce Development</u>	<u>15,510,000</u>	<u>15,526,000</u>	<u>31,036,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>	<u>1,400,000</u>
<u>State Government Special Revenue</u>	<u>1,877,000</u>	<u>1,925,000</u>	<u>3,802,000</u>
<u>Workers' Compensation</u>	<u>23,379,000</u>	<u>23,763,000</u>	<u>47,142,000</u>
<u>TANF</u>	<u>3,075,000</u>	<u>3,075,000</u>	<u>6,150,000</u>
<u>Total</u>	\$ <u>258,297,000</u>	\$ <u>201,623,000</u>	\$ <u>459,920,000</u>

ARTICLE 2
JOBS AND ECONOMIC DEVELOPMENT

Section 1. SUMMARY OF APPROPRIATIONS.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	\$ <u>94,685,000</u>	\$ <u>60,084,000</u>	\$ <u>154,769,000</u>
<u>Workforce Development</u>	<u>15,510,000</u>	<u>15,526,000</u>	<u>31,036,000</u>
<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>	<u>1,400,000</u>
<u>State Government Special Revenue</u>	<u>1,877,000</u>	<u>1,925,000</u>	<u>3,802,000</u>
<u>Workers' Compensation</u>	<u>23,379,000</u>	<u>23,763,000</u>	<u>47,142,000</u>
<u>Total</u>	\$ <u>136,151,000</u>	\$ <u>101,998,000</u>	\$ <u>238,149,000</u>

Sec. 2. JOBS AND ECONOMIC DEVELOPMENT.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>

3.1 **Sec. 3. DEPARTMENT OF EMPLOYMENT**
3.2 **AND ECONOMIC DEVELOPMENT**

3.3	<u>Subdivision 1. Total Appropriation</u>	\$	<u>101,467,000</u>	\$	<u>66,589,000</u>
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3.4 Appropriations by Fund

3.5		<u>2008</u>	<u>2009</u>
3.6	<u>General</u>	<u>86,022,000</u>	<u>51,144,000</u>
3.7	<u>Remediation</u>	<u>700,000</u>	<u>700,000</u>
3.8	<u>Workforce</u>		
3.9	<u>Development</u>	<u>14,745,000</u>	<u>14,745,000</u>

3.10 The amounts that may be spent for each
3.11 purpose are specified in the following
3.12 subdivisions.

3.13	<u>Subd. 2. Business and Community</u>		
3.14	<u>Development</u>	<u>48,938,000</u>	<u>14,372,000</u>

3.15 Appropriations by Fund

3.16	<u>General</u>	<u>48,238,000</u>	<u>13,672,000</u>
3.17	Remediation	700,000	700,000

3.18 (a)(1) \$1,100,000 is for a grant under
3.19 Minnesota Statutes, section 116J.421,
3.20 to the Rural Policy and Development
3.21 Center at St. Peter, Minnesota. The grant
3.22 shall be used for research and policy
3.23 analysis on emerging economic and social
3.24 issues in rural Minnesota, to serve as a
3.25 policy resource center for rural Minnesota
3.26 communities, to encourage collaboration
3.27 across higher education institutions, to
3.28 provide interdisciplinary team approaches
3.29 to research and problem-solving in rural
3.30 communities, and to administer overall
3.31 operations of the center.

3.32 (2) The grant shall be provided upon the
3.33 condition that each state-appropriated
3.34 dollar be matched with a nonstate dollar.
3.35 Acceptable matching funds are nonstate
3.36 contributions that the center has received and

4.1 have not been used to match previous state
4.2 grants. Any funds not spent the first year are
4.3 available the second year.

4.4 (b) \$200,000 each year is for a grant to
4.5 WomenVenture for women's business
4.6 development programs.

4.7 (c) \$500,000 the first year is for a grant to
4.8 University Enterprise Laboratories (UEL)
4.9 for its direct and indirect expenses to support
4.10 efforts to encourage the growth of early-stage
4.11 and emerging bioscience companies. UEL
4.12 must provide a report by June 30 each year
4.13 to the commissioner on the expenditures
4.14 until the appropriation is expended. This is a
4.15 onetime appropriation and is available until
4.16 expended.

4.17 (d) \$2,180,000 the first year is for grants
4.18 under Minnesota Statutes, section 116J.571,
4.19 for the redevelopment grant program. This is
4.20 a onetime appropriation.

4.21 (e) \$100,000 each year is to the Public
4.22 Facilities Authority for the small community
4.23 wastewater treatment program under
4.24 Minnesota Statutes, chapter 446A.

4.25 (f) \$510,000 the first year is for the urban
4.26 initiative program under Minnesota Statutes,
4.27 chapter 116M, of which, \$255,000 is for
4.28 a grant to the Metropolitan Economic
4.29 Development Association for continuing
4.30 minority business development programs
4.31 in the metropolitan area. This is a onetime
4.32 appropriation.

4.33 (g) \$85,000 each year is for a grant to the
4.34 Minnesota Inventors Congress, of which
4.35 \$10,000 must be used for youth inventors.

- 5.1 (h) \$151,000 the first year is for a grant to the
5.2 city of Faribault to design, construct, furnish,
5.3 and equip renovations to accommodate
5.4 handicapped accessibility at the Paradise
5.5 Center for the Arts.
- 5.6 (i) \$3,000,000 the first year is for loans
5.7 authorized under Minnesota Statutes, section
5.8 116J.417. This appropriation is available
5.9 until expended.
- 5.10 (j) \$1,000,000 each year is to Minnesota
5.11 Technology, Inc. for the small business
5.12 growth acceleration program established
5.13 under Minnesota Statutes, section 116O.115.
5.14 This is a onetime appropriation.
- 5.15 (k) \$350,000 the first year is for a grant to
5.16 the city of Northome for the construction
5.17 of a new municipal building to replace the
5.18 structures damaged by fire on July 22, 2006.
5.19 This appropriation is available when the
5.20 commissioner determines that a sufficient
5.21 match is available from nonstate sources to
5.22 complete the project.
- 5.23 (l) \$325,000 each year is for a technology
5.24 and commercialization unit established
5.25 under article 3, section 33. This is a onetime
5.26 appropriation.
- 5.27 (m) \$500,000 in the first year is for a
5.28 grant to the city of Worthington for an
5.29 agricultural-based bioscience training and
5.30 testing center. Funds appropriated under this
5.31 section must be used to provide a training
5.32 and testing facility for incubator firms
5.33 developing new agricultural processes and
5.34 products. This is a onetime appropriation
5.35 and is available until expended.

6.1 (n) \$2,200,000 in the first year is for a grant
6.2 to BioBusiness Alliance of Minnesota for
6.3 bioscience business development programs
6.4 to promote and position the state as a global
6.5 leader in bioscience business activities.
6.6 These funds may be used for:
6.7 (1) completion and periodic updating of
6.8 a statewide bioscience business industry
6.9 assessment of business technology
6.10 enterprises and Minnesota's competitive
6.11 position employing annual updates to federal
6.12 industry classification data;
6.13 (2) long-term strategic planning that includes
6.14 projections of market changes resulting
6.15 from developments in biotechnology and the
6.16 development of 20-year goals, strategies, and
6.17 identified objectives for renewable energy,
6.18 medical devices, biopharma, and biologics
6.19 business development in Minnesota;
6.20 (3) the design and construction of a
6.21 Minnesota focused bioscience business
6.22 model to test competing strategies and
6.23 scenarios, evaluate options, and forecast
6.24 outcomes; and
6.25 (4) creation of a bioscience business
6.26 resources network that includes development
6.27 of a statewide bioscience business economic
6.28 development framework to encourage
6.29 bioscience business development and
6.30 encourage spin-off activities, attract
6.31 bioscience business location or expansion in
6.32 Minnesota, and establish a local capability to
6.33 support strategic system level planning for
6.34 industry, government, and academia.

7.1 This appropriation is available until June 30,
7.2 2009.

7.3 (o) \$325,000 is for a grant to the Walker
7.4 Area Community Center, Inc., to construct,
7.5 furnish, and equip the Walker Area
7.6 Community Center. This appropriation is
7.7 not available until the commissioner has
7.8 determined that an amount sufficient to
7.9 complete the project has been committed
7.10 from nonstate sources.

7.11 (p) \$120,000 the first year is for a grant
7.12 to the Pine Island Economic Development
7.13 Authority for predesign to upgrade and
7.14 extend utilities to serve Elk Run Bioscience
7.15 Research Park and The Falls - Healthy
7.16 Living By Nature, an integrated medicine
7.17 facility. This is a onetime appropriation and
7.18 is available until expended.

7.19 (q) \$300,000 the first year is for a grant
7.20 to Thomson Township for infrastructure
7.21 improvements for the industrial park. This is
7.22 a onetime appropriation.

7.23 (r) \$75,000 the first year for a grant to
7.24 Le Sueur County for the cost of cleaning
7.25 debris from lakes in Le Sueur County,
7.26 caused by the August 24, 2006, tornado in
7.27 southern Le Sueur County. This is a onetime
7.28 appropriation.

7.29 (s) \$3,000,000 the second year is for
7.30 bioscience business development and
7.31 commercialization grants. The commissioner
7.32 shall designate an evaluation team to accept
7.33 grant applications, review and evaluate
7.34 grant proposals, and select up to five grant
7.35 proposals to receive funding each year.

8.1 The evaluation team shall be comprised
8.2 of not more than 12 members including:
8.3 the commissioner or the commissioner's
8.4 designee; representatives of bioscience
8.5 businesses; public and private institutions
8.6 of higher education; private investment
8.7 companies; a nonprofit entity that qualifies as
8.8 a 501(c)6 under the Internal Revenue Code
8.9 and is a trade association representing the
8.10 life sciences industry; and a bio business
8.11 alliance that qualifies as a 501(c)3 under the
8.12 Internal Revenue Code. The criteria used
8.13 by the evaluation team in evaluating grant
8.14 proposals must include, but is not limited
8.15 to: the potential to create and sustain jobs
8.16 within the state of Minnesota; the potential
8.17 for long-term business activity, growth,
8.18 and expansion in Minnesota; the level of
8.19 technological maturity; the potential to attract
8.20 private investment; and the availability and
8.21 readiness of markets. The commissioner
8.22 must report to the standing committees of
8.23 the house of representatives and the senate
8.24 having jurisdiction over bioscience and
8.25 technology issues by February 1 each year
8.26 on the number, type, and amounts of grants
8.27 awarded and the activities of the grant
8.28 recipients. This is a onetime appropriation
8.29 and is available until expended.

8.30 (t) \$1,500,000 the first year is for the urban
8.31 challenge grant program under Minnesota
8.32 Statutes, section 116M.18, of which
8.33 \$1,000,000 is for a grant to the Neighborhood
8.34 Development Center for assistance necessary
8.35 to retain minority business enterprises

9.1 at the Global Market. This is a onetime
9.2 appropriation.

9.3 (u) \$375,000 each year is to develop and
9.4 operate a bioscience business marketing
9.5 program to market Minneota bioscience
9.6 businesses and business opportunities
9.7 to other states and other countries. The
9.8 bioscience business marketing program must
9.9 emphasize bioscience business location and
9.10 expansion opportunities in communities
9.11 outside of the seven-county metropolitan
9.12 area as defined in Minnesota Statutes,
9.13 section 473.121, subdivision 2, that have
9.14 established collaborative plans among two
9.15 or more municipal units for bioscience
9.16 business activities, and that are within 15
9.17 miles of a four-year, baccalaureate degree
9.18 granting institution or a two-year technical
9.19 or community college that offers bioscience
9.20 curricula. The commissioner must report
9.21 to the committees of the senate and house
9.22 of representatives having jurisdiction
9.23 over bioscience and technology issues by
9.24 February 1 of each year on the expenditures
9.25 of these funds and the promotional activities
9.26 undertaken to market the Minnesota
9.27 bioscience industry to persons outside of the
9.28 state. This is a onetime appropriation and is
9.29 available until expended.

9.30 (v) \$225,000 each year is for the purposes
9.31 of the nanotechnology development fund
9.32 program (NDF) established in section 12, for
9.33 grants to promote increased use of advanced
9.34 instrumentation for nanomaterials analysis,
9.35 to be awarded on a one-to-one matching basis

10.1 to qualifying Minnesota small businesses.
10.2 This is a onetime appropriation.
10.3 (w) \$50,000 the first year is for a contract
10.4 with a public higher education institution
10.5 in Minnesota jointly entered into with the
10.6 Center for Rural Development to study the
10.7 needs of the renewable energy economy for
10.8 trained employees and the training required
10.9 for those employees. The study must include
10.10 extensive consultation and involvement of
10.11 representatives of the renewable energy
10.12 industry, environmental interests, labor, the
10.13 University of Minnesota, and the Minnesota
10.14 State Colleges and Universities. The
10.15 commissioner shall report the results of the
10.16 study to the chairs of the finance divisions
10.17 of the legislature with jurisdiction over
10.18 economic development, energy, and higher
10.19 education by November 1, 2007. This is a
10.20 onetime appropriation.
10.21 (x) \$24,880,000 is for the Minnesota
10.22 minerals 21st century fund created in
10.23 Minnesota Statutes, section 116J.423,
10.24 to restore the money unallotted by the
10.25 commissioner of finance in 2003 pursuant
10.26 to Minnesota Statutes, section 16A.152.
10.27 This appropriation may be used as provided
10.28 in Minnesota Statutes, section 116J.423,
10.29 subdivision 2. This appropriation is available
10.30 until expended.
10.31 (y) \$900,000 each year is for a grant to the
10.32 city of St. Paul to be used to pay debt service
10.33 on bond obligations issued by the city of St.
10.34 Paul in 1996 for the convention center.

11.1 (z) \$189,000 each year is appropriated from
11.2 the general fund to the commissioner of
11.3 employment and economic development for
11.4 grants of \$63,000 to eligible organizations
11.5 each year and for the purposes of this
11.6 paragraph. Each state grant dollar must be
11.7 matched with \$1 of nonstate funds. Any
11.8 balance in the first year does not cancel but is
11.9 available in the second year.

11.10 The commissioner of employment and
11.11 economic development must make grants to
11.12 organizations to assist in the development
11.13 of entrepreneurs and small businesses.

11.14 Three grants must be awarded to continue
11.15 or to develop a program. One grant must
11.16 be awarded to the Riverbend Center for
11.17 Entrepreneurial Facilitation in Blue Earth
11.18 County, and two to other organizations
11.19 serving Faribault and Martin Counties. Grant
11.20 recipients must report to the commissioner
11.21 by February 1 of each year that the
11.22 organization receives a grant with the
11.23 number of customers served; the number of
11.24 businesses started, stabilized, or expanded;
11.25 the number of jobs created and retained; and
11.26 business success rates. The commissioner
11.27 must report to the house of representatives
11.28 and senate committees with jurisdiction
11.29 over economic development finance on the
11.30 effectiveness of these programs for assisting
11.31 in the development of entrepreneurs and
11.32 small businesses.

11.33 (aa) \$10,000 for the biennium is to the
11.34 commissioner of employment and economic
11.35 development for the Minnesota investment
11.36 fund. This grant is not subject to grant

12.1	<u>limitations under section 116J.8731,</u>		
12.2	<u>subdivision 5.</u>		
12.3	<u>Subd. 3. Workforce Development</u>	<u>49,531,000</u>	<u>49,197,000</u>
12.4	<u>Appropriations by Fund</u>		
12.5	<u>General</u>	<u>34,786,000</u>	<u>34,452,000</u>
12.6	<u>Workforce</u>		
12.7	<u>Development</u>	<u>14,745,000</u>	<u>14,745,000</u>
12.8	<u>(a) \$6,785,000 each year is for the Minnesota</u>		
12.9	<u>job skills partnership program under</u>		
12.10	<u>Minnesota Statutes, sections 116L.01 to</u>		
12.11	<u>116L.17. If the appropriation for either</u>		
12.12	<u>year is insufficient, the appropriation for the</u>		
12.13	<u>other year is available. This appropriation is</u>		
12.14	<u>available until spent.</u>		
12.15	<u>(b) \$305,000 each year is for a grant under</u>		
12.16	<u>Minnesota Statutes, section 116J.8747, to</u>		
12.17	<u>Twin Cities RISE! to provide training to</u>		
12.18	<u>hard-to-train individuals.</u>		
12.19	<u>(c) \$1,375,000 each year is from</u>		
12.20	<u>the workforce development fund for</u>		
12.21	<u>Opportunities Industrialization Center</u>		
12.22	<u>programs.</u>		
12.23	<u>(d) \$5,864,000 each year is from the general</u>		
12.24	<u>fund and \$6,920,000 each year is from the</u>		
12.25	<u>workforce development fund for extended</u>		
12.26	<u>employment services for persons with</u>		
12.27	<u>severe disabilities or related conditions under</u>		
12.28	<u>Minnesota Statutes, section 268A.15. Of this,</u>		
12.29	<u>\$125,000 each year and in the base for fiscal</u>		
12.30	<u>years 2010 and 2011 is to supplement funds</u>		
12.31	<u>paid for wage incentive for the community</u>		
12.32	<u>support fund established in Minnesota Rules,</u>		
12.33	<u>part 3300.2045.</u>		
12.34	<u>(e) \$1,900,000 each year is for grants for</u>		
12.35	<u>programs that provide employment support</u>		

13.1 services to persons with mental illness under
13.2 Minnesota Statutes, sections 268A.13 and
13.3 268A.14. Up to \$77,000 each year may be
13.4 used for administrative and salary expenses.
13.5 (f) \$2,190,000 each year is for grants under
13.6 Minnesota Statutes, section 268A.11, for the
13.7 eight centers for independent living. Money
13.8 not expended the first year is available the
13.9 second year.
13.10 (g) \$5,940,000 each year is for State Services
13.11 for the Blind activities.
13.12 (h) \$150,000 each year is from the general
13.13 fund and \$175,000 each year is from the
13.14 workforce development fund for grants under
13.15 Minnesota Statutes, section 268A.03, to Rise,
13.16 Inc. for the Minnesota Employment Center
13.17 for People Who are Deaf or Hard-of-Hearing.
13.18 Money not expended the first year is
13.19 available the second year.
13.20 (i) \$9,021,000 each year from the general
13.21 fund is for the vocational rehabilitation
13.22 program and \$325,000 each year from
13.23 the workforce development fund is for
13.24 interpreters for a regional transition program
13.25 specializing in culturally appropriate
13.26 transition services leading to employment
13.27 for deaf, hard-of-hearing, and deaf-blind
13.28 students.
13.29 (j) \$150,000 each year is for a grant to
13.30 Advocating Change Together for training,
13.31 technical assistance, and resource materials
13.32 to persons with developmental and mental
13.33 illness disabilities.
13.34 (k) \$300,000 each year for a grant to
13.35 Lifetrack Resources for its immigrant/refugee

14.1 collaborative programs, including those
14.2 related to job-seeking skills and workplace
14.3 orientation, intensive job development,
14.4 functional work English, and on-site job
14.5 coaching. \$50,000 of this amount is for a
14.6 pilot Lifetrack project in Rochester.

14.7 (l) \$1,075,000 each year is for the youthbuild
14.8 program under Minnesota Statutes, sections
14.9 116L.361 to 116L.366.

14.10 (m) \$1,350,000 each year is from the
14.11 workforce development fund for grants
14.12 to fund summer youth employment in
14.13 Minneapolis. The grants shall be used to
14.14 fund up to 500 jobs for youth each summer.
14.15 Of this appropriation, \$350,000 each year is
14.16 for a grant to the learn-to-earn summer youth
14.17 employment program. The commissioner
14.18 shall establish criteria for awarding the
14.19 grants. This appropriation is available in
14.20 either year of the biennium and is available
14.21 until spent.

14.22 (n) \$50,000 each year is for a grant
14.23 to Northern Connections in Perham to
14.24 implement and operate a pilot workforce
14.25 program that provides one-stop supportive
14.26 services to assist individuals as they transition
14.27 into the workforce. This appropriation is
14.28 available to the extent it is matched by \$1 of
14.29 nonstate money for each \$1 of state money.

14.30 (o) \$100,000 each year is for a grant to
14.31 Ramsey County Workforce Investment Board
14.32 for the development of the building lives
14.33 program. This is a onetime appropriation.

14.34 (p) \$300,000 each year is for a grant to the
14.35 Hennepin-Carver Workforce Investment

- 15.1 Board (WIB) to coordinate with the Partners
15.2 for Progress Regional Skills Consortium
15.3 to provide employment and training as
15.4 demonstrated by the Twin Cities regional
15.5 health care training partnership project.
- 15.6 (q) \$160,000 the first year is for a grant
15.7 to Workforce Development, Inc., for a
15.8 pilot project to provide demand-driven
15.9 employment and training services to
15.10 welfare recipients and other economically
15.11 disadvantaged populations in Mower,
15.12 Freeborn, Dodge, and Steele Counties. This
15.13 is a onetime appropriation.
- 15.14 (r) \$200,000 each year is for a grant to
15.15 HIRED to operate its industry sector training
15.16 initiatives, which provide employee training
15.17 developed in collaboration with employers in
15.18 specific, high-demand industries. This is a
15.19 onetime appropriation.
- 15.20 (s) \$200,000 the first year is for a grant
15.21 to a nonprofit organization. The nonprofit
15.22 organization must work on behalf of all
15.23 licensed vendors to coordinate their efforts
15.24 to respond to solicitations or other requests
15.25 from private and governmental units as
15.26 defined in Minnesota Statutes, section
15.27 471.59, subdivision 1, in order to increase
15.28 employment opportunities for persons with
15.29 disabilities.
- 15.30 (t) \$3,500,000 each year from the workforce
15.31 development fund is for the Minnesota youth
15.32 program under Minnesota Statutes, section
15.33 116L.56 and 116L.561.
- 15.34 (u) \$500,000 each year from the workforce
15.35 development fund is for a grant to the

16.1 Minnesota Alliance of Boys and Girls
16.2 Clubs to administer a statewide project
16.3 of youth job skills development. This
16.4 project, which may have career guidance
16.5 components, including health and life skills,
16.6 is to encourage, train, and assist youth in
16.7 job-seeking skills, workplace orientation,
16.8 and job site knowledge through coaching.
16.9 This grant requires a 25 percent match from
16.10 nonstate resources.

16.11 (v) \$350,000 in each year from the workforce
16.12 development fund is for a grant to Ramsey
16.13 County for a summer youth employment
16.14 program to place at-risk youth, ages 14 to 21,
16.15 in subsidized summer employment.

16.16 (w) \$10,000 the first year is for a study on
16.17 ways to promote employment opportunities
16.18 for minorities, with a particular focus on
16.19 opportunities for American blacks, in the
16.20 state of Minnesota. The study should focus
16.21 on how to significantly expand the job
16.22 training available to minorities and promote
16.23 substantial increases in the wages paid to
16.24 minorities, at least to a rate well above living
16.25 wage, and within several years, to equality.
16.26 The commissioner must report on the study
16.27 to the governor and the chair of the finance
16.28 committee in each house of the legislature
16.29 that has jurisdiction over employment by
16.30 January 15, 2008, with recommendations for
16.31 implementing the findings.

16.32 The commissioner must provide funding
16.33 for the Minnesota Conservation Corps to
16.34 provide learning stipends for deaf students

17.1 and wages for interpreters participating in
17.2 the MCC summer youth program.

17.3 Subd. 4. State-Funded Administration 2,998,000 3,020,000

17.4 The first \$1,450,000 deposited in each
17.5 year of the biennium and in each year of
17.6 subsequent bienniums into the contingent
17.7 account created under Minnesota Statutes,
17.8 section 268.196, subdivision 3, shall be
17.9 transferred by June 30 of each fiscal year
17.10 to the workforce development fund created
17.11 under Minnesota Statutes, section 116L.20.
17.12 Deposits in excess of \$1,450,000 shall be
17.13 transferred by June 30 of each fiscal year to
17.14 the general fund.

17.15 Sec. 4. DEPARTMENT OF LABOR AND
17.16 INDUSTRY

17.17 Subdivision 1. Total Appropriation \$ 29,002,000 \$ 29,794,000

17.18	<u>Appropriations by Fund</u>	
17.19	<u>2008</u>	<u>2009</u>
17.20	<u>General</u>	<u>4,644,000 5,035,000</u>
17.21	<u>Workers'</u>	
17.22	<u>Compensation</u>	<u>21,716,000 22,053,000</u>
17.23	<u>Workforce</u>	
17.24	<u>Development</u>	<u>765,000 781,000</u>
17.25	<u>State Government</u>	
17.26	<u>Special Revenue</u>	<u>1,877,000 1,925,000</u>

17.27 The amounts that may be spent for each
17.28 purpose are specified in the following
17.29 subdivisions.

17.30 Subd. 2. Workers' Compensation 10,381,000 10,659,000

17.31 This appropriation is from the workers'
17.32 compensation fund.

17.33 \$200,000 each year is for grants to the
17.34 Vinland Center for rehabilitation services.

17.35 Subd. 3. Safety Codes and Services 9,949,000 10,134,000

18.1	<u>\$5,292,000 the first year and \$5,388,000</u>		
18.2	<u>the second year are from the workers'</u>		
18.3	<u>compensation fund. \$1,877,000 the first year</u>		
18.4	<u>and \$1,925,000 the second year are from the</u>		
18.5	<u>state government special revenue fund.</u>		
18.6	<u>\$1,000,000 each year is from the workers'</u>		
18.7	<u>compensation fund for patient safe handling</u>		
18.8	<u>grants under Minnesota Statutes, section</u>		
18.9	<u>182.6553.</u>		
18.10	<u>\$100,000 each year is from the workers'</u>		
18.11	<u>compensation fund for the operation of</u>		
18.12	<u>the meatpacking industry workers' rights</u>		
18.13	<u>ombudsman under Minnesota Statutes,</u>		
18.14	<u>section 179.87.</u>		
18.15	<u>Subd. 4. Labor Standards/Apprenticeship</u>	<u>2,629,000</u>	<u>2,995,000</u>
18.16	<u>Appropriations by Fund</u>		
18.17	<u>General</u>	<u>1,864,000</u>	<u>2,214,000</u>
18.18	<u>Workforce</u>		
18.19	<u>Development</u>	<u>765,000</u>	<u>781,000</u>
18.20	<u>The appropriation from the workforce</u>		
18.21	<u>development fund is for the apprenticeship</u>		
18.22	<u>program under Minnesota Statutes, chapter</u>		
18.23	<u>178, and includes \$100,000 each year for</u>		
18.24	<u>labor education and advancement program</u>		
18.25	<u>grants.</u>		
18.26	<u>\$360,000 the first year and \$300,000 the</u>		
18.27	<u>second year from the general fund are for</u>		
18.28	<u>prevailing wage enforcement of which</u>		
18.29	<u>\$60,000 in the first year is for outreach and</u>		
18.30	<u>survey participation improvements.</u>		
18.31	<u>\$800,000 the first year and \$1,200,000 the</u>		
18.32	<u>second year from the general fund are for the</u>		
18.33	<u>independent contractor certification under</u>		
18.34	<u>Minnesota Statutes, section 181.723.</u>		
18.35	<u>Subd. 5. General Support</u>	<u>6,043,000</u>	<u>6,006,000</u>

19.1	<u>This appropriation is from the workers'</u>			
19.2	<u>compensation fund.</u>			
19.3	Sec. 5. <u>BUREAU OF MEDIATION</u>			
19.4	<u>SERVICES</u>			
19.5	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>1,850,000</u>	<u>\$ 1,877,000</u>
19.6	<u>The amounts that may be spent for each</u>			
19.7	<u>purpose are specified in the following</u>			
19.8	<u>subdivisions.</u>			
19.9	Subd. 2. <u>Mediation Services</u>		<u>1,700,000</u>	<u>1,727,000</u>
19.10	Subd. 3. <u>Labor Management Cooperation</u>			
19.11	<u>Grants</u>		<u>150,000</u>	<u>150,000</u>
19.12	<u>\$150,000 each year is for grants to area labor</u>			
19.13	<u>management committees. Grants may be</u>			
19.14	<u>awarded for a 12-month period beginning</u>			
19.15	<u>July 1 each year. Any unencumbered balance</u>			
19.16	<u>remaining at the end of the first year does not</u>			
19.17	<u>cancel but is available for the second year.</u>			
19.18	Sec. 6. <u>WORKERS' COMPENSATION</u>			
19.19	<u>COURT OF APPEALS</u>	<u>\$</u>	<u>1,663,000</u>	<u>\$ 1,710,000</u>
19.20	<u>This appropriation is from the workers'</u>			
19.21	<u>compensation fund.</u>			
19.22	Sec. 7. <u>BOARD OF ACCOUNTANCY</u>	<u>\$</u>	<u>493,000</u>	<u>\$ 499,000</u>
19.23	Sec. 8. <u>BOARD OF ARCHITECTURE,</u>			
19.24	<u>ENGINEERING, LAND SURVEYING,</u>			
19.25	<u>LANDSCAPE ARCHITECTURE,</u>			
19.26	<u>GEOSCIENCE, AND INTERIOR DESIGN</u>	<u>\$</u>	<u>795,000</u>	<u>\$ 805,000</u>
19.27	Sec. 9. <u>BOARD OF BARBER EXAMINERS</u>	<u>\$</u>	<u>711,000</u>	<u>\$ 724,000</u>
19.28	Sec. 10. <u>MINNESOTA BOXING</u>			
19.29	<u>COMMISSION</u>	<u>\$</u>	<u>50,000</u>	<u>\$ -0-</u>
19.30	<u>To transition the commission to being a</u>			
19.31	<u>self-funded entity. This appropriation may</u>			

20.1 not be carried forward from the first year of
20.2 the biennium to the second year.

20.3 Sec. 11. **BIOSCIENCE ZONES DESIGNATION.**

20.4 The commissioner of employment and economic development must establish a
20.5 criteria for expanding the zones. The criteria must limit designating a new zone to a
20.6 community that has adequate resources and infrastructure to support bioindustry, including
20.7 postsecondary institutions, strong health care systems, and existing bioscience companies.
20.8 It must also require that a new zone be located on a transportation corridor.

20.9 Sec. 12. **NANOTECHNOLOGY DEVELOPMENT FUND PROGRAM.**

20.10 Subdivision 1. **Program established; purpose.** The nanotechnology
20.11 development fund program (NDF) is established to develop a collaborative economic
20.12 development initiative between the state of Minnesota, the private sector, and multiple
20.13 academic institutions to promote by small businesses an increased use of advanced
20.14 nanoinstrumentation for characterization, fabrication, and other related processes;
20.15 provide research consulting by knowledgeable specialists; and provide student internship
20.16 opportunities to increase nanotechnology experience by working with small, medium, or
20.17 large Minnesota companies. The NDF program shall be administered by the Department
20.18 of Employment and Economic Development and is not a state agency.

20.19 Subd. 2. **Definition; qualifying Minnesota small business.** "Qualifying Minnesota
20.20 small business" means:

20.21 (1) a Minnesota small business corporation, sole proprietorship, or partnership that
20.22 has fewer than 50 employees; or

20.23 (2) a Minnesota business corporation, sole proprietorship, or partnership that:

20.24 (i) has 51 to 100 employees; and

20.25 (ii) demonstrates current financial adversity or risk or a major prospect of aiding
20.26 the business's long-term outlook by significant use of nanotechnology in the business's
20.27 offerings.

20.28 Subd. 3. **Grants.** The commissioner shall extend onetime matching grants from the
20.29 NDF to qualifying Minnesota small businesses located throughout the state to:

20.30 (1) add nanotechnology applications to products that are being developed by
20.31 Minnesota small businesses to enhance distinctiveness;

20.32 (2) promote the depth, breadth, and value of technologies being developed by
20.33 Minnesota businesses with the aid of nanotechnology;

21.1 (3) encourage more frequent use of nanoinstrumentation to speed businesses' product
21.2 time-to-market, with higher incidence of distinct product characteristics;

21.3 (4) provide Minnesota small businesses with broader access to experienced research
21.4 consultants; and

21.5 (5) increase the number of researchers experienced in working with
21.6 nanoinstrumentation.

21.7 Subd. 4. **Grant application and award procedure.** (a) The commissioner may
21.8 give priority to applicants:

21.9 (1) whose intellectual property would benefit from utilization of nanoinstrumentation
21.10 not possessed in-house;

21.11 (2) who are currently utilizing nanoinstrumentation either at the University of
21.12 Minnesota or a private sector location on a leased, hourly basis; and

21.13 (3) who wish to increase their access to experienced research consultants.

21.14 (b) The commissioner shall decide whether to award a grant to an eligible applicant
21.15 based on:

21.16 (1) the applicant's planned frequency of usage of nanoinstrumentation for
21.17 characterization, fabrication, and other related processes; and

21.18 (2) the applicant's demonstration of rental of nanoinstrumentation, in the form
21.19 of a signed affidavit from a certified facility to confirm the one-to-one private sector
21.20 investment has been met.

21.21 (c) A grant made under this section must:

21.22 (1) include verification of matching rental fees or internship stipends paid by the
21.23 grantee; and

21.24 (2) be for a total amount paid to each grantee of not less than \$500 nor more than
21.25 \$20,000 within the biennium.

21.26 Subd. 5. **Administration.** The commissioner of employment and economic
21.27 development must develop and maintain a record-keeping system that specifies how
21.28 funds from the NDF are applied for and distributed. Businesses receiving grants
21.29 from the NDF must provide contact information, the date and time of the use of the
21.30 nanoinstrumentation, proof of their matching contribution to meet the rental costs or
21.31 provide an internship's stipend, and a general statement of the expected outcome from
21.32 the use of the nanoinstrumentation, to the extent documentation can be made without
21.33 divulging proprietary information.

21.34 Subd. 6. **Gifts and donations.** Gifts and donations, including land or interests in
21.35 land, may be made to NDF. Noncash gifts and donations must be disposed of for cash

22.1 as soon as the commissioner of employment and economic development can prudently
22.2 maximize the value of the gift or donation.

22.3 Subd. 7. **Report to legislature.** By June 30 of each odd-numbered year, the
22.4 commissioner of employment and economic development must submit a report to the
22.5 legislature with statistics about the use of the NDF.

22.6 Sec. 13. **WORK GROUP.**

22.7 The commissioner of employment and economic development shall convene a work
22.8 group to evaluate the impact of the money appropriated for wage incentives and how the
22.9 wage incentive program works. The work group is to make recommendations to the
22.10 legislature by January 15, 2008.

22.11 **ARTICLE 3**

22.12 **EMPLOYMENT AND DEVELOPMENT-RELATED PROVISIONS**

22.13 Section 1. Minnesota Statutes 2006, section 13.7931, is amended by adding a
22.14 subdivision to read:

22.15 Subd. 5. **Data from safety and education programs for loggers.** The following
22.16 data collected from persons who attend safety and education programs or seminars for
22.17 loggers established or approved by the commissioner under section 176.130, subdivision
22.18 11, is public data:

22.19 (1) the names of the individuals attending the program or seminar;

22.20 (2) the names of each attendee's employer;

22.21 (3) the city where the employer is located;

22.22 (4) the date the program or seminar was held; and

22.23 (5) a description of the seminar or program.

22.24 Sec. 2. Minnesota Statutes 2006, section 116J.401, is amended by adding a subdivision
22.25 to read:

22.26 Subd. 4. **Use of funds for unemployed worker assistance.** Payment of employee
22.27 compensation costs from the Wagner-Peyser Act referenced in subdivision 1, clause
22.28 (8), must be used to provide direct benefit to unemployed and underemployed workers
22.29 through the state's workforce centers. At least 75 percent of the employee compensation
22.30 paid from Wagner-Peyser funds must be used for employees at workforce centers who
22.31 provide direct assistance to unemployed and underemployed workers and no more than
22.32 25 percent may be used for providing hiring and human resource services for employers.
22.33 The funds under this section may be used to establish an internet based labor exchange

23.1 system. By July 1 of each year, the commissioner must submit a report to the committees
23.2 of the legislature responsible for oversight of unemployment insurance with details on
23.3 the use of Wagner-Peyser funds, including the number of employee positions funded, the
23.4 location of the employees, and the use of funds for internet labor exchange system and
23.5 other business assistance.

23.6 Sec. 3. **[116J.417] GREATER MINNESOTA BUSINESS DEVELOPMENT**
23.7 **INVESTMENT FUND.**

23.8 Subdivision 1. **Eligible organization.** For the purposes of this section, "eligible
23.9 organization" means an organization established pursuant to section 116J.415 which
23.10 provides business financing to greater Minnesota businesses.

23.11 Subd. 2. **Investment fund establishment.** The commissioner shall establish an
23.12 investment fund from which fund investments can be made in eligible organizations. The
23.13 funds repaid by the eligible organizations are to be returned to the fund for subsequent
23.14 reinvestment in eligible organizations.

23.15 Subd. 3. **Authorized investments.** The commissioner is authorized to make
23.16 investments in eligible organizations. The commissioner shall invest funds in the form of
23.17 loans to eligible organizations for the purpose of providing capital to new and expanding
23.18 businesses in the form of debt or equity, or both.

23.19 Subd. 4. **Investment authorized.** The commissioner may make investments in
23.20 eligible organizations under the following terms:

23.21 (1) the organization seeking an investment of funds must guarantee repayment of not
23.22 less than 100 percent of the funds invested in the eligible organization;

23.23 (2) the investments are to be made in the form of a loan to the eligible organization
23.24 for a term of ten years, at an interest rate of one percent;

23.25 (3) during the ten-year term of the loan, the eligible organization shall make annual
23.26 interest-only payments;

23.27 (4) at the end of the ten-year term, the eligible organization is required to make a
23.28 payment in the entire principal amount of the initial loan;

23.29 (5) the state investment by the commissioner in any eligible organization may not
23.30 exceed \$2,000,000;

23.31 (6) the full amount of state investment will be advanced to the approved eligible
23.32 organization upon execution of a formal investment agreement, specifying the terms of the
23.33 loan, as well as reporting and other requirements outlined in subdivision 5;

23.34 (7) the eligible organization must maintain the funds in accounts that allow the funds
23.35 to be readily available for business investments;

(8) the eligible organization must make business investments totaling the entire amount of funds loaned by the state within three years of the execution of the investment agreement and subsequent transmittal of the funds; and

(9) an eligible organization that receives an investment under this section shall report annually, in a format prescribed by the commissioner, the nature and amount of the business investments made, including, for each financing transaction involving funds received pursuant to this section, all forms and amounts of financing provided by the eligible organization from sources other than the investment fund established pursuant to this section, along with the number of jobs created and private sector investment leveraged.

Subd. 5. Requirements for state investments. All investments are subject to an investment agreement which must include:

(1) a description of the eligible organization, including business finance experience, qualifications, and investment history;

(2) a description of the uses of investment proceeds by the eligible organization;

(3) an explanation of the investment objectives;

(4) a description of accounting and reporting standards to be used by the eligible organization; and

(5) a copy of the most recent audited financial statements of the eligible organization.

Sec. 4. Minnesota Statutes 2006, section 116J.551, subdivision 1, is amended to read:

Subdivision 1. **Grant account.** A contaminated site cleanup and development grant account is created in the general fund. Money in the account may be used, as appropriated by law, to make grants as provided in section 116J.554 and to pay for the commissioner's costs in reviewing applications and making grants. Notwithstanding section 16A.28, money appropriated to the account for this program from any source is available ~~for four years~~ until spent.

Sec. 5. Minnesota Statutes 2006, section 116J.554, subdivision 2, is amended to read:

Subd. 2. **Qualifying sites.** A site qualifies for a grant under this section, if the following criteria are met:

(1) the site is not scheduled for funding during the current or next fiscal year under the Comprehensive Environmental Response, Compensation, and Liability Act, United States Code, title 42, section 9601, et seq. or under the Environmental Response, and Liability Act under sections 115B.01 to 115B.20;

~~(2) the appraised value of the site after adjusting for the effect on the value of the presence or possible presence of contaminants using accepted appraisal methodology, or~~

~~the current market value of the site as issued under section 273.121, separately taking into account the effect of the contaminants on the market value, (i) is less than 75 percent of the estimated project costs for the site or (ii) is less than or equal to the estimated cleanup costs for the site and the cleanup costs equal or exceed \$3 per square foot for the site; and~~
(3) (2) if the proposed cleanup is completed, it is expected that the site will be improved with buildings or other improvements and these improvements will provide a substantial increase in the property tax base within a reasonable period of time or the site will be used for an important publicly owned or tax-exempt facility.

Sec. 6. Minnesota Statutes 2006, section 116J.555, subdivision 1, is amended to read:

Subdivision 1. **Priorities.** (a) The legislature expects that applications for grants will exceed the available appropriations and the agency will be able to provide grants to only some of the applicant development authorities.

(b) If applications for grants for qualified sites exceed the available appropriations, the agency shall make grants for sites that, in the commissioner's judgment, provide the highest return in public benefits for the public costs incurred and that meet all the requirements provided by law. In making this judgment, the commissioner shall consider the following factors:

(1) the recommendations or ranking of projects by the commissioner of the Pollution Control Agency regarding the potential threat to public health and the environment that would be reduced or eliminated by completion of each of the response action plans;

(2) the potential increase in the property tax base of the local taxing jurisdictions, considered relative to the fiscal needs of the jurisdictions, that will result from developments that will occur because of completion of each of the response action plans;

(3) the social value to the community of the cleanup and redevelopment of the site, including the importance of development of the proposed public facilities on each of the sites;

(4) the probability that each site will be cleaned up without use of government money in the reasonably foreseeable future by considering but not limited to the current market value of the site versus the cleanup cost;

(5) the amount of cleanup costs for each site; and

(6) the amount of the commitment of municipal or other local resources to pay for the cleanup costs.

The factors are not listed in a rank order of priority; rather the commissioner may weigh each factor, depending upon the facts and circumstances, as the commissioner considers appropriate. The commissioner may consider other factors that affect the net

return of public benefits for completion of the response action plan. The commissioner, notwithstanding the listing of priorities and the goal of maximizing the return of public benefits, shall make grants that distribute available money to sites both within and outside of the metropolitan area. The commissioner shall provide a written statement of the supporting reasons for each grant. Unless sufficient applications are not received for qualifying sites outside of the metropolitan area, at least 25 percent of the money provided as grants must be made for sites located outside of the metropolitan area.

Sec. 7. Minnesota Statutes 2006, section 116J.575, subdivision 1, is amended to read:

Subdivision 1. **Commissioner discretion.** The commissioner may make a grant for up to 50 percent of the eligible costs of a project. The determination of whether to make a grant for a site is within the discretion of the commissioner, subject to this section and sections 116J.571 to 116J.574 and available unencumbered money in the redevelopment account. For grants made in fiscal years 2008 and 2009, at least 75 percent of the available grant funds must be used for grants in greater Minnesota. For grants made in fiscal year 2010 and later, at least 50 percent of the available grant funds must be used for grants in greater Minnesota. If the commissioner determines that the applications for grants for projects in greater Minnesota are less than the amount of grant funds available, the commissioner may make grants for projects anywhere in Minnesota. The commissioner's decisions and application of the priorities under this section are not subject to judicial review, except for abuse of discretion.

Sec. 8. Minnesota Statutes 2006, section 116J.575, subdivision 1a, is amended to read:

Subd. 1a. **Priorities.** (a) If applications for grants exceed the available appropriations, grants shall be made for sites that, in the commissioner's judgment, provide the highest return in public benefits for the public costs incurred. "Public benefits" include job creation, bioscience development, environmental benefits to the state and region, efficient use of public transportation, efficient use of existing infrastructure, provision of affordable housing, multiuse development that constitutes community rebuilding rather than single-use development, crime reduction, blight reduction, community stabilization, and property tax base maintenance or improvement. In making this judgment, the commissioner shall give priority to redevelopment projects with one or more of the following characteristics:

- (1) the need for redevelopment in conjunction with contamination remediation needs;
- (2) the redevelopment project meets current tax increment financing requirements for a redevelopment district and tax increments will contribute to the project;

- 27.1 (3) the redevelopment potential within the municipality;
- 27.2 (4) proximity to public transit if located in the metropolitan area; ~~and~~
- 27.3 (5) redevelopment costs related to expansion of a bioscience business in Minnesota;
- 27.4 and
- 27.5 ~~(5)~~ (6) multijurisdictional projects that take into account the need for affordable
- 27.6 housing, transportation, and environmental impact.
- 27.7 (b) The factors in paragraph (a) are not listed in a rank order of priority; rather, the
- 27.8 commissioner may weigh each factor, depending upon the facts and circumstances, as
- 27.9 the commissioner considers appropriate. The commissioner may consider other factors
- 27.10 that affect the net return of public benefits for completion of the redevelopment plan. The
- 27.11 commissioner, notwithstanding the listing of priorities and the goal of maximizing the
- 27.12 return of public benefits, shall make grants that distribute available money to sites both
- 27.13 within and outside of the metropolitan area. Unless sufficient applications are not received
- 27.14 for qualifying sites outside of the metropolitan area, at least 25 percent of the money
- 27.15 provided as grants must be made for sites located outside of the metropolitan area.

27.16 Sec. 9. Minnesota Statutes 2006, section 116J.966, subdivision 1, is amended to read:

27.17 Subdivision 1. **Generally.** (a) The commissioner shall promote, develop, and

27.18 facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in

27.19 addition to the powers granted by section 116J.035, the commissioner may:

27.20 (1) locate, develop, and promote international markets for Minnesota products

27.21 and services;

27.22 (2) arrange and lead trade missions to countries with promising international markets

27.23 for Minnesota goods, technology, services, and agricultural products;

27.24 (3) promote Minnesota products and services at domestic and international trade

27.25 shows;

27.26 (4) organize, promote, and present domestic and international trade shows featuring

27.27 Minnesota products and services;

27.28 (5) host trade delegations and assist foreign traders in contacting appropriate

27.29 Minnesota businesses and investments;

27.30 (6) develop contacts with Minnesota businesses and gather and provide information

27.31 to assist them in locating and communicating with international trading or joint venture

27.32 counterparts;

27.33 (7) provide information, education, and counseling services to Minnesota businesses

27.34 regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign direct investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to section 16C.06; and

(12) market trade-related materials to businesses and organizations, and the proceeds of which must be placed in a special revolving account and are appropriated to the commissioner to prepare and distribute trade-related materials.

(b) The programs and activities of the commissioner of employment and economic development and the Minnesota Trade Division may not duplicate programs and activities of the commissioner of agriculture.

(c) The commissioner shall notify the chairs of the senate Finance and house Ways and Means Committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

(d) The Minnesota Trade Office shall serve as the state's office of protocol providing assistance to official visits by foreign government representatives and shall serve as liaison to the foreign diplomatic corps in Minnesota.

Sec. 10. Minnesota Statutes 2006, section 116L.01, is amended by adding a subdivision to read:

Subd. 4. **Workforce development intermediaries.** "Workforce development intermediaries" means public, private, or nonprofit entities that provide employment services to low-income individuals and have a demonstrated track record bringing together employers and workers, private and public funding streams, and other stakeholders to implement pathways to career advancement for low-income individuals. Entities may include, but are not limited to, nonprofit organizations, educational institutions, or the administrative entity of a local workforce service area.

Sec. 11. Minnesota Statutes 2006, section 116L.04, subdivision 1a, is amended to read:

Subd. 1a. **Pathways program.** The pathways program may provide grants-in-aid for developing programs which assist in the transition of persons from welfare to work and assist individuals at or below 200 percent of the federal poverty guidelines. The program is to be operated by the board. The board shall consult and coordinate with program administrators at the Department of Employment and Economic Development to design and provide services for temporary assistance for needy families recipients.

Pathways grants-in-aid may be awarded to educational or other nonprofit training institutions or to workforce development intermediaries for education and training programs and services supporting education and training programs that serve eligible recipients.

Preference shall be given to projects that:

- (1) provide employment with benefits paid to employees;
- (2) provide employment where there are defined career paths for trainees;
- (3) pilot the development of an educational pathway that can be used on a continuing basis for transitioning persons from welfare to work; and
- (4) demonstrate the active participation of Department of Employment and Economic Development workforce centers, Minnesota State College and University institutions and other educational institutions, and local welfare agencies.

Pathways projects must demonstrate the active involvement and financial commitment of private business. Pathways projects must be matched with cash or in-kind contributions on at least a ~~one-to-one~~ one-half-to-one ratio by participating private business.

A single grant to any one institution shall not exceed \$400,000. A portion of a grant may be used for preemployment training.

Sec. 12. Minnesota Statutes 2006, section 116L.17, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Dislocated worker" means an individual who is a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased and:

- (1) has been permanently separated or has received a notice of permanent separation from public or private sector employment and is eligible for or has exhausted entitlement to unemployment benefits, and is unlikely to return to the previous industry or occupation;

(2) has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age;

(3) has been terminated or has received a notice of termination of employment as a result of a plant closing or a substantial layoff at a plant, facility, or enterprise;

(4) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

~~(4)~~ (5) is a displaced homemaker. A "displaced homemaker" is an individual who has spent a substantial number of years in the home providing homemaking service and (i) has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self support; or (ii) derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota.

(d) "Eligible organization" means a state or local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

(e) "Plant closing" means the announced or actual permanent shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment.

(f) "Substantial layoff" means a permanent reduction in the workforce, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for at least 50 employees excluding those employees that work less than 20 hours per week.

Sec. 13. Minnesota Statutes 2006, section 116L.20, subdivision 1, is amended to read:

Subdivision 1. **Determination and collection of special assessment.** (a) In addition to amounts due from an employer under the Minnesota unemployment insurance program, each employer, except an employer making reimbursements is liable for a special assessment levied at the rate of .10 percent per year ~~for calendar years 2006 and 2007~~ on all taxable wages, as defined in section 268.035, subdivision 24. ~~Beginning January 1, 2008, the special assessment shall be levied at a rate of .085 percent per year on all taxable wages.~~ The assessment shall become due and be paid by each employer on the same

31.1 schedule and in the same manner as other amounts due from an employer under section
31.2 268.051, subdivision 1.

31.3 (b) The special assessment levied under this section shall be subject to the same
31.4 requirements and collection procedures as any amounts due from an employer under the
31.5 Minnesota unemployment insurance program.

31.6 Sec. 14. Minnesota Statutes 2006, section 116L.666, subdivision 1, is amended to read:

31.7 Subdivision 1. **Designation of workforce service areas.** For the purpose of
31.8 administering federal, state, and local employment and training services, the commissioner
31.9 shall designate the geographic boundaries for workforce service areas in Minnesota.

31.10 The commissioner shall approve a request to be a workforce service area from:

31.11 (1) a home rule charter or statutory city with a population of 200,000 or more or a
31.12 county with a population of 200,000 or more; or

31.13 (2) a consortium of contiguous home rule charter or statutory cities or counties
31.14 with an aggregate population of 200,000 or more that serves a substantial part of one or
31.15 more labor markets.

31.16 The commissioner may approve a request to be a workforce service area from a
31.17 home rule charter or statutory city or a county or a consortium of contiguous home
31.18 rule charter or statutory cities or counties, without regard to population, that serves a
31.19 substantial portion of a labor market area.

31.20 The commissioner shall make a final designation of workforce service areas within
31.21 the state after consulting with local elected officials and the governor's Workforce
31.22 Development Council. Existing service delivery areas designated under the federal Job
31.23 Training Partnership Act shall be initially designated as workforce service areas providing
31.24 that no other petitions are submitted by local elected officials.

31.25 The commissioner may redesignate workforce service areas, upon the advice and
31.26 consent of the affected local elected officials, no more frequently than every two years.
31.27 These redesignations must be made not later than four months before the beginning of a
31.28 program year.

31.29 Sec. 15. Minnesota Statutes 2006, section 116M.18, subdivision 6a, is amended to read:

31.30 Subd. 6a. **Nonprofit corporation loans.** The board may make loans to a nonprofit
31.31 corporation with which it has entered into an agreement under subdivision 1. These
31.32 loans must be used to support a new or expanding business. This support may include
31.33 such forms of financing as the sale of goods to the business on installment or deferred
31.34 payments, lease purchase agreements, or royalty investments in the business. The interest

rate charged by a nonprofit corporation for a loan under this subdivision must not exceed the Wall Street Journal prime rate plus four percent. For a loan under this subdivision, the nonprofit corporation may charge a loan origination fee equal to or less than one percent of the loan value. The nonprofit corporation may retain the amount of the origination fee. The nonprofit corporation must provide at least an equal match to the loan received by the board. The maximum loan available to the nonprofit corporation under this subdivision is \$50,000. Loans made to the nonprofit corporation under this subdivision may be made without interest. Repayments made by the nonprofit corporation must be deposited in the revolving fund created for urban initiative grants.

Sec. 16. **[1160.115] SMALL BUSINESS GROWTH ACCELERATION PROGRAM.**

Subdivision 1. Establishment; purpose. The small business growth acceleration program is established. The purpose of the program is to (1) help qualified companies implement technology and business improvements; and (2) bridge the gap between standard market pricing for technology and business improvements and what qualified companies can afford to pay.

Subd. 2. Qualified company. A company is qualified to receive assistance under the small business growth acceleration program if it is a manufacturing company or a manufacturing-related service company that employs 100 or fewer full-time equivalent employees.

Subd. 3. Applications for assistance. A company seeking assistance under the small business growth acceleration program must file an application according to the requirements of the corporation. A company's application for small business growth acceleration program assistance must include documentation of the company's overall plan for technology and business improvement and prioritize the components of the overall plan. The application must also document the company's need for small business growth acceleration program funds in order to carry forward the highest priority components of the plan.

Subd. 4. Fund awards; use of funds. (a) The corporation shall establish procedures for determining which applicants for assistance under the small business growth acceleration program will receive program funding. Funding shall be awarded only to accelerate a qualified company's adoption of needed technology or business improvements when the corporation concludes that it is unlikely the improvements could be accomplished in any other way.

(b) The maximum amount of funds awarded to a qualified company under the small business growth acceleration program for a particular project must not exceed 50 percent of the total cost of a project and must not under any circumstances exceed \$25,000 during a calendar year. The corporation shall not award to a qualified company small business growth acceleration program funds in excess of \$50,000 per year.

(c) Any funds awarded to a qualified company under the small business growth acceleration program must be used for business services and products that will enhance the operation of the company. These business services and products must come either directly from the corporation or from a network of expert providers identified and approved by the corporation. No company receiving small business growth acceleration program funds may use the funds for refinancing, overhead costs, new construction, renovation, equipment, or computer hardware.

(d) Any funds awarded must be disbursed to the qualified company as reimbursement documented according to requirements of the corporation.

Subd. 5. **Service agreements.** The corporation shall enter a written service agreement with each company awarded funds under the small business growth acceleration program. Each service agreement shall clearly articulate the company's need for service, state the cost of the service, identify who will provide the service, and define the scope of the service that will be provided. The service agreement must also include an estimate of the financial impact of the service on the company and require the company to report the actual financial impact of the service to the corporation 24 months after the service is provided.

Subd. 6. **Reporting.** The corporation shall report annually to the legislative committees with fiscal jurisdiction over the Department of Employment and Economic Development:

(1) the funds awarded under the small business growth acceleration program during the past 12 months;

(2) the estimated financial impact of the funds awarded to each company receiving service under the program; and

(3) the actual financial impact of funds awarded during the past 24 months.

Sec. 17. [179.86] PACKINGHOUSE WORKERS BILL OF RIGHTS.

Subdivision 1. **Definitions.** For the purposes of this section and section 179.87:

(1) "employer" means any person or business entity having 25 or more full-time employees in the meatpacking industry; and

(2) "meatpacking industry" means business operations in which slaughtering, butchering, meat canning, meat packing, meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet food manufacturing, processing of meatpacking products, or rendering is carried on. Meatpacking products include livestock and poultry products.

Subd. 2. **Right to adequate facilities.** An employer must provide its employees:

(1) adequate and working restroom facilities;

(2) adequate room for meal and rest breaks;

(3) adequate locker facilities; and

(4) adequate time for necessary restroom and meal breaks as required under chapter 177; United States Code, title 29, chapter 15; and United States Code, title 42, chapter 126, or a valid collective bargaining agreement.

Subd. 3. **Right to adequate equipment and training.** An employer must furnish its employees with equipment and training that is adequate to perform the job task assigned. An employer must make ongoing skill development and training opportunities, including supervisory training, available to employees.

Subd. 4. **Information provided to employee by employer.** (a) An employer must provide an explanation in an employee's native language of the employee's rights and duties as an employee either person-to-person or through written materials as required by state or federal law, or a valid collective bargaining agreement that, at a minimum, includes:

(1) a complete description of the salary and benefits plans as they relate to the employee as required under chapter 181;

(2) a job description for the employee's position as required under chapter 181;

(3) a description of leave policies as required under chapter 181 and United States Code, title 29, chapter 28;

(4) a description of the work hours and work hours policy as required under chapter 181; United States Code, title 29, chapter 201; or a valid collective bargaining agreement; and

(5) a description of the occupational hazards known to exist for the position as required under chapters 181 and 182 and United States Code, title 29, chapter 15.

(b) The explanation must also include information on the following employee rights as protected by state or federal law and a description of where additional information about those rights may be obtained:

(1) the right to organize and bargain collectively as required under this chapter and chapter 177, and United States Code, title 29, chapter 7;

(2) the right to a safe workplace as required under chapters 181 and 182 and United States Code, title 29, chapter 15; and

(3) the right to be free from discrimination as required under this chapter and chapters 181, 182, and 363A, and United States Code, title 42, chapter 21.

Sec. 18. **[179.87] MEATPACKING INDUSTRY WORKERS RIGHTS OMBUDSMAN.**

Subdivision 1. **Position established.** The position of meatpacking industry workers rights ombudsman is established within the Department of Labor and Industry. The ombudsman shall be an employee of the department. The ombudsman shall be appointed by the commissioner in consultation with the chairs of the standing committees of the senate and house of representatives with jurisdiction over labor and employment issues in accordance with the preference established in subdivision 5.

Subd. 2. **Duties.** The ombudsman shall inspect and review the practices and procedures of meatpacking operations in the state. The ombudsman shall work to ensure workers rights under section 179.86 are protected.

Subd. 3. **Access.** The ombudsman or designated representatives of the ombudsman shall have access to all meatpacking operations in the state at any time meatpacking products are being processed and industry workers are on the job.

Subd. 4. **Office.** Necessary office space, furniture, equipment, and supplies as well as necessary assistance for the ombudsman shall be provided by the Department of Labor and Industry.

Subd. 5. **Language preference.** Preference shall be given to applicants for the ombudsman position who are fluent in languages in addition to English.

Subd. 6. **Report.** The ombudsman shall, on or before December 1 of each year, submit a report to the members of the legislature and the governor regarding any recommended actions the ombudsman deems necessary or appropriate to provide for the fair treatment of workers in the meatpacking industry.

Sec. 19. Minnesota Statutes 2006, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **Other duties.** (a) The commissioner shall:

(1) provide mediation services as requested by the parties until the parties reach agreement, and may continue to assist parties after they have submitted their final positions for interest arbitration;

(2) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(3) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(4) conduct elections;

(5) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(6) adopt rules relating to the administration of this chapter and the conduct of hearings and elections;

(7) receive, catalogue, file, and make available to the public all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions;

(8) adopt, subject to chapter 14, a grievance procedure that fulfills the purposes of section 179A.20, subdivision 4, that is available to any employee in a unit not covered by a contractual grievance procedure;

(9) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(10) collect fees established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges. Arbitrator application fees will be \$100 per year for initial applications and renewals effective July 1, 2007;

(11) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner;

(12) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4; and

(13) maintain a list of up to 60 arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes. Each person on the list must be knowledgeable about collective bargaining and labor relations in the public sector, well versed in state and federal labor law, and experienced in and knowledgeable about labor arbitration. To the extent practicable, the commissioner shall appoint members to the list so that the list is gender and racially diverse.

(b) From the names provided by representative organizations, the commissioner shall maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 122A.40 or 122A.41. The persons on the list must meet at least one of the following requirements:

(1) be a former or retired judge;

(2) be a qualified arbitrator on the list maintained by the bureau;

(3) be a present, former, or retired administrative law judge; or

(4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, education Minnesota shall provide a list of up to 14 names and the Minnesota School Boards Association a list of up to 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

Sec. 20. **[181A.115] PROHIBITED EMPLOYMENT RELATING TO THE PRESENCE OF LIQUOR.**

No minor under the age of 18 shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:

(1) minors who have reached the age of 16 may be employed to perform busing or dishwashing services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) minors who have reached the age of 16 may be employed to perform busing or dishwashing services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;

(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and

(4) minors are not prevented from working at tasks which are not prohibited by law in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.

Sec. 21. Minnesota Statutes 2006, section 182.65, subdivision 2, is amended to read:

Subd. 2. **Legislative findings and purpose.** The legislature finds that the burden on employers and employees of this state resulting from personal injuries and illnesses arising out of work situations is substantial; that the prevention of these injuries and illnesses is an important objective of the government of this state; that the greatest hope of attaining this objective lies in programs of research and education, and in the earnest cooperation of government, employers and employees; and that a program of regulation and enforcement is a necessary supplement to these more basic programs.

The legislature declares it to be its purpose and policy through the exercise of its powers to assure so far as possible every worker in the state of Minnesota safe and healthful working conditions and to preserve our human resources by:

(a) authorizing the Occupational Safety and Health Advisory Council to advise, consult with or recommend on any matters relating to the Minnesota occupational safety and health plan to the commissioner of labor and industry and by authorizing the commissioner of labor and industry to promulgate and enforce mandatory occupational safety and health standards applicable to employers and employees in the state of Minnesota;

(b) encouraging employers and employees to increase their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(c) providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(d) providing for research in the field of occupational safety and health; including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(e) exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(f) utilizing advances already made by federal laws and regulations providing safe and healthful working conditions;

(g) providing criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of work experience;

(h) providing an effective enforcement program which shall include locating enforcement personnel in areas of the state with a higher incidence of workplace fatalities, injuries, and complaints and a prohibition against giving advance notice of an inspection and sanctions for any individual violating this prohibition;

(i) providing for appropriate reporting procedures with respect to occupational safety and health, which procedures will help achieve the objectives of this chapter and accurately describe the nature of the occupational safety and health problem;

(j) encouraging joint labor-management efforts to reduce injuries and diseases arising out of employment;

(k) providing consultation to employees and employers which will aid them in complying with their responsibilities under this chapter where such consultation does not interfere with the effective enforcement of this chapter; and

(l) providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health.

Sec. 22. **[182.6551] CITATION.**

Sections 182.6551 to 182.6553 may be cited as the "Safe Patient Handling Act."

Sec. 23. **[182.6552] DEFINITIONS.**

Subdivision 1. **Direct patient care worker.** "Direct patient care worker" means an individual doing the job of directly providing physical care to patients including nurses, as defined by section 148.171, who provide physical care to patients.

Subd. 2. **Health care facility.** "Health care facility" means a hospital as defined in section 144.50, subdivision 2; an outpatient surgical center as defined in section 144.55, subdivision 2; and a nursing home as defined in section 144A.01, subdivision 5.

Subd. 3. **Safe patient handling.** "Safe patient handling" means a process, based on scientific evidence on causes of injuries, that uses safe patient handling equipment rather than people to transfer, move, and reposition patients in all health care facilities to reduce workplace injuries. This process also reduces the risk of injury to patients.

Subd. 4. **Safe patient handling equipment.** "Safe patient handling equipment" means engineering controls, lifting and transfer aids, or mechanical assistive devices used by nurses and other direct patient care workers instead of manual lifting to perform the acts of lifting, transferring, and repositioning health care facility patients and residents.

Sec. 24. **[182.6553] SAFE PATIENT HANDLING PROGRAM.**

Subdivision 1. **Safe patient handling program required.** (a) By July 1, 2008, every licensed health care facility in the state shall adopt a written safe patient handling policy establishing the facility's plan to achieve by January 1, 2011, the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment.

(b) The program shall address:

(1) assessment of hazards with regard to patient handling;

(2) the acquisition of an adequate supply of appropriate safe patient handling equipment;

(3) initial and ongoing training of nurses and other direct patient care workers on the use of this equipment;

(4) procedures to ensure that physical plant modifications and major construction projects are consistent with program goals; and

(5) periodic evaluations of the safe patient handling program.

Subd. 2. **Safe patient handling committee.** (a) By July 1, 2008, every licensed health care facility in the state shall establish a safe patient handling committee either by creating a new committee or assigning the functions of a safe patient handling committee to an existing committee.

(b) Membership of a safe patient handling committee or an existing committee must meet the following requirements:

(1) at least half the members shall be nonmanagerial nurses and other direct patient care workers; and

(2) in a health care facility where nurses and other direct patient care workers are covered by a collective bargaining agreement, the union shall select the committee members proportionate to its representation of nonmanagerial workers, nurses, and other direct patient care workers.

(c) A health care organization with more than one covered health care facility may establish a committee at each facility or one committee to serve this function for all the facilities. If the organization chooses to have one overall committee for multiple facilities, at least half of the members of the overall committee must be nonmanagerial nurses and other direct patient care workers and each facility must be represented on the committee.

(d) Employees who serve on a safe patient handling committee must be compensated by their employer for all hours spent on committee business.

Subd. 3. **Facilities with existing programs.** A facility that has already adopted a safe patient handling policy that satisfies the requirements of subdivision 1, and established a safe patient handling committee by July 1, 2008, is considered to be in compliance with those requirements. The committee must continue to satisfy the requirements of subdivision 2, paragraph (b), on an ongoing basis.

Subd. 4. **Committee duties.** A safe patient handling committee shall:

(1) complete a patient handling hazard assessment that:

(i) considers patient handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas;

(ii) identifies problems and solutions;

(iii) identifies areas of highest risk for lifting injuries; and

(iv) recommends a mechanism to report, track, and analyze injury trends;

41.1 (2) make recommendations on the purchase, use, and maintenance of an adequate
41.2 supply of appropriate safe patient handling equipment;

41.3 (3) make recommendations on training of nurses and other direct patient care
41.4 workers on use of safe patient handling equipment, initially when the equipment arrives at
41.5 the facility and periodically afterwards;

41.6 (4) conduct annual evaluations of the safe patient handling implementation plan and
41.7 progress toward goals established in the safe patient handling policy; and

41.8 (5) recommend procedures to ensure that, when remodeling of patient care areas
41.9 occurs, the plans incorporate safe patient handling equipment or the physical space and
41.10 construction design needed to accommodate safe patient handling equipment at a later date.

41.11 Subd. 5. **Training materials.** The commissioner shall make training materials on
41.12 implementation of this section available to all health care facilities at no cost as part of the
41.13 training and education duties of the commissioner under section 182.673.

41.14 Subd. 6. **Enforcement.** This section shall be enforced by the commissioner under
41.15 section 182.661. A violation of this section is subject to the penalties provided under
41.16 section 182.666.

41.17 Subd. 7. **Grant program.** The commissioner may make grants to health care
41.18 facilities to acquire safe patient handling equipment and for training on safe patient
41.19 handling and safe patient handling equipment. Grants to any one facility may not exceed
41.20 \$40,000. A grant must be matched on a dollar-for-dollar basis by the grantee. The
41.21 commissioner shall establish a grant application process. The commissioner may give
41.22 priority for grants to facilities that demonstrate that acquiring safe patient handling
41.23 equipment will impose a financial hardship on the facility. For health care facilities
41.24 that provide evidence of hardship, the commissioner may waive the 50 percent match
41.25 requirement and may grant such a facility more than \$40,000. Health care facilities that
41.26 the commissioner determines are experiencing hardship shall not be required to meet the
41.27 safe patient handling requirements until July 1, 2012.

41.28 Sec. 25. Minnesota Statutes 2006, section 268.085, subdivision 3, is amended to read:

41.29 Subd. 3. **Payments that delay unemployment benefits.** (a) An applicant shall not
41.30 be eligible to receive unemployment benefits for any week with respect to which the
41.31 applicant is receiving, has received, or has filed for payment, equal to or in excess of the
41.32 applicant's weekly unemployment benefit amount, in the form of:

41.33 (1) vacation pay paid upon temporary, indefinite, or seasonal separation. This clause
41.34 shall not apply to vacation pay paid upon a permanent separation from employment;

(2) severance pay, bonus pay, sick pay, and any other money payments, except earnings under subdivision 5, and back pay under subdivision 6, paid by an employer because of, upon, or after separation from employment, but only if the money payment is considered wages at the time of payment under section 268.035, subdivision 29, or United States Code, title 26, section 3121, clause (2), of the Federal Insurance Contribution Act; This clause does not apply to the first \$10,000 of any amount of severance pay, bonus pay, sick pay, or any other payments paid to an employee with annual salary or wages under \$75,000; or

(3) pension, retirement, or annuity payments from any plan contributed to by a base period employer including the United States government, except Social Security benefits which are provided for in subdivision 4. The base period employer contributed to the plan if the contribution is excluded from the definition of wages under section 268.035, subdivision 29, clause (1), or United States Code, title 26, section 3121, clause (2), of the Federal Insurance Contribution Act.

An applicant shall not be considered to have received the lump sum payment if the applicant immediately deposits that payment in a qualified pension plan or account; or

(4) holiday pay.

(b) This subdivision shall apply to all the weeks of payment and shall be applied to the period immediately following the last day of employment. The number of weeks of payment shall be determined as follows:

(1) if the payments are made periodically, the total of the payments to be received shall be divided by the applicant's last level of regular weekly pay from the employer; or

(2) if the payment is made in a lump sum, that sum shall be divided by the applicant's last level of regular weekly pay from the employer.

(c) If the payment is less than the applicant's weekly unemployment benefit amount, unemployment benefits shall be reduced by the amount of the payment. If the computation of reduced unemployment benefits is not a whole dollar, it shall be rounded down to the next lower whole dollar.

EFFECTIVE DATE. This section is effective for unemployment benefits paid on or after January 1, 2006, regardless of when the continued request was filed or the week for which the unemployment benefits are paid.

Sec. 26. Minnesota Statutes 2006, section 268.196, is amended by adding a subdivision to read:

Subd. 5. Unemployment insurance benefits telephone system. The commissioner must ensure that the telephone system used for unemployment insurance benefits provides

43.1 an option for any caller to speak to an unemployment insurance specialist. An individual
43.2 who calls any of the publicized telephone numbers seeking information about applying for
43.3 benefits or on the status of a claim must have the option to speak on the telephone to a
43.4 specialist who can provide direct assistance or can direct the caller to the person or office
43.5 that is able to respond to the caller's needs.

43.6 Sec. 27. Minnesota Statutes 2006, section 268A.01, subdivision 13, is amended to read:

43.7 Subd. 13. **Supported employment.** (a) "Supported employment" means
43.8 employment of a person with a disability so severe that the person needs ongoing training
43.9 and support to get and keep a job in which:

43.10 (1) the person engages in paid work in a position removed from the service vendor's
43.11 site where individuals without disabilities who do not require public subsidies also may
43.12 be employed;

43.13 (2) public funds are necessary to provide ongoing training and support services
43.14 throughout the period of the person's employment; and

43.15 (3) the person has the opportunity for social interaction with individuals who do not
43.16 have disabilities and who are not paid caregivers.

43.17 (b) If the commissioner has certified a rehabilitation facility setting as integrated,
43.18 then employment at that site may be considered supported employment.

43.19 Sec. 28. Minnesota Statutes 2006, section 268A.01, is amended by adding a
43.20 subdivision to read:

43.21 Subd. 14. **Affirmative business enterprise employment.** "Affirmative business
43.22 enterprise employment" means employment which provides paid work on the premises of
43.23 an affirmative business enterprise as certified by the commissioner.

43.24 Affirmative business enterprise employment is considered community employment
43.25 for purposes of funding under Minnesota Rules, parts 3300.1000 to 3300.2055, provided
43.26 that the wages for individuals reported must be at or above customary wages for the
43.27 same employer. The employer must also provide one benefit package that is available to
43.28 all employees.

43.29 Sec. 29. Minnesota Statutes 2006, section 268A.085, subdivision 1, is amended to read:

43.30 Subdivision 1. **Appointment; membership.** Every city, town, county, nonprofit
43.31 corporation, or combination thereof establishing a rehabilitation facility shall appoint a
43.32 rehabilitation facility board of no fewer than ~~nine~~ seven voting members before becoming
43.33 eligible for the assistance provided by sections 268A.06 to 268A.15. When any city,

town, or county singly establishes such a rehabilitation facility, the board shall be appointed by the chief executive officer of the city or the chair of the governing board of the county or town. When any combination of cities, towns, counties, or nonprofit corporations establishes a rehabilitation facility, the chief executive officers of the cities, nonprofit corporations, and the chairs of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes a rehabilitation facility, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a person with a disability. ~~One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for persons with a disability, labor, the general public, and education, welfare, medical, and health professions. Nothing in sections 268A.06 to 268A.15 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as the representation described above is preserved.~~ If a county establishes an extended employment program and manages the program with county employees, the governing board shall be the county board of commissioners, and other provisions of this chapter pertaining to membership on the governing board do not apply.

Sec. 30. Minnesota Statutes 2006, section 268A.15, is amended by adding a subdivision to read:

Subd. 9. **Integrated setting.** At the commissioner's discretion, paid work on the premises of a rehabilitation facility may be certified as an integrated setting after a site review by the department.

Sec. 31. **[325E.259] CUSTOMER SALES OR SERVICE CALL CENTER REQUIREMENTS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(1) "Customer sales and service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating telephone solicitations as defined in section 325E.311, subdivision 6.

(2) "Customer service call center" means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the

purposes of providing or receiving services or information necessary in connection with the providing of services or other benefits.

(3) "Customer services employee" means a person employed by or working on behalf of a customer sales call center or a customer service call center.

Subd. 2. Customers' right to customer sales or customer service call center information. (a) An individual who is a Minnesota resident who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center, upon request, has the right to know the identification of the state or country where the customer service employee is located.

(b) An individual who is a Minnesota resident who receives a telephone solicitation from, or places a telephone call to, a customer sales call center or a customer service call center located in a foreign country, which requests the Minnesota resident's financial, credit, or identifying information, has the right, upon reaching a customer service representative, to request an alternative option to contact a customer sales or service center located in the United States before the information is given if the alternative option is available.

Subd. 3. Nonapplicability; business-to-business calls. The rights granted under this section to an individual who is a Minnesota resident do not apply when the individual who is a Minnesota resident is making or receiving the call on behalf of a business.

Subd. 4. Violation. It is fraud under section 325F.69 for a person to willfully violate this section.

Subd. 5. Application to other remedies. Nothing in this section changes the remedies currently available under state or federal law or creates additional or new remedies.

EFFECTIVE DATE. This section is effective August 1, 2007.

Sec. 32. Minnesota Statutes 2006, section 462.39, is amended by adding a subdivision to read:

Subd. 5. Local planning assistance. A regional development commission or, in regions not served by regional development commissions, a regional organization selected by the commissioner of employment and economic development, may develop a program to support planning on behalf of local units of government. The local planning must be related to issues of regional or statewide significance and may include, but is not limited to, the following:

(1) local planning and development assistance, which may include local zoning ordinances and land use plans;

(2) community or economic development plans, which may include workforce development plans, housing development plans and market analysis, JOBZ administration, grant writing assistance, and grant administration;

(3) environment and natural resources plans, which may include solid waste management plans, wastewater management plans, and renewable energy development plans;

(4) rural community health services; and

(5) development of geographical information systems to serve regional needs, including hardware and software purchases and related labor costs.

Each regional development commission or organization shall submit to the commissioner of employment and economic development an annual work program that outlines the work items for the upcoming year and establishes the relationship of the work items to development issues of regional or statewide significance. The entity completing the annual work program and identifying the statewide development issues shall consider input from the Departments of Employment and Economic Development, Natural Resources, Transportation, Agriculture, Commerce, and other state agencies as appropriate to the issues.

Sec. 33. **WORKFORCE ENHANCEMENT FEE.**

If the commissioner of employment and economic development determines that the need for services under the dislocated worker program substantially exceeds the resources that will be available for the program, the commissioner may increase the special assessment levied under Minnesota Statutes, section 116L.20, subdivision 1, to no more than .12 percent of taxable wages.

Sec. 34. **FEDERAL PROCUREMENT LIAISON.**

The commissioner of employment and economic development must establish and operate a technology and commercialization unit in the Department of Employment and Economic Development. Appropriation for this purpose must be used to: coordinate public and private efforts to procure federal funding for collaborative research and development projects of primary benefit to small- and medium-sized businesses; promote contractual relationships between Minnesota businesses who, as recipients of federal grants, are prime contractors, and appropriate Minnesota-based subcontractors; assess the research and development capabilities of small- and medium-sized businesses; undertake referral activities to link Minnesota companies with federal requests for

proposal opportunities; and develop a framework for Minnesota companies to establish sole-sourcing relationships with federal agencies.

The commissioner must report to the committees in the house of representatives and the senate having jurisdiction over bioscience and technology issues on the activities of the technology and commercialization unit by June 30 of each year.

Sec. 35. **LOCATION OF NORTHERN MINNESOTA INSPECTORS.**

By December 31, 2007, the commissioner of labor and industry must assign three occupational safety and health inspectors to one or more offices on the Iron Range and one inspector to an office in Bemidji.

Sec. 36. **WORKING GROUP ON STATE ROLE IN TRADE POLICY.**

Subdivision 1. **Work group members.** The Department of Employment and Economic Development must convene a working group to develop recommendations for establishing policies and procedures regarding the role of the state in federal trade policy and trade agreements. The working group must be comprised of 17 members as follows:

(1) the governor or his designee;

(2) the commissioner of the Department of Employment and Economic Development or his designee;

(3) the commissioner of the Department of Agriculture or his designee;

(4) the commissioner of the Department of Administration or his designee;

(5) the attorney general or her designee;

(6) two members of the Minnesota senate one of whom is appointed by the senate majority leader and one appointed by the minority leader;

(7) two members of the Minnesota house of representatives, one of whom is appointed by the speaker and one appointed by the minority leader;

(8) two members designated by the Minnesota AFL-CIO;

(9) two members representing labor organizations other than the AFL-CIO with one to be appointed by the speaker of the Minnesota house of representatives and one to be appointed by the majority leader of the Minnesota senate;

(10) two members designated by the Minnesota Chamber of Commerce; and

(11) two members representing business organizations other than the Minnesota Chamber of Commerce appointed by the governor.

The Department of Employment and Economic Development must provide administrative support to the working group.

Subd. 2. **Duties; responsibilities.** The working group may obtain input from other state and federal agencies as appropriate and may conduct public hearings to allow input from interested stakeholders. The working group must:

(1) determine the state's jurisdiction regarding federal trade policy and trade agreements;

(2) assess the state's current policies, procedures, roles and responsibilities for providing advice and consent on federal trade policy and trade agreements;

(3) review the current means through which the state interacts with the Office of the United States Trade Representative (USTR) and Congress regarding trade policy and trade agreements;

(4) inventory the federal trade policies and trade agreements that the state of Minnesota has formally approved or signed on to;

(5) examine trade policy models established by other states;

(6) develop recommendations for defining responsibilities and procedures for the state's role in federal trade policy and trade agreements; and

(7) prepare legislative recommendations to implement the recommendations of the working group.

The working group must report its findings and recommendations to the governor and the legislature by December 1, 2007.

Sec. 37. **STUDY; SAFE PATIENT HANDLING.**

(a) The commissioner of labor and industry shall study ways to require workers' compensation insurers to recognize compliance with Minnesota Statutes, section 182.6553, in the workers' compensation premiums of health care and long-term care facilities. The commissioner shall report by January 15, 2008, the results of the study to the chairs of the policy committees of the legislature with primary jurisdiction over workers' compensation issues.

(b) By January 15, 2008, the commissioner must make recommendations to the legislature regarding funding sources available to health care facilities for safe patient handling programs and equipment, including, but not limited to, low interest loans, interest free loans, and federal, state, or county grants.

Sec. 38. **WORK GROUP; SAFE PATIENT HANDLING.**

The Minnesota State Council on Disability shall convene a work group comprised of representatives from the Minnesota Medical Association and other organizations representing clinics, disability advocates, and direct care workers, to do the following:

(1) assess the current options for and use of safe patient handling equipment in unlicensed outpatient clinics, physician offices, and dental settings;

(2) identify barriers to the use of safe patient handling equipment in these settings;
and

(3) define clinical settings that move patients to determine applicability of the Safe Patient Handling Act.

The work group must report to the legislature by January 15, 2008, including reports to the chairs of the senate and house of representatives committees on workforce development.

Sec. 39. **EFFECT ON RULES.**

The commissioner of labor and industry shall amend Minnesota Rules, part 5200.0910, to conform to Minnesota Statutes, section 181A.115. The commissioner may use the good cause exemption in Minnesota Statutes, section 14.388, in adopting the amendment required by this section.

Sec. 40. **PUBLIC FACILITIES AUTHORITY FUNDING.**

To the greatest practical extent, projects on the Public Facilities Authority's 2007 intended use plan, the listings for which were based on the Pollution Control Agency's 2006 project priority list, shall be carried over to the 2008 intended use plan. Projects that qualified for funding from the Public Facilities Authority under Laws 2006, chapter 258, section 21, that could not be certified by the Pollution Control Agency by the applicable deadline shall have until May 1, 2008, or six months after the Minnesota Supreme Court issues an opinion in the cities of Maple Lake and Annandale matter, whichever is later, to obtain the required certification from the Pollution Control Agency.

Sec. 41. **REPEALER.**

Minnesota Statutes 2006, section 16C.18, subdivision 2, is repealed.

ARTICLE 4
LICENSING AND WAGES

Section 1. **[154.465] HAIR BRAIDING.**

Subdivision 1. **Registration.** Any person engaged in hair braiding solely for compensation as a profession, except persons licensed as cosmetologists, shall register with the Minnesota Board of Barber and Cosmetology Examiners in a form determined by the board.

Subd. 2. **Definition.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and hair extensions into a variety of shapes, patterns, and textures predominantly by hand and by only using simple braiding devices, and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair. For purposes of this section, "simple hair braiding devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders including adhesives, if necessary, that are required solely for hair braiding.

Subd. 3. **Requirements.** In order to qualify for initial registration, any person engaged in hair braiding solely for compensation as a profession shall satisfactorily complete instruction at either an accredited school or by an individual, except persons licensed as cosmetologists approved by the board. Instruction includes coursework covering the topics of health, safety, sanitation, and state laws related to cosmetology not to exceed 30 hours. The coursework is encouraged to be provided in a foreign language format and such availability shall be reported to and posted by the Minnesota Board of Barber and Cosmetology Examiners.

Subd. 4. **Curriculum.** An accredited school or an individual approved by the board desiring to provide the coursework required under subdivision 3 shall have curriculum in place by January 1, 2008.

EFFECTIVE DATE. This section is effective July 1, 2008, except subdivision 4 is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 177.27, subdivision 1, is amended to read:

Subdivision 1. **Examination of records.** The commissioner may enter during reasonable office hours or upon request and inspect the place of business or employment of any employer of employees working in the state, to examine and inspect books, registers, payrolls, and other records of any employer that in any way relate to wages, hours, and other conditions of employment of any employees. The commissioner may transcribe any

51.1 or all of the books, registers, payrolls, and other records as the commissioner deems
51.2 necessary or appropriate and may question the employees to ascertain compliance with
51.3 sections 177.21 to ~~177.35~~ 177.435. The commissioner may investigate wage claims or
51.4 complaints by an employee against an employer if the failure to pay a wage may violate
51.5 Minnesota law or an order or rule of the department.

51.6 Sec. 3. Minnesota Statutes 2006, section 177.27, subdivision 4, is amended to read:

51.7 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
51.8 employer to comply with sections 177.21 to ~~177.35~~ 177.435, 181.02, 181.03, 181.031,
51.9 181.032, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, ~~and~~ 181.79, 181.932,
51.10 and 181.9325, or with any rule promulgated under section 177.28. The department shall
51.11 serve the order upon the employer or the employer's authorized representative in person or
51.12 by certified mail at the employer's place of business. An employer who wishes to contest
51.13 the order must file written notice of objection to the order with the commissioner within
51.14 15 calendar days after being served with the order. A contested case proceeding must then
51.15 be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
51.16 served with the order, the employer fails to file a written notice of objection with the
51.17 commissioner, the order becomes a final order of the commissioner.

51.18 Sec. 4. Minnesota Statutes 2006, section 177.27, subdivision 5, is amended to read:

51.19 Subd. 5. **Civil actions.** (a) The commissioner may bring an action in the district
51.20 court where an employer resides or where the commissioner maintains an office to enforce
51.21 or require compliance with orders issued under subdivision 4.

51.22 (b) If the district court determines that a violation of section 181.932 or 181.9325
51.23 occurred, the court may order any appropriate relief, including but not limited to
51.24 reinstatement, back pay, restoration of lost service credit, if appropriate, compensatory
51.25 damages, and the expungement of any adverse records of a state employee or applicant
51.26 for state employment who was the subject of the alleged acts of misconduct, and any
51.27 appropriate relief as described in section 181.936.

51.28 Sec. 5. Minnesota Statutes 2006, section 177.27, subdivision 8, is amended to read:

51.29 Subd. 8. **Court actions; suits brought by private parties.** An employee may bring
51.30 a civil action seeking redress for a violation or violations of sections 177.21 to ~~177.35~~
51.31 177.44 directly to district court. An employer who pays an employee less than the wages
51.32 and overtime compensation to which the employee is entitled under sections 177.21 to
51.33 ~~177.35~~ 177.44 is liable to the employee for the full amount of the wages, gratuities, and

52.1 overtime compensation, less any amount the employer is able to establish was actually
52.2 paid to the employee and for an additional equal amount as liquidated damages. In
52.3 addition, in an action under this subdivision the employee may seek damages and other
52.4 appropriate relief provided by subdivision 7 and otherwise provided by law. An agreement
52.5 between the employee and the employer to work for less than the applicable wage is not
52.6 a defense to the action.

52.7 Sec. 6. Minnesota Statutes 2006, section 177.27, subdivision 9, is amended to read:

52.8 Subd. 9. **District court jurisdiction.** Any action brought under subdivision 8 may
52.9 be filed in the district court of the county wherein a violation or violations of sections
52.10 177.21 to ~~177.35~~ 177.44 are alleged to have been committed, where the respondent resides
52.11 or has a principal place of business, or any other court of competent jurisdiction. The
52.12 action may be brought by one or more employees.

52.13 Sec. 7. Minnesota Statutes 2006, section 177.27, subdivision 10, is amended to read:

52.14 Subd. 10. **Attorney fees and costs.** In any action brought pursuant to subdivision 8,
52.15 the court shall order an employer who is found to have committed a violation or violations
52.16 of sections 177.21 to ~~177.35~~ 177.44 to pay to the employee or employees reasonable costs,
52.17 disbursements, witness fees, and attorney fees.

52.18 Sec. 8. Minnesota Statutes 2006, section 177.27, is amended by adding a subdivision
52.19 to read:

52.20 Subd. 11. **Investigation of certain complaints.** (a) The commissioner shall conduct
52.21 an investigation of any matter that alleges a violation of sections 181.932 and 181.9325.
52.22 The identity of the person providing the information that initiated the investigation shall
52.23 be classified as private data, pursuant to section 13.02, subdivision 12, except that the
52.24 identity may be disclosed to a law enforcement agency that is conducting a criminal
52.25 investigation of the matter.

52.26 (b) For each investigation completed, if the commissioner determines that there is
52.27 reasonable cause to believe that an employer has violated section 181.932 or 181.9325,
52.28 the commissioner shall report the nature and details of the alleged violation to the head
52.29 of the employing agency or the appropriate appointing authority. If appropriate, the
52.30 commissioner shall report this information to the attorney general, the policy committees
52.31 of the house of representatives and senate having jurisdiction over the subject involved,
52.32 and to any other authority that the commissioner deems appropriate. In any case
52.33 in which the commissioner submits a report of alleged violations to the head of the

employing agency or appropriate appointing authority, that individual shall report to the commissioner with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than 30 days after the date of the auditor's report, and monthly thereafter until final action has been taken.

(c) This subdivision shall not limit any authority conferred upon the attorney general or other department or agency of government to investigate and prosecute any matter.

(d) The commissioner shall have all the powers and authority described in this section to conduct investigations pursuant to this subdivision.

Sec. 9. **[177.275] INVESTIGATION PROCEDURE.**

(a) The commissioner shall initiate an investigation of a written complaint of reprisal or retaliation in public employment as prohibited by section 181.932 or 181.9325 within ten working days of its submission. The commissioner shall complete findings of the investigation within 60 working days thereafter, and shall provide a copy of the findings to the complaining employee or applicant for employment and to the appropriate supervisor, manager, employee, or appointing authority. When the allegations contained in a complaint of reprisal or retaliation are the same as, or similar to, those contained in another appeal, the commissioner may consolidate the appeals into the most appropriate format. In these cases, the time limits described in this subdivision shall not apply.

(b) If the commissioner finds that the supervisor, manager, employee, or appointing power retaliated against the complainant for engaging in protected whistle-blower activities, the commissioner may issue a compliance order under section 177.27, subdivision 4.

(c) In order for the governor and the legislature to determine the need to continue or modify state personnel procedures as they relate to the investigations of reprisals or retaliation for the disclosure of information by public employees, the commissioner, by June 30 of each year, shall submit a report to the governor and the legislature regarding complaints filed, hearings held, and legal actions taken under this section.

Sec. 10. Minnesota Statutes 2006, section 177.28, subdivision 1, is amended to read:

Subdivision 1. **General authority.** The commissioner may adopt rules, including definitions of terms, to carry out the purposes of sections 177.21 to ~~177.35~~ 177.44, to prevent the circumvention or evasion of those sections, and to safeguard the minimum wage and overtime rates established by sections 177.24 and 177.25.

Sec. 11. Minnesota Statutes 2006, section 177.30, is amended to read:

177.30 KEEPING RECORDS; PENALTY.

Every employer subject to sections 177.21 to ~~177.35~~ 177.44 must make and keep a record of:

(1) the name, address, and occupation of each employee;

(2) the rate of pay, and the amount paid each pay period to each employee;

(3) the hours worked each day and each workweek by the employee; ~~and~~

(4) for each employer subject to sections 177.41 to 177.44, and while performing work on public works projects funded in whole or in part with state funds, the prevailing wage master job classification of each employee working on the project for each hour worked; and

~~(4)~~ (5) other information the commissioner finds necessary and appropriate to enforce sections 177.21 to 177.35. The records must be kept for three years in or near the premises where an employee works except each employer subject to sections 177.41 to 177.44, and while performing work on public works projects funded in whole or in part with state funds, the records must be kept for three years after the contracting authority has made final payment on the public works project.

The commissioner may fine an employer up to \$1,000 for each failure to maintain records as required by this section. This penalty is in addition to any penalties provided under section 177.32, subdivision 1. In determining the amount of a civil penalty under this subdivision, the appropriateness of such penalty to the size of the employer's business and the gravity of the violation shall be considered.

Sec. 12. Minnesota Statutes 2006, section 177.43, subdivision 3, is amended to read:

Subd. 3. **Contract requirements.** The contract must specifically state the prevailing wage rates, prevailing hours of labor, and hourly basic rates of pay. The contract must also provide that the contracting authority may demand and the contractor or subcontractor shall furnish to the contracting authority, copies of any and all payrolls, and that the contracting authority may examine all records relating to wages paid laborers or mechanics on work to which sections 177.41 to 177.44 apply. The requirements of this subdivision are in addition to any other requirements or authority set forth in other laws or rules for work to which sections 177.41 to 177.44 apply.

Sec. 13. Minnesota Statutes 2006, section 177.43, subdivision 4, is amended to read:

Subd. 4. **Determination by commissioner; posting; petition for reconsideration.**

The prevailing wage rates, prevailing hours of labor, and hourly basic rates of pay for all

trades and occupations required in any project must be ascertained before the state asks for bids. The commissioner of labor and industry shall investigate as necessary to ascertain the information. ~~The commissioner~~ Each contractor and subcontractor performing work on a public project shall keep the information posted on the project in at least one conspicuous place for the information of the employees working on the project. A person aggrieved by a final determination of the commissioner may petition the commissioner for reconsideration of findings. A person aggrieved by a decision of the commissioner after reconsideration may, within 20 days after the decision, petition the commissioner for a public hearing in the manner of a contested case under sections 14.57 to 14.61.

Sec. 14. Minnesota Statutes 2006, section 177.43, subdivision 6, is amended to read:

Subd. 6. **Examination of records; investigation by the department.** The Department of Labor and Industry shall enforce this section. The department may demand, and the contractor and subcontractor shall furnish to the department, copies of any or all payrolls. The department may examine all records relating to wages paid laborers or mechanics on work to which sections 177.41 to 177.44 apply. The department shall employ at least three investigators to perform on-site project reviews, receive and investigate complaints of violations of this section, and conduct training and outreach to contractors and contracting authorities for public works projects financed in whole or in part with state funds.

Sec. 15. Minnesota Statutes 2006, section 177.43, is amended by adding a subdivision to read:

Subd. 6a. **Prevailing wage violations.** Upon issuing a compliance order to an employer pursuant to section 177.27, subdivision 4, for violation of sections 177.41 to 177.44, the commissioner shall issue a withholding order to the contracting authority ordering the contracting authority to withhold payment of sufficient sum to the prime or general contractor on the project to satisfy the back wages assessed or otherwise cure the violation, and the contracting authority must withhold the sum ordered until the compliance order has become a final order of the commissioner and has been fully paid or otherwise resolved by the employer.

During an investigation of a violation of sections 177.41 to 177.44 which the commissioner reasonably determines is likely to result in the finding of a violation of sections 177.41 to 177.44 and the issuance of a compliance order pursuant to section 177.27, subdivision 4, the commissioner may notify the contracting authority of the determination and the amount expected to be assessed and the contracting authority shall

56.1 give the commissioner 90 days' prior notice of the date the contracting authority intends to
56.2 make final payment.

56.3 Sec. 16. **[181.723] INDEPENDENT CONTRACTORS.**

56.4 Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

56.5 (a) "Person" means any individual, limited liability corporation, corporation,
56.6 partnership, incorporated or unincorporated association, sole proprietorship, joint stock
56.7 company, or any other legal or commercial entity.

56.8 (b) "Department" means the Department of Labor and Industry.

56.9 (c) "Commissioner" means the commissioner of labor and industry or a duly
56.10 designated representative of the commissioner who is either an employee of the
56.11 Department of Labor and Industry or person working under contract with the Department
56.12 of Labor and Industry.

56.13 (d) "Individual" means a human being.

56.14 (e) "Day" means calendar day unless otherwise provided.

56.15 (f) "Knowingly" means knew or could have known with the exercise of reasonable
56.16 diligence.

56.17 (g) "Document" or "documents" includes papers; books; records; memoranda; data;
56.18 contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings;
56.19 records; accounts; files; statements; letters; e-mails; invoices; bills; notes; and calendars
56.20 maintained in any form or manner.

56.21 Subd. 2. **Limited application.** (a) Except as otherwise provided in paragraph (b),
56.22 this section only applies to individuals performing public or private sector commercial or
56.23 residential building construction or improvement services as defined in section 326.83.

56.24 (b) Subdivisions 1 to 6; 7, paragraph (a), clauses (1) to (4); and 8 to 16 do not
56.25 apply to individuals licensed under section 326.84 as a residential building contractor
56.26 or residential remodeler.

56.27 Subd. 3. **Employee-employer relationship.** Except as provided in subdivisions
56.28 2 and 4, for purposes of chapters 176, 177, 181A, 182, and 268, as of January 1, 2009,
56.29 an individual who performs services for a person that are in the course of the person's
56.30 trade, business, profession, or occupation is an employee of that person and that person
56.31 is an employer of the individual.

56.32 Subd. 4. **Independent contractor.** An individual is an independent contractor and
56.33 not an employee of the person for whom the individual is performing services in the course
56.34 of the person's trade, business, profession, or occupation only if (a) the individual holds
56.35 a current independent contractor exemption certificate issued by the commissioner; and

(b) the individual is performing services for the person under the independent contractor exemption certificate as provided in subdivision 6. The requirements in clauses (a) and (b) must be met in order to qualify as an independent contractor and not as an employee of the person for whom the individual is performing services in the course of the person's trade, business, profession, or occupation.

Subd. 5. **Application.** To obtain an independent contractor exemption certificate, the individual must submit, in the manner prescribed by the commissioner, a complete application and the certificate fee required under subdivision 14.

(a) A complete application must include all of the following information:

(1) the individual's full name;

(2) the individual's residence address and telephone number;

(3) the individual's business name, address, and telephone number;

(4) the services for which the individual is seeking an independent contractor exemption certificate;

(5) the individual's Social Security number;

(6) the individual's or the individual's business federal employer identification number, if a number has been issued to the individual or the individual's business;

(7) any information or documentation that the commissioner requires by rule that will assist the department in determining whether to grant or deny the individual's application; and

(8) The individual's sworn statement that the individual meets all of the following conditions:

(i) the individual maintains a separate business with the individual's own office, equipment, materials, and other facilities;

(ii) the individual holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service if the person has performed services in the previous year for which the individual is seeking the independent contractor exemption certificate;

(iii) the individual operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means of performing the services;

(iv) the individual incurs the main expenses related to the service that the individual performs under contract;

(v) the individual is responsible for the satisfactory completion of services that the individual contracts to perform and is liable for a failure to complete the service;

(vi) the individual receives compensation for service performed under a contract on a commission or per-job or competitive bid basis and not on any other basis;

(vii) the individual may realize a profit or suffer a loss under contracts to perform service;

(viii) the individual has continuing or recurring business liabilities or obligations; and

(ix) the success or failure of the individual's business depends on the relationship of business receipts to expenditures.

(b) Within 30 days of receiving a complete application and the certificate fee, the commissioner must either grant or deny the application. The commissioner may deny an application for an independent contractor exemption certificate if the individual has not submitted a complete application and certificate fee or if the individual does not meet all of the conditions for holding the independent contractor exemption certificate. The commissioner may revoke an independent contractor exemption certificate if the commissioner determines that the individual no longer meets all of the conditions for holding the independent contractor exemption certificate, commits any of the actions set out in subdivision 7, or fails to cooperate with a department investigation into the continued validity of the individual's certificate. Once issued, an independent contractor exemption certificate remains in effect for two years unless:

(1) revoked by the commissioner; or

(2) canceled by the individual.

(c) If the department denies an individual's original or renewal application for an independent contractor exemption certificate or revokes an independent contractor exemption certificate, the commissioner shall issue to the individual an order denying or revoking the certificate. The commissioner may issue an administrative penalty order to an individual or person who commits any of the actions set out in subdivision 7.

(d) An individual or person to whom the commissioner issues an order under paragraph (c) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after service of the order. If the individual does not request a hearing or if the individual's request for a hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the individual serves or faxes a timely request for hearing, the hearing shall be a contested case hearing and shall be held in accordance with chapter 14.

59.1 Subd. 6. **Qualifications for exemption certificate.** An individual is performing
59.2 services for a person under an independent contractor exemption certificate if:

59.3 (a) the individual is performing services listed on the individual's independent
59.4 contractor exemption certificate;

59.5 (b) at the time the individual is performing services listed on the individual's
59.6 independent contractor exemption certificate, the individual meets all of the following
59.7 conditions:

59.8 (1) the individual maintains a separate business with the individual's own office,
59.9 equipment, materials, and other facilities;

59.10 (2) the individual holds or has applied for a federal employer identification number
59.11 or has filed business or self-employment income tax returns with the federal Internal
59.12 Revenue Service if the individual performed services in the previous year for which the
59.13 individual has the independent contractor exemption certificate;

59.14 (3) the individual is operating under contract to perform the specific services for
59.15 the person for specific amounts of money and under which the individual controls the
59.16 means of performing the services;

59.17 (4) the individual is incurring the main expenses related to the services that the
59.18 individual is performing for the person under the contract;

59.19 (5) the individual is responsible for the satisfactory completion of the services
59.20 that the individual has contracted to perform for the person and is liable for a failure
59.21 to complete the services;

59.22 (6) the individual receives compensation from the person for the services performed
59.23 under the contract on a commission or per-job or competitive bid basis and not on any
59.24 other basis;

59.25 (7) the individual may realize a profit or suffers a loss under the contract to perform
59.26 services for the person;

59.27 (8) the individual has continuing or recurring business liabilities or obligations; and

59.28 (9) the success or failure of the individual's business depends on the relationship of
59.29 business receipts to expenditures.

59.30 Subd. 7. **Prohibited activities.** (a) An individual shall not:

59.31 (1) perform work as an independent contractor who meets the qualifications under
59.32 subdivision 6, without first obtaining from the department an independent contractor
59.33 exemption certificate;

59.34 (2) perform work as an independent contractor when the department has denied or
59.35 revoked the individual's independent contractor exemption certificate;

(3) transfer to another individual or allow another individual to use the individual's independent contractor exemption certificate;

(4) alter or falsify an independent contractor exemption certificate;

(5) misrepresent the individual's status as an independent contractor; or

(6) make a false material statement, representation, or certification; omit material information; or alter, conceal, or fail to file a document required by this section or any rule promulgated by the commissioner under rulemaking authority set out in this section.

(b) A person shall not:

(1) require an individual through coercion, misrepresentation, or fraudulent means to adopt independent contractor status;

(2) knowingly misrepresent that an individual who has not been issued an independent contractor exemption certificate or is not performing services for the person under an independent contractor exemption certificate is an independent contractor; or

(3) make a false material statement, representation, or certification; omit material information; or alter, conceal, or fail to file a document required by this section or any rule promulgated by the commissioner under rulemaking authority set out in this section.

(c) A person for whom an individual is performing services must obtain a copy of the individual's independent contractor exemption certificate before services may commence. A copy of the independent contractor exemption certificate must be retained for five years from the date of receipt by the person for whom an individual is performing services.

Subd. 8. **Remedies.** An individual or person who violates any provision of subdivision 7 is subject to a penalty to be assessed by the department of up to \$5,000 for each violation. The department shall deposit penalties in the assigned risk safety account.

Subd. 9. **Commissioner's powers.** (a) In order to carry out the purposes of this section, the commissioner may:

(1) administer oaths and affirmations, certify official acts, interview, question, take oral or written statements, and take depositions;

(2) request, examine, take possession of, photograph, record, and copy any documents, equipment, or materials;

(3) at a time and place indicated by the commissioner, request persons to appear before the commissioner to give testimony and produce documents, equipment, or materials;

(4) issue subpoenas to compel persons to appear before the commissioner to give testimony and produce documents, equipment, or materials; and

(5) with or without notice, enter without delay upon any property, public or private, for the purpose of taking any action authorized under this subdivision or the applicable law, including obtaining information or conducting inspections or investigations.

(b) Persons requested by the commissioner to give testimony or produce documents, equipment, or materials shall respond within the time and in the manner specified by the commissioner. If no time to respond is specified in the request, then a response shall be submitted within 30 days of the commissioner's service of the request.

(c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's representative, or lessee's representative to permit the commissioner's entry onto property as provided in paragraph (a), the commissioner may apply for an administrative inspection order in the Ramsey County District Court or, at the commissioner's discretion, in the district court in the county in which the property is located. The commissioner may anticipate that a property owner or lessee will refuse entry if the property owner, lessee, property owner's representative, or lessee's representative has refused to permit entry on a prior occasion or has informed the commissioner that entry will be refused. Upon showing of administrative probable cause by the commissioner, the district court shall issue an administrative inspection order that compels the property owner or lessee to permit the commissioner to enter the property for the purposes specified in paragraph (a).

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to obey a subpoena lawfully issued by the commissioner under this subdivision as a contempt of court.

Subd. 10. Notice requirements. Unless otherwise specified, service of a document on a person under this section may be by mail, by personal service, or in accordance with any consent to service filed with the commissioner. Service by mail shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 2. Personal service shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 3.

Subd. 11. Facsimile; timely service. When this section permits a request for hearing to be served by facsimile on the commissioner, the facsimile shall not exceed 15 pages in length. The request shall be considered timely served if the facsimile is received by the commissioner, at the facsimile number identified by the commissioner in the order, no later than 4:30 p.m. central time on the last day permitted for faxing the request. Where the quality or authenticity of the faxed request is at issue, the commissioner may require the original request to be filed. Where the commissioner has not identified quality or authenticity of the faxed request as an issue and the request has been faxed in

62.1 accordance with this subdivision, the person faxing the request does not need to file the
62.2 original request with the commissioner.

62.3 Subd. 12. **Time period computation.** In computing any period of time prescribed
62.4 or allowed by this section, the day of the act, event, or default from which the designated
62.5 period of time begins to run shall not be included. The last day of the period so computed
62.6 shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the
62.7 period runs until the next day which is not a Saturday, Sunday, or legal holiday.

62.8 Subd. 13. **Rulemaking.** The commissioner may, in consultation with the
62.9 commissioner of revenue and the commissioner of employment and economic
62.10 development, adopt, amend, suspend, and repeal rules under the rulemaking provisions
62.11 of chapter 14 that relate to the commissioner's responsibilities under this section. This
62.12 subdivision is effective the day following final enactment.

62.13 Subd. 14. **Fee.** The certificate fee for the original application and for the renewal of
62.14 an independent contractor exemption certificate shall be \$150. Fees collected under this
62.15 subdivision are deposited in the general fund.

62.16 Subd. 15. **Notice to commissioner; review by commissioner of revenue.** When
62.17 the commissioner has reason to believe that an individual who holds a certificate has failed
62.18 to maintain all the conditions required by subdivision 3 or is not performing services for a
62.19 person under the independent contractor exemption certificate, the commissioner must
62.20 notify the commissioner of revenue and the commissioner of employment and economic
62.21 development. Upon receipt of notification from the commissioner that an individual who
62.22 holds a certificate has failed to maintain all the conditions required by subdivision 3
62.23 or is not performing services for a person under the independent contractor exemption
62.24 certificate, the commissioner of revenue must review the information returns required
62.25 under section 6041A of the Internal Revenue Code. The commissioner of revenue shall
62.26 also review the submitted certification that is applicable to returns audited or investigated
62.27 under section 289A.35.

62.28 Subd. 16. **Data classified.** Certificates containing the certificate number, the name
62.29 of the certificate holder, and the name of the business, issued by the commissioner,
62.30 are public data. Applications and required documentation submitted by an individual
62.31 is private data on an individual. Upon request of the Department of Revenue or the
62.32 Department of Employment and Economic Development, the commissioner may release
62.33 to the Department of Revenue and the Department of Employment and Economic
62.34 Development applications and required documentation submitted by individuals and
62.35 investigative data that relates to the department's issuance or denial of applications and the

63.1 department's revocations of certificates. Except as otherwise provided by this subdivision,
63.2 the department's investigative data shall be classified as provided in chapter 13.

63.3 **EFFECTIVE DATE.** This section is effective July 1, 2008.

63.4 Sec. 17. **[181.724] PERFORMERS IN RECORDED MEDIA INDUSTRY.**

63.5 **Subdivision 1. Definitions.** The definitions in this subdivision apply to section
63.6 181.724.

63.7 (a) "Performer" means actor, announcer, singer, dancer, narrator, stunt-person, extra,
63.8 or any other individual generically or customarily referred to as talent in the recorded
63.9 media industry.

63.10 (b) "Recorded media industry" means radio or television commercial production,
63.11 nonbroadcast audio or video production, sound recording, audio or video production for
63.12 the internet, or any other recording technology.

63.13 (c) "Individual" means a human being.

63.14 (d) "Person" means any individual, limited liability corporation, corporation,
63.15 partnership, incorporated or unincorporated association, sole proprietorship, joint stock
63.16 company, or any other legal or commercial entity.

63.17 **Subd. 2. Limited application.** This section applies only to individuals who
63.18 are performers in the recorded media industry. This section does not apply to live
63.19 performances.

63.20 **Subd. 3. Employee-employer relationship.** For the purposes of chapters 176,
63.21 177, 181A, 182, and 268, an individual who provides services as a performer in the
63.22 recorded media industry for a person that are in the course of the person's trade, business,
63.23 profession, or occupation is an employee of that person and that person is an employer of
63.24 the individual.

63.25 **Subd. 4. Civil remedy.** An individual who has been injured by a violation of this
63.26 section may bring a civil action for damages against the violator. If the individual is
63.27 an employee of the violator of this section, the employee's representative, as defined in
63.28 section 179.01, subdivision 5, may bring a civil action for damages against the violator on
63.29 behalf of the employee. The court may award attorney fees, costs, and disbursement to an
63.30 individual recovering under this section.

63.31 **Subd. 5. Reporting of violations.** Any court finding that a violation of this section
63.32 has occurred shall transmit a copy of its findings of fact and conclusions of law to the
63.33 commissioner of labor and industry. The commissioner of labor and industry shall report
63.34 the finding to relevant state and federal agencies, including the commissioner of commerce,

64.1 the commissioner of employment and economic development, the commissioner of
64.2 revenue, the federal Internal Revenue Service, and the United States Department of Labor.

64.3 **EFFECTIVE DATE.** This section is effective January 1, 2008.

64.4 Sec. 18. Minnesota Statutes 2006, section 181.932, subdivision 1, is amended to read:

64.5 Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline,
64.6 threaten, otherwise discriminate against, or penalize an employee regarding the employee's
64.7 compensation, terms, conditions, location, or privileges of employment because:

64.8 (a) the employee, or a person acting on behalf of an employee, in good faith, reports
64.9 a violation or suspected violation of any federal or state law or rule adopted pursuant
64.10 to law to an employer or to any governmental body or law enforcement official and
64.11 the alleged violation involves a matter of public concern, including, but not limited to,
64.12 violations that create a specific danger to the public health, safety, or environment;

64.13 (b) the employee is requested by a public body or office to participate in an
64.14 investigation, hearing, inquiry;

64.15 (c) the employee refuses an employer's order to perform an action that the employee
64.16 has an objective basis in fact to believe violates any state or federal law or rule or
64.17 regulation adopted pursuant to law which violation the employee reasonably believes
64.18 is a matter of public concern, including, but not limited to, violations that create a
64.19 specific danger to the public health, safety, or environment, and the employee informs the
64.20 employer that the order is being refused for that reason; ~~or~~

64.21 (d) the employee, in good faith, reports a situation in which the quality of health care
64.22 services provided by a health care facility, organization, or health care provider violates a
64.23 standard established by federal or state law or a professionally recognized national clinical
64.24 or ethical standard and potentially places the public at risk of harm;

64.25 (e) a public employee refuses to alter, dilute, or suppress the objective representation
64.26 or communication of scientific or technical data or findings, including but not limited to,
64.27 findings of economic or environmental impact, or findings indicating consequences for
64.28 the public's health or safety; or

64.29 (f) a public employee communicates the findings of a scientific or technical study
64.30 that the employee, in good faith, believes to be truthful and accurate, including reports to a
64.31 governmental body or law enforcement official.

64.32 The disclosures protected pursuant to this section do not authorize the disclosure of trade
64.33 secret information otherwise protected by law.

Sec. 19. **[181.9325] USE OF AUTHORITY TO INFLUENCE OR INTERFERE WITH DISCLOSURE OF INFORMATION.**

(a) A public employer may not directly or indirectly use or attempt to use the employer's official authority or influence for the purpose of intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the rights described in section 181.932, or for the purpose of persuading the person to waive or disclaim any other legal rights related to the person's employment.

(b) For purposes of this section, "use of official authority or influence" includes: promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, including but not limited to appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

Sec. 20. Minnesota Statutes 2006, section 181.935, is amended to read:

181.935 INDIVIDUAL REMEDIES; PENALTY.

(a) In addition to any remedies otherwise provided by law, an employee injured by a violation of section 181.932 or 181.9325 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive such injunctive and other equitable relief as determined by the court.

(b) An employer who failed to notify, as required under section 181.933 or 181.934, an employee injured by a violation of section 181.932 is subject to a civil penalty of \$25 per day per injured employee not to exceed \$750 per injured employee.

Sec. 21. **[181.936] REPRISALS FOR DISCLOSURE OF IMPROPER GOVERNMENTAL ACTIVITIES; COMPLAINT PROCEDURE; PENALTIES.**

(a) A public employee or applicant for public employment who files a written complaint with the employee's or applicant's supervisor, manager, or the appointing power alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts prohibited by section 181.9325, may also file a copy of the written complaint with the commissioner of labor and industry, together with a sworn statement that the contents of the written complaint are true, or are believed by the affiant to be true, under penalty of perjury. The complaint filed with the commissioner shall be filed within 12 months of the most recent act of reprisal complained about.

(b) Any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a public employee or applicant for public employment

for having made a protected disclosure under section 181.932, is subject to a fine not to exceed \$10,000 and imprisonment in the county jail for a period not to exceed one year.

(c) In addition to all other penalties provided by law, any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a public employee or applicant for public employment for having made a protected disclosure shall be liable in an action for damages brought against the person by the injured party. Punitive damages may be awarded by the court where the acts of the offending party are proven to be malicious. Where liability has been established, the injured party shall also be entitled to reasonable attorney fees as provided by law. However, any action for damages shall not be available to the injured party unless the injured party has first filed a complaint with the commissioner of labor and industry under paragraph (a), and the department has issued, or failed to issue, findings under section 177.275.

(d) This section is not intended to prevent an appointing power, manager, or supervisor from taking, directing others to take, recommending, or approving any personnel action or from taking or failing to take a personnel action with respect to any public employee or applicant for public employment if the appointing power, manager, or supervisor reasonably believes any action or inaction is justified on the basis of evidence separate and apart from the fact that the person has made a protected disclosure under section 181.932.

(e) In any civil action or administrative proceeding, once it has been demonstrated by a preponderance of evidence that an activity protected by sections 177.27, 177.275, 181.932, and 181.9325 was a contributing factor in the alleged retaliation against a former, current, or prospective employee, the burden of proof shall be on the supervisor, manager, or appointing power to demonstrate by clear and convincing evidence that the alleged action would have occurred for legitimate, independent reasons even if the employee had not engaged in protected disclosures or refused an illegal order. If the supervisor, manager, or appointing power fails to meet this burden of proof in an adverse action against the employee in any administrative review, challenge, or adjudication in which retaliation has been demonstrated to be a contributing factor, the employee shall have a complete affirmative defense in the adverse action.

(f) Nothing in sections 177.27, 177.275, 181.932, and 181.9325 shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or state law or under any employment contract or collective bargaining agreement.

Sec. 22. Minnesota Statutes 2006, section 325E.37, subdivision 6, is amended to read:

Subd. 6. **Scope; limitations.** (a) This section applies to a sales representative who, during some part of the period of the sales representative agreement:

(1) is a resident of Minnesota or maintains that person's principal place of business in Minnesota; or

(2) whose geographical territory specified in the sales representative agreement includes part or all of Minnesota.

(b) To be effective, any demand for arbitration under subdivision 5 must be made in writing and delivered to the principal on or before one year after the effective date of the termination of the agreement.

(c) A provision in any contract between a sales representative dealing in plumbing equipment or supplies and a principal purporting to waive any provision of this act, whether by express waiver or by a provision stipulating that the contract is subject to the laws of another state, shall be void.

Sec. 23. Minnesota Statutes 2006, section 326.37, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The state ~~commissioner of health~~ Plumbing Board may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 24. Minnesota Statutes 2006, section 326.37, is amended by adding a subdivision to read:

Subd. 4. **Air admittance valves and water-free urinals prohibited.** (a) Mechanical devices and fittings with internal moving parts are prohibited from installation in plumbing venting systems.

(b) All urinals covered under the jurisdiction of the state plumbing code must have a water flush device with a volume of not more than one gallon per use.

Sec. 25. [326.372] PLUMBING BOARD.

Subdivision 1. Composition. (a) The Plumbing Board shall consist of 12 voting members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of labor and industry or the commissioner's designee shall be a voting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) two members shall be municipal plumbing inspectors, one from the seven-county metro area and one from greater Minnesota;

(2) one member shall be a licensed mechanical engineer;

(3) two members serving an initial term of three years shall be plumbing contractors or the representative of the contractor, engaged in a commercial scope of plumbing contracting, one from the metropolitan area and one from greater Minnesota;

(4) two members serving an initial term of three years shall be plumbing contractors or their representatives, engaged in the residential scope of plumbing contracting, one from the metro area and one from greater Minnesota;

(5) two members serving an initial term of two years shall be plumbing journeypersons engaged in a commercial scope of plumbing systems installation, one from the metro area and one from greater Minnesota; and

(6) two members serving an initial term of two years shall be plumbing journeypersons engaged in a residential scope of plumbing systems installation, one from the metro area and one from greater Minnesota.

(b) Except for the licensed mechanical engineer, all persons appointed to the council must possess a current Minnesota plumbing license and maintain the license for the duration of their term.

Subd. 2. Powers. (a) The board shall have the power to:

(1) elect its chair;

(2) specify the plumbing code that must be followed in this state;

(3) maintain a review process to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, apprentices, and other persons engaged in the design, installation, and

69.1 alteration of plumbing systems that would include the issuing, renewing, revoking,
69.2 refusing to renew, and suspending a plumbing license, except for persons licensed under
69.3 sections 326.02 to 326.15;

69.4 (5) adopt rules necessary for continuing education for individuals regulated and
69.5 licensed under this section;

69.6 (6) make recommendations to the commissioner regarding educational requirements
69.7 for plumbing inspectors; and

69.8 (7) pay expenses deemed necessary in the performance of board duties, including:

69.9 (i) rent, utilities, and supplies in the manner and amount specified in section 43A.18,
69.10 subdivision 2; and

69.11 (ii) per diem and expenses for its members as provided in section 15.0575,
69.12 subdivision 3.

69.13 (b) Requests under the review process in paragraph (a), clause (3), may originate
69.14 with the municipal inspectors, the plumbing contractors or their employees, and other
69.15 persons engaged in the design, installation, and alteration of plumbing systems. The board
69.16 shall make its findings known to all parties and the commissioner of labor and industry
69.17 within the time period specified by the board.

69.18 Subd. 3. **Fees and finances.** The board shall submit an annual budget to the
69.19 commissioner of labor and industry. The commissioner shall collect fees under section
69.20 326.42 necessary for the operation and continuance of the board. The commissioner is
69.21 responsible for the enforcement of the codes and licensing requirements determined by
69.22 the board. The board shall recommend the fees for licenses and certification under this
69.23 section. The commissioner of finance shall make a quarterly certification of the amount
69.24 necessary to pay expenses required for operation of the board under subdivision 2,
69.25 paragraph (a), clause (6). The certified amount is appropriated in fiscal years 2008 and
69.26 2009 to the board for those purposes from the fees collected under section 326.42.

69.27 Subd. 4. **Transfer of authority; Plumbing Board.** The authority of the
69.28 commissioners of health and labor and industry to adopt rules relating to plumbers is
69.29 transferred to the Plumbing Board. Licenses and permits currently in effect remain in
69.30 effect according to their terms unless affected by board action. Rules adopted by the
69.31 commissioner of health or labor and industry remain in effect until amended or repealed
69.32 by the board. The commissioner of administration may not use the authority under section
69.33 16B.37 to modify the transfers of authority in this act.

69.34 Subd. 5. **First meeting; appointments for Plumbing Board.** The governor must
69.35 complete the appointments required by section 326.372 no later than July 1, 2007. The

70.1 commissioner of labor and industry shall convene the first meeting of the Plumbing Board
70.2 no later than September 1, 2007.

70.3 Sec. 26. Minnesota Statutes 2006, section 326.38, is amended to read:

70.4 **326.38 LOCAL REGULATIONS.**

70.5 Any city having a system of waterworks or sewerage, or any town in which reside
70.6 over 5,000 people exclusive of any statutory cities located therein, or the metropolitan
70.7 airports commission, may, by ordinance, adopt local regulations providing for plumbing
70.8 permits, bonds, approval of plans, and inspections of plumbing, which regulations are
70.9 not in conflict with the plumbing standards on the same subject prescribed by the state
70.10 ~~commissioner of health~~ Plumbing Board. No city or such town shall prohibit plumbers
70.11 licensed by the state commissioner of ~~health~~ labor and industry from engaging in or
70.12 working at the business, except cities and statutory cities which, prior to April 21, 1933,
70.13 by ordinance required the licensing of plumbers. No city or town may require a license
70.14 for persons performing building sewer or water service installation who have completed
70.15 pipe laying training as prescribed by the commissioner of labor and industry. Any city
70.16 by ordinance may prescribe regulations, reasonable standards, and inspections and grant
70.17 permits to any person, firm, or corporation engaged in the business of installing water
70.18 softeners, who is not licensed as a master plumber or journeyman plumber by the state
70.19 commissioner of ~~health~~ labor and industry, to connect water softening and water filtering
70.20 equipment to private residence water distribution systems, where provision has been
70.21 previously made therefor and openings left for that purpose or by use of cold water
70.22 connections to a domestic water heater; where it is not necessary to rearrange, make any
70.23 extension or alteration of, or addition to any pipe, fixture or plumbing connected with
70.24 the water system except to connect the water softener, and provided the connections so
70.25 made comply with minimum standards prescribed by the state ~~commissioner of health~~
70.26 Plumbing Board.

70.27 Sec. 27. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

70.28 Subdivision 1. **License required; master and journeyman plumbers.** ~~In any city~~
70.29 ~~now or hereafter having 5,000 or more population, according to the last federal census,~~
70.30 ~~and having a system of waterworks or sewerage, (a) No person, firm, or corporation shall~~
70.31 ~~engage in or work at the business of a master plumber or, restricted master plumber,~~
70.32 ~~journeyman plumber, and restricted journeyman plumber unless licensed to do so by the~~
70.33 ~~state commissioner of health~~ labor and industry. A license is not required for persons
70.34 performing building sewer or water service installation who have completed pipe laying

training as prescribed by the commissioner of labor and industry. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state ~~commissioner of health~~ Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

~~In any such city~~ (b) No person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, or in cities and towns with a population of fewer than 5,000 according to the federal census a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, firm, or corporation.

The ~~Department of Health~~ Plumbing Board shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Sec. 28. Minnesota Statutes 2006, section 326.401, subdivision 2, is amended to read:

Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to registration as an apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the person did not have any practical plumbing experience in the 12-month period immediately prior to registration. The ~~commissioner~~ Plumbing Board may adopt rules to evaluate whether the person's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the person has not taken the examination, the four years of experience shall be forfeited.

The commissioner may allow an extension of the two-year period for taking the exam for cases of hardship or other appropriate circumstances.

Sec. 29. **[326.402] RESTRICTED PLUMBER LICENSE.**

Subdivision 1. **Licensure.** The commissioner of labor and industry shall grant a restricted journeyman or master plumber license to an individual if:

(1) the individual completes an application with information required by the commissioner of labor and industry;

(2) the completed application is accompanied by a fee of \$90;

(3) the commissioner of labor and industry receives the completed application and fee before January 1, 2008;

(4) the completed application demonstrates that the applicant has had at least two years for a restricted journeyman plumber license or four years for a restricted master plumber license of practical plumbing experience in the plumbing trade prior to the application; and

(5) during the entire time for which the applicant is claiming experience in contracting for plumbing work under clause (4), the applicant was in compliance with all applicable requirements of section 326.40.

Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman plumber may engage in the plumbing trade in all areas of the state except in cities and towns with a population of more than 5,000 according to the federal census.

Subd. 3. **Application period.** Applications for restricted master plumber and restricted journeyman plumber licenses must be submitted to the commissioner prior to January 1, 2008.

Subd. 4. **Renewal; use period for license.** A restricted master plumber and restricted journeyman plumber license must be renewed annually for as long as that licensee engages in the plumbing trade. Failure to renew a restricted master plumber and restricted journeyman plumber license within 12 months after the expiration date will result in permanent forfeiture of the restricted master plumber and restricted journeyman plumber license.

Subd. 5. **Prohibition of transference.** A restricted master plumber and restricted journeyman plumber license may not be transferred or sold to any other person.

Subd. 6. **Bond; insurance.** A restricted master plumber licensee is subject to the bond and insurance requirements of section 326.40, subdivision 2, unless the exemption provided by section 326.40, subdivision 3, applies.

Subd. 7. **Fee.** The annual fee for the restricted master plumber and restricted journeyman plumber licenses is the same fee as for a master or journeyman plumber license, respectively.

Sec. 30. Minnesota Statutes 2006, section 326.405, is amended to read:

326.405 RECIPROCITY WITH OTHER STATES.

~~The commissioner of health may license without examination, upon payment of the required fee, nonresident applicants who are licensed under the laws of a state having standards for licensing plumbers which the commissioner determines are substantially equivalent to the standards of this state if the other state grants similar privileges to~~

73.1 ~~Minnesota residents duly licensed in this state.~~ The commissioner may issue a temporary
73.2 license without examination, upon payment of the required fee, nonresident applicants
73.3 who are licensed under the laws of a state having standards for licensing which the
73.4 commissioner determines are substantially equivalent to the standards of this state if
73.5 the other state grants similar privileges to Minnesota residents duly licensed in this
73.6 state. Applicants who receive a temporary license under this section may acquire an
73.7 aggregate of 24 months of experience before they have to apply and pass the licensing
73.8 examination. Applicants must register with the commissioner of labor and industry and
73.9 the commissioner shall set a fee for a temporary license. Applicants have five years in
73.10 which to comply with this section.

73.11 Sec. 31. Minnesota Statutes 2006, section 326.42, subdivision 1, is amended to read:

73.12 Subdivision 1. **Application.** Applications for plumber's license shall be made to the
73.13 state commissioner of ~~health~~ labor and industry, with fee. Unless the applicant is entitled
73.14 to a renewal, the applicant shall be licensed by the state commissioner of ~~health~~ labor and
73.15 industry only after passing a satisfactory examination administered by the ~~examiners~~
73.16 commissioner of labor and industry, based upon rules adopted by the Plumbing Board
73.17 showing fitness. Examination fees for both journeyman and master plumbers shall be in
73.18 an amount prescribed by the state commissioner of ~~health~~ labor and industry pursuant to
73.19 section 144.122. Upon being notified that of having successfully passed the examination
73.20 for original license the applicant shall submit an application, with the license fee herein
73.21 provided. License fees shall be in an amount prescribed by the state commissioner of
73.22 ~~health~~ labor and industry pursuant to section 144.122. Licenses shall expire and be
73.23 renewed as prescribed by the commissioner pursuant to section 144.122.

73.24 Sec. 32. Minnesota Statutes 2006, section 341.28, subdivision 2, is amended to read:

73.25 Subd. 2. **Regulatory authority; tough person contests.** All tough person contests,
73.26 including amateur tough person contests, are subject to this chapter. All tough person
73.27 contests are subject to American Boxing Commission (ABC) rules. Every contestant
73.28 in a tough person contest shall have a physical examination prior to their bouts. Every
73.29 contestant in a tough person contest shall wear padded gloves that weigh at least 12
73.30 ounces. All tough person bouts are limited to two-minute rounds and a maximum of four
73.31 total rounds. Officials at tough person bouts shall be licensed under this chapter.

73.32 Sec. 33. Minnesota Statutes 2006, section 341.28, is amended by adding a subdivision
73.33 to read:

Subd. 3. **Regulatory authority; similar sporting events.** All mixed martial arts, ultimate fight contests, and similar sporting events are subject to this chapter.

Sec. 34. Minnesota Statutes 2006, section 341.32, subdivision 2, is amended to read:

Subd. 2. **Expiration and renewal.** A license ~~expires December 31 at midnight in the year of its issuance~~ issued after the effective date of this act is valid for one year from the date it is issued and may be renewed by filing an application for renewal with the commission and payment of the license fee. An application for a license and renewal of a license must be on a form provided by the commission. There is a 30-day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the commission has renewed the license. If the licensee fails to apply to the commission within the 30-day grace period, the licensee must apply for a new license under subdivision 1.

Sec. 35. Minnesota Statutes 2006, section 341.321, is amended to read:

341.321 FEE SCHEDULE.

(a) The fee schedule for licenses issued by the Minnesota Boxing Commission is as follows:

- (1) referees, \$35 \$45 for each initial license and each renewal;
- (2) promoters, \$400 for each initial license and each renewal;
- (3) judges and knockdown judges, \$25 \$45 for each initial license and each renewal;
- (4) trainers, \$35 \$45 for each initial license and each renewal;
- (5) ring announcers, \$25 \$45 for each initial license and each renewal;
- (6) boxers' seconds, \$25 \$45 for each initial license and each renewal;
- (7) timekeepers, \$25 \$45 for each initial license and each renewal; and
- (8) boxers, \$35 \$45 for each initial license and each renewal;
- (9) managers, \$45 for each initial license and each renewal; and
- (10) ringside physicians, \$45 for each initial license and each renewal.

(b) The commission shall establish and assess an event fee for each sporting event. The event fee is set at a minimum of \$1,500 per event or a percentage of the ticket sales as determined by the commission when the sporting event is scheduled.

(c) All fees collected by the Minnesota Boxing Commission must be deposited in the Boxing Commission account in the special revenue fund.

Sec. 36. **REPEALER.**

75.1 Minnesota Statutes 2006, sections 176.042; 268.035, subdivision 9; and 326.45, are
75.2 repealed.

75.3 **EFFECTIVE DATE.** Sections 176.042 and 286.035, subdivision 9, are repealed
75.4 effective January 1, 2009.

75.5 **ARTICLE 5**
75.6 **HIGH PRESSURE PIPING**

75.7 Section 1. Minnesota Statutes 2006, section 326.46, is amended to read:

75.8 **326.46 SUPERVISION OF HIGH PRESSURE PIPING.**

75.9 The Department of Labor and Industry shall supervise all high pressure piping
75.10 used on all projects in this state, ~~and may prescribe minimum standards which shall be~~
75.11 ~~uniform~~ under rules adopted by the board.

75.12 The department shall employ inspectors and other assistants to carry out the
75.13 provisions of sections 326.46 to 326.52.

75.14 Sec. 2. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision
75.15 to read:

75.16 Subd. 1a. **Board.** "Board" means the Board of High Pressure Piping Systems.

75.17 Sec. 3. Minnesota Statutes 2006, section 326.47, subdivision 2, is amended to read:

75.18 Subd. 2. **Permissive municipal regulation.** A municipality may, by ordinance,
75.19 provide for the inspection of high pressure piping system materials and construction, and
75.20 provide that it shall not be constructed or installed except in accordance with minimum
75.21 state standards. The authority designated by the ordinance for issuing high pressure piping
75.22 permits and assuring compliance with state standards must report to the Department of
75.23 Labor and Industry all violations of state high pressure piping standards.

75.24 A municipality may not adopt an ordinance with high pressure piping standards that
75.25 does not conform to the uniform standards prescribed by the ~~Department of Labor and~~
75.26 ~~Industry board.~~ The Department of Labor and Industry board shall specify by rule the
75.27 minimum qualifications for municipal inspectors.

75.28 Sec. 4. Minnesota Statutes 2006, section 326.47, subdivision 6, is amended to read:

75.29 Subd. 6. **Filing and inspection fees.** The Department of Labor and Industry
75.30 must charge a filing fee set by the ~~commissioner~~ board under section 16A.1285 for all
75.31 applications for permits to construct or install high pressure piping systems. The fee for

inspection of high pressure piping system construction or installation shall be set by the commissioner in consultation with the board under section 16A.1285. This subdivision does not apply where a permit is issued by a municipality complying with subdivision 2.

Sec. 5. **[326.471] BOARD OF HIGH PRESSURE PIPING SYSTEMS.**

Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall consist of 12 members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of the Department of Labor and Industry or the commissioner's designee shall be a voting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) one member shall be a high pressure piping inspector;

(2) one member shall be a licensed mechanical engineer;

(3) one member shall be a representative of the piping industry;

(4) four members shall be high pressure piping contractors or their representatives, engaged in the scope of high pressure piping, two from the metro area and two from greater Minnesota;

(5) two members shall be high pressure piping journeypersons engaged in the scope of high pressure piping systems installation, one from the metro area and one from greater Minnesota; and

(6) two members shall be representatives from utility companies in Minnesota who shall serve an initial term of two years.

(b) Except for the licensed mechanical engineer and the members from utilities companies, all persons appointed to the board must possess a current license or competency credential required for contractors and persons engaged in the design, installation, alteration, and inspection of high pressure piping systems.

Subd. 2. **Powers.** (a) The board shall have the power to:

(1) elect its chair;

(2) specify the high pressure piping code that must be followed in Minnesota;

(3) maintain an appeals committee to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board;

77.1 (4) adopt rules necessary for the regulation and licensing of contractors,
77.2 journeypersons, trainees, and persons engaged in the design, installation, alteration, and
77.3 inspection of high pressure piping systems, except for persons licensed under sections
77.4 326.02 to 326.15;

77.5 (5) adopt rules necessary for continuing education for individuals regulated and
77.6 licensed under this section; and

77.7 (6) pay expenses deemed necessary in the performance of board duties, including:

77.8 (i) rent, utilities, and supplies in the manner and amount specified in section 43A.18,
77.9 subdivision 2; and

77.10 (ii) per diem and expenses for its members as provided in section 15.0575,
77.11 subdivision 3.

77.12 (b) Complaints filed under this section may originate with high pressure piping
77.13 inspectors, contractors, or their employees, or other persons engaged in the design,
77.14 installation, and alteration of a high pressure piping system. The board shall make their
77.15 findings known to all parties and the commissioner of the Department of Labor and
77.16 Industry within the time period specified by the board.

77.17 Subd. 3. **Fee and finances.** The board shall submit an annual budget to the
77.18 commissioner of the Department of Labor and Industry. The commissioner shall collect
77.19 fees under section 326.47, subdivision 6, necessary for the operation and continuance of
77.20 the board. The commissioner is responsible for the enforcement of the codes and licensing
77.21 requirements determined by the board. The board shall recommend the fees for licenses
77.22 and certification under this section and for all high pressure piping system permits and
77.23 submit the fee structure to the commissioner of labor and industry. The commissioner
77.24 of finance shall make a quarterly certification of the amount necessary to pay expenses
77.25 required for operation of the board under subdivision 2, paragraph (a), clause (6). The
77.26 certified amount is appropriated in fiscal years 2008 and 2009 to the board for those
77.27 purposes from the fees collected under section 326.50.

77.28 Sec. 6. Minnesota Statutes 2006, section 326.48, subdivision 1, is amended to read:

77.29 Subdivision 1. **License required; rules; time credit.** No person shall engage in
77.30 or work at the business of a contracting pipefitter unless issued an individual contracting
77.31 pipefitter license to do so by the Department of Labor and Industry under rules prescribed
77.32 by the board. No license shall be required for repairs on existing installations. No
77.33 person shall engage in or work at the business of journeyman pipefitter unless issued an
77.34 individual journeyman pipefitter competency license to do so by the Department of Labor

and Industry under rules prescribed by the board. A person possessing an individual contracting pipefitter competency license may also work as a journeyman pipefitter.

No person, partnership, firm, or corporation shall install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, a person possessing a contracting pipefitter individual competency license or a journeyman pipefitter individual competency license is responsible for the high pressure pipefitting work conducted by the person, partnership, firm, or corporation being in conformity with Minnesota Statutes and Minnesota Rules.

The ~~Department of Labor and Industry~~ board shall prescribe rules, not inconsistent herewith, for the examination and individual competency licensing of contracting pipefitters and journeyman pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the Department of Labor and Industry in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 7. Minnesota Statutes 2006, section 326.48, subdivision 2, is amended to read:

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person, partnership, firm, or corporation must obtain or utilize a business with a high pressure piping business license.

A person, partnership, firm, or corporation must have at all times as a full-time employee at least one individual holding an individual contracting pipefitter competency license. Only full-time employees who hold individual contracting pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The individual contracting pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person, partnership, firm, or corporation holding a high pressure piping business license that ceases to employ a person holding an individual contracting pipefitter competency license shall have 60 days from the last day of employment of its previous individual contracting pipefitter competency license holder to employ another license holder. The Department of Labor and Industry must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have an individual contracting pipefitter

79.1 competency license holder on staff. If a license holder is not employed within 60 days,
79.2 the pipefitting business license shall lapse.

79.3 The ~~Department of Labor and Industry~~ board shall prescribe by rule procedures for
79.4 application for and issuance of business licenses and fees.

79.5 Sec. 8. Minnesota Statutes 2006, section 326.48, is amended by adding a subdivision
79.6 to read:

79.7 Subd. 6. **Reciprocity with other states.** The commissioner may issue a temporary
79.8 license without examination, upon payment of the required fee, nonresident applicants
79.9 who are licensed under the laws of a state having standards for licensing which the
79.10 commissioner determines are substantially equivalent to the standards of this state if
79.11 the other state grants similar privileges to Minnesota residents duly licensed in this
79.12 state. Applicants who receive a temporary license under this section may acquire an
79.13 aggregate of 24 months of experience before they have to apply and pass the licensing
79.14 examination. Applicants must register with the commissioner of labor and industry and
79.15 the commissioner shall set a fee for a temporary license. Applicants have five years in
79.16 which to comply with this section.

79.17 Sec. 9. Minnesota Statutes 2006, section 326.50, is amended to read:

79.18 **326.50 APPLICATION; FEES.**

79.19 Application for an individual contracting pipefitter competency or an individual
79.20 journeyman pipefitter competency license shall be made to the Department of Labor and
79.21 Industry, with fees. The applicant shall be licensed only after passing an examination
79.22 administered by the Department of Labor and Industry in accordance with rules adopted
79.23 by the board.

79.24 Sec. 10. Minnesota Statutes 2006, section 326.51, is amended to read:

79.25 **326.51 DEPARTMENT MAY REVOKE LICENSES.**

79.26 The ~~department~~ board may revoke or suspend, for cause, any license obtained
79.27 through error or fraud, or if the licensee is shown to be incompetent, or for a violation
79.28 of any of its rules and regulations applicable to high pressure pipefitting work. The
79.29 licensee shall have notice, in writing, enumerating the charges, and be entitled to a hearing
79.30 on at least ten days' notice, with the right to produce testimony. The hearing shall be
79.31 held pursuant to chapter 14. The ~~commissioner~~ board shall issue a final order based on
79.32 testimony and the record at hearing. One year from the date of revocation application
79.33 may be made for a new license.

Sec. 11. Minnesota Statutes 2006, section 326.52, is amended to read:

326.52 DEPOSIT OF FEES.

All fees received under sections 326.46 to 326.52 shall be deposited by the Department of Labor and Industry to the credit of the general fund in the state treasury. The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses, and all incidental expenses of the department and board in carrying out the provisions of sections 326.46 to 326.52 shall be paid from the appropriations made to the Department of Labor and Industry. The commissioner in consultation with the board by rule shall set the amount of the fees at a level that approximates, to the greatest extent possible, the salaries, per diem, and incidental expenses of the department.

Sec. 12. **TRANSFER OF AUTHORITY; BOARD OF HIGH PRESSURE PIPING SYSTEMS.**

The authority of the commissioner of labor and industry to adopt rules relating to high pressure piping systems is transferred to the Board of High Pressure Piping Systems. Licenses and permits currently in effect remain in effect according to their terms unless affected by board action. Rules adopted by the commissioner of labor and industry remain in effect until amended or repealed by the board. The commissioner of administration may not use the authority under Minnesota Statutes, section 16B.37, to modify transfers of authority in this act.

Sec. 13. **FIRST MEETING; APPOINTMENTS FOR BOARD OF HIGH PRESSURE PIPING SYSTEMS.**

The governor must complete the appointments required by Minnesota Statutes, section 326.471, no later than July 1, 2007. The commissioner of labor and industry shall convene the first meeting of the Board of High Pressure Piping Systems no later than September 1, 2007.

ARTICLE 6
IRON RANGE RESOURCES AND REHABILITATION BOARD

Section 1. Minnesota Statutes 2006, section 298.22, subdivision 2, is amended to read:

Subd. 2. **Iron Range Resources and Rehabilitation Board.** There is hereby created the Iron Range Resources and Rehabilitation Board, consisting of ~~13~~ ten members, five of whom are state senators appointed by the Subcommittee on Committees of the Rules Committee of the senate, and five of whom are representatives, appointed by the speaker of the house of representatives. ~~The remaining members shall be appointed one~~

~~each by the senate majority leader, the speaker of the house of representatives, and the governor and must be nonlegislators who reside in a taconite assistance area as defined in section 273.1341.~~ The members shall be appointed in January of every odd-numbered year, ~~except that the initial nonlegislator members shall be appointed by July 1, 1999,~~ and shall serve until January of the next odd-numbered year. Vacancies on the board shall be filled in the same manner as the original members were chosen. At least a majority of the legislative members of the board shall be elected from state senatorial or legislative districts in which over 50 percent of the residents reside within a taconite assistance area as defined in section 273.1341. All expenditures and projects made by the commissioner of Iron Range resources and rehabilitation shall be consistent with the priorities established in subdivision 8 and shall first be submitted to the Iron Range Resources and Rehabilitation Board for approval by a majority of the board of expenditures and projects for rehabilitation purposes as provided by this section, and the method, manner, and time of payment of all funds proposed to be disbursed shall be first approved or disapproved by the board. The board shall biennially make its report to the governor and the legislature on or before November 15 of each even-numbered year. The expenses of the board shall be paid by the state from the funds raised pursuant to this section.

Sec. 2. Minnesota Statutes 2006, section 298.227, is amended to read:

298.227 TACONITE ECONOMIC DEVELOPMENT FUND.

An amount equal to that distributed pursuant to each taconite producer's taxable production and qualifying sales under section 298.28, subdivision 9a, shall be held by the Iron Range Resources and Rehabilitation Board in a separate taconite economic development fund for each taconite and direct reduced ore producer. Money from the fund for each producer shall be released by the commissioner after review by a joint committee consisting of an equal number of representatives of the salaried employees and the nonsalaried production and maintenance employees of that producer. The District 11 director of the United States Steelworkers of America, on advice of each local employee president, shall select the employee members. In nonorganized operations, the employee committee shall be elected by the nonsalaried production and maintenance employees. The review must be completed no later than six months after the producer presents a proposal for expenditure of the funds to the committee. The funds held pursuant to this section may be released only for acquisition of plant and stationary mining equipment and facilities for the producer or for research and development in Minnesota on new mining, or taconite, iron, or steel production technology, but only if the producer provides a matching expenditure to be used for the same purpose of at least 50 percent of the

distribution based on 14.7 cents per ton beginning with distributions in 2002. Effective for proposals for expenditures of money from the fund approved beginning the day following final enactment, the commissioner may release the funds only if the proposed expenditure is approved by a majority of the members of the Iron Range Resources and Rehabilitation Board. If a producer uses money which has been released from the fund prior to the day following final enactment to procure haulage trucks, mobile equipment, or mining shovels, and the producer removes the piece of equipment from the taconite tax relief area defined in section 273.134 within ten years from the date of receipt of the money from the fund, a portion of the money granted from the fund must be repaid to the taconite economic development fund. The portion of the money to be repaid is 100 percent of the grant if the equipment is removed from the taconite tax relief area within 12 months after receipt of the money from the fund, declining by ten percent for each of the subsequent nine years during which the equipment remains within the taconite tax relief area. If a taconite production facility is sold after operations at the facility had ceased, any money remaining in the fund for the former producer may be released to the purchaser of the facility on the terms otherwise applicable to the former producer under this section. If a producer fails to provide matching funds for a proposed expenditure within six months after the commissioner approves release of the funds, the funds are available for release to another producer in proportion to the distribution provided and under the conditions of this section. Any portion of the fund which is not released by the commissioner within two years of its deposit in the fund shall be divided between the taconite environmental protection fund created in section 298.223 and the Douglas J. Johnson economic protection trust fund created in section 298.292 for placement in their respective special accounts. Two-thirds of the unreleased funds shall be distributed to the taconite environmental protection fund and one-third to the Douglas J. Johnson economic protection trust fund.

EFFECTIVE DATE. This section is effective for proposals for expenditures of money from the fund the day following final enactment.

Sec. 3. APPROPRIATION; IRON RANGE RESOURCES AND REHABILITATION BOARD.

(a) \$500,000 is appropriated from the Iron Range Resources and Rehabilitation Board fund for fiscal year 2008 for allocation in this section:

(1) \$225,000 is for Aitkin County Growth, Inc. to extend electric service and other infrastructure to a peat project in Spencer Township in Aitkin County;

(2) \$75,000 is for a nonprofit organization for the preservation of the B'nai Abraham Synagogue in Virginia, of which \$50,000 is for renovation and \$25,000 is for a permanent endowment for the preservation;

(3) \$150,000 is for a grant to the Iron Range youth in action program to assist the organization to employ youth for the construction of community centers; and

(4) \$50,000 is for a grant to the Iron Range retriever club for pond and field construction.

(b) \$120,000 is appropriated from the general fund for payment to the city of Eveleth to be used for the support of the Hockey Hall of Fame Museum provided that it continues to operate in the city, which payment is in addition to and must not be used to supplant funding under section 298.28, subdivision 9c.

These are onetime appropriations.

Sec. 4. **IRRRB BUILDING.**

The Iron Range Resources and Rehabilitation Board office building in Eveleth, Minnesota is designated and named the Joe Begich Building and shall be signed as such at every entrance.

ARTICLE 7 ELECTRICAL

Section 1. Minnesota Statutes 2006, section 326.01, subdivision 6g, is amended to read:

Subd. 6g. **Personal direct supervision.** ~~The term "personal "Direct supervision" means that a person licensed to perform electrical work oversees and directs the electrical work performed by an unlicensed person such that:~~

(1) ~~the licensed person actually reviews the electrical work performed by the unlicensed person~~ an unlicensed individual is being supervised by an individual licensed to perform the electrical work being supervised;

(2) during the entire working day of the unlicensed individual, the licensed individual is physically present at the location where the unlicensed individual is performing electrical work and immediately available to the unlicensed individual;

(3) the licensed person individual is physically present and immediately available to the unlicensed person individual at all times for assistance and direction; and

(4) electronic supervision does not meet the requirement of physically present and immediately available;

(5) the licensed individual shall review the electrical work performed by the unlicensed individual before the electrical work is operated; and

84.1 ~~(3)~~ (6) the licensed ~~person~~ individual is able to and does determine that all electrical
84.2 work performed by the unlicensed ~~person~~ individual is performed in compliance with
84.3 section 326.243.

84.4 The licensed ~~person~~ individual is responsible for the compliance with section
84.5 326.243 of all electrical work performed by the unlicensed ~~person~~ individual.

84.6 Sec. 2. Minnesota Statutes 2006, section 326.241, subdivision 1, is amended to read:

84.7 Subdivision 1. **Composition.** (a) The Board of Electricity shall consist of ~~11~~ 12
84.8 members, residents of the state, appointed by the governor ~~of whom~~ and confirmed by
84.9 the senate. The commissioner of labor and industry or the commissioner's designee shall
84.10 be a nonvoting member. The first appointed board members shall serve an initial term
84.11 of four years, except where designated otherwise. The governor shall then reappoint the
84.12 current members or appoint replacement members, all or in part, to subsequent three-year
84.13 terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies
84.14 occurring with less than six months time remaining in the term shall be filled for the
84.15 existing term and the following three-year term. Of the 11 appointed members, the
84.16 composition shall be as follows:

84.17 (1) two shall be representatives of the electrical suppliers in the rural areas of the
84.18 state,

84.19 (2) two shall be master electricians, who shall be contractors,

84.20 (3) two journeyman electricians,

84.21 (4) one registered consulting electrical engineer,

84.22 (5) two power limited technicians, who shall be technology system contractors
84.23 primarily engaged in the business of installing technology circuits or systems, and

84.24 (6) two public members as defined by section 214.02.

84.25 (b) Except as provided herein, membership terms, compensation of members,
84.26 removal of members, the filling of membership vacancies, and fiscal year and reporting
84.27 requirements shall be as provided in sections 214.07 to 214.09. The provision of staff,
84.28 administrative services and office space; the review and processing of complaints; the
84.29 setting of board fees; and other provisions relating to board operations shall be as provided
84.30 in chapter 214.

84.31 Sec. 3. Minnesota Statutes 2006, section 326.241, subdivision 2, is amended to read:

84.32 Subd. 2. **Powers.** (a) The board, or the complaint committee on behalf of the board
84.33 where authorized by law, shall have power to:

84.34 (1) Elect its own officers.

~~(2) Engage and fix the compensation of inspectors, and hire employees. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or 2(1), and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.~~

~~(3) (2) Pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.~~

(3) Select from its members individuals to serve on any other state advisory councils, boards, or committees.

(4) Enforce the provisions of sections 326.241 to 326.248, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.

~~(5) Issue, renew, refuse to renew, suspend, temporarily suspend, and revoke licenses; censure licensees, assess civil penalties, issue cease and desist orders, and seek injunctive relief and civil penalties in court as authorized by section 326.242 and other provisions of Minnesota law. Establish the committees required herein and any others deemed necessary by the board or requested by the commissioner.~~

(6) Adopt reasonable rules to carry out its duties under sections 326.241 to 326.248 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

(7) Advise the commissioner on issues related to sections 326.241 to 326.248 or as requested by the commissioner.

(b) Except for the powers granted to the Electricity Board the commissioner of labor and industry shall administer the provisions of sections 326.241 to 326.248 and for such purposes may employ electrical inspectors and other assistants.

Sec. 4. Minnesota Statutes 2006, section 326.242, subdivision 3d, is amended to read:

Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no person shall install, alter, repair, plan, lay out, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

(1) the person is licensed by the board as a power limited technician; and

(2) the electrical work is:

(i) for a licensed contractor and the person is an employee, partner, or officer of, or is the licensed contractor; or

(ii) performed under the supervision of a master electrician or power limited technician also employed by the person's employer on technology circuits, systems, apparatus, equipment, or facilities owned or leased by the employer that are located within the limits of property owned or leased, operated, and maintained by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course in an accredited college or university; or (2) have had at least 36 months' experience, acceptable to the board, in planning for, laying out, supervising, and installing wiring, apparatus, or equipment for power limited systems, provided however, that the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board.

(c) The board may initially set experience requirements without rulemaking, but must adopt rules before July 1, 2004.

(d) Licensees must attain eight hours of continuing education acceptable to the board every renewal period.

(e) A person who has submitted an application by June 30, 2003, to take the alarm and communications examination administered by the board, and who has achieved a minimal score of 70 percent on the examination by September 30, 2003, may obtain a power limited technician license without further examination by submitting an application and a license fee of \$30.

(f) A company holding an alarm and communication license as of June 30, 2003, may designate one person who may obtain a power limited technician license without passing an examination administered by the board by submitting an application and license fee of \$30.

(g) A person who has submitted an application by ~~September 30, 2005~~ December 31, 2007, to take the power limited technician examination administered by the ~~board~~ department is not required to meet the qualifications set forth in paragraph (b).

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

Sec. 5. Minnesota Statutes 2006, section 326.242, subdivision 5, is amended to read:

Subd. 5. **Unlicensed persons individuals.** (a) An unlicensed ~~person~~ individual means an individual who has not been licensed by the Board of Electricity as a Class A master electrician or as a Class A journeyman electrician. An unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the individual has first registered with the Board of Electricity as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work required to be

performed by a licensed individual unless the work is performed under the ~~personal~~ direct supervision of ~~a person~~ an individual actually licensed to perform such work ~~and~~. The licensed ~~electrician~~ individual and unlicensed ~~persons~~ individual must be employed by the same employer. Licensed ~~persons~~ individuals shall not permit unlicensed ~~persons~~ individuals to perform electrical work except under the ~~personal~~ direct supervision of ~~a person~~ an individual actually licensed to perform such work. Unlicensed ~~persons~~ individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed ~~persons~~ individuals. Except for technology circuit or system work, licensed ~~persons~~ individuals shall supervise no more than two unlicensed ~~persons~~ individuals. For technology circuit or system work, licensed ~~persons~~ individuals shall supervise no more than three unlicensed ~~persons~~ individuals.

(b) Notwithstanding any other provision of this section, no ~~person~~ individual other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 12, paragraph (b).

(c) Contractors employing unlicensed ~~persons performing~~ individuals to perform electrical work shall maintain records establishing compliance with this subdivision, ~~which that~~ shall ~~designate~~ identify all unlicensed ~~persons~~ individuals performing electrical work, except for persons working on circuits or systems exempted from personal licensing by subdivision 12, paragraph (b), and shall permit the board to examine and copy all such records as provided for in section 326.244, subdivision 6.

(d) When a licensed individual supervises the electrical work of an unlicensed individual, the licensed individual is responsible for ensuring that the electrical work complies with sections 326.241 to 326.248 and rules adopted.

Sec. 6. Minnesota Statutes 2006, section 326.242, is amended by adding a subdivision to read:

Subd. 5a. **Registration of unlicensed individuals.** Unlicensed individuals performing electrical work for a contractor or employer shall register with the department in the manner prescribed by the commissioner. Experience credit for electrical work performed after January 1, 2008, by an applicant for a license identified in this section shall not be granted where the applicant has not registered with or is not licensed by the department.

Sec. 7. Minnesota Statutes 2006, section 326.242, subdivision 11, is amended to read:

Subd. 11. **Reciprocity.** ~~To the extent that any other state which provides for the licensing of electricians provides for similar action the board may grant licenses, without examination, of the same grade and class to an electrician who has been licensed by such other state for at least one year, upon payment by the applicant of the required fee and upon the board being furnished with proof that the required fee and upon the board being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in Minnesota.~~ The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

(a) submits an application under section 326.242;

(b) pays the fee required under section 326.242; and

(c) holds a valid comparable license in the state participating in the agreement.

Agreements are subject to the following:

(1) The parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's.

(2) The experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state.

(3) The applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision.

(4) At the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota.

(5) An applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended.

(6) An applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

Sec. 8. **REPEALER.**

89.1 Minnesota Statutes 2006, sections 326.01, subdivision 4; and 326.242, subdivision
89.2 4, are repealed.

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

89.4 **ARTICLE 8**
89.5 **APPRENTICESHIP BOARD**

89.6 Section 1. Minnesota Statutes 2006, section 178.01, is amended to read:

89.7 **178.01 PURPOSES.**

89.8 The purposes of this chapter are: to open to young people regardless of race, sex,
89.9 creed, color or national origin, the opportunity to obtain training that will equip them for
89.10 profitable employment and citizenship; to establish as a means to this end, a program
89.11 of voluntary apprenticeship under approved apprentice agreements providing facilities
89.12 for their training and guidance in the arts, skills, and crafts of industry and trade, with
89.13 concurrent, supplementary instruction in related subjects; to promote employment
89.14 opportunities under conditions providing adequate training and reasonable earnings;
89.15 to relate the supply of skilled workers to employment demands; to establish standards
89.16 for apprentice training; to establish an Apprenticeship ~~Advisory Council~~ Board and
89.17 apprenticeship committees to assist in effectuating the purposes of this chapter; to provide
89.18 for a Division of Labor Standards and Apprenticeship within the Department of Labor
89.19 and Industry; to provide for reports to the legislature regarding the status of apprentice
89.20 training in the state; to establish a procedure for the determination of apprentice agreement
89.21 controversies; and to accomplish related ends.

89.22 Sec. 2. Minnesota Statutes 2006, section 178.02, is amended to read:

89.23 **178.02 APPRENTICESHIP ~~ADVISORY COUNCIL~~ BOARD.**

89.24 Subdivision 1. **Members.** The commissioner of labor and industry, hereinafter
89.25 called the commissioner, shall appoint an Apprenticeship ~~Advisory Council~~ Board,
89.26 hereinafter referred to as the ~~council~~ board, composed of three representatives each from
89.27 employer and employee organizations, and two representatives of the general public. The
89.28 director of education responsible for career and technical education or designee shall be an
89.29 ex officio member of the ~~council~~ board and shall serve in an advisory capacity only.

89.30 Subd. 2. **Terms.** The ~~council~~ board shall expire and the terms, compensation, and
89.31 removal of appointed members shall be as provided in section 15.059, ~~except that the~~
89.32 ~~council shall not expire before June 30, 2003.~~

90.1 Subd. 4. **Duties.** The ~~council~~ board shall meet at the call of the commissioner. It
90.2 shall propose occupational classifications for apprenticeship programs; propose minimum
90.3 standards for apprenticeship programs and agreements; and advise on the establishment
90.4 of such policies, procedures, and rules as the ~~commissioner~~ board deems necessary in
90.5 implementing the intent of this chapter.

90.6 Sec. 3. Minnesota Statutes 2006, section 178.03, subdivision 3, is amended to read:

90.7 Subd. 3. **Duties and functions.** The director, under the supervision of the
90.8 commissioner, and with the advice and oversight of the Apprenticeship ~~Advisory~~
90.9 ~~Council~~ Board, is authorized: to administer the provisions of this chapter; to promote
90.10 apprenticeship and other forms of on the job training; to establish, in cooperation and
90.11 consultation with the Apprenticeship ~~Advisory Council~~ Board and with the apprenticeship
90.12 committees, conditions and training standards for the approval of apprenticeship programs
90.13 and agreements, which conditions and standards shall in no case be lower than those
90.14 prescribed by this chapter; to promote equal employment opportunity in apprenticeship
90.15 and other on the job training and to establish a Minnesota plan for equal employment
90.16 opportunity in apprenticeship which shall be consistent with standards established
90.17 under Code of Federal Regulations, title 29, part 30, as amended; to issue certificates of
90.18 registration to sponsors of approved apprenticeship programs; to act as secretary of the
90.19 Apprenticeship ~~Advisory Council~~ Board; to approve, if of the opinion that approval is
90.20 for the best interest of the apprentice, any apprenticeship agreement which meets the
90.21 standards established hereunder; to terminate any apprenticeship agreement in accordance
90.22 with the provisions of such agreement; to keep a record of apprenticeship agreements and
90.23 their disposition; to issue certificates of completion of apprenticeship; and to perform
90.24 such other duties as the commissioner deems necessary to carry out the intent of this
90.25 chapter; provided, that the administration and supervision of supplementary instruction in
90.26 related subjects for apprentices; coordination of instruction on a concurrent basis with
90.27 job experiences, and the selection and training of teachers and coordinators for such
90.28 instruction shall be the function of state and local boards responsible for vocational
90.29 education. The director shall have the authority to make wage determinations applicable
90.30 to the graduated schedule of wages and journeyman wage rate for apprenticeship
90.31 agreements, giving consideration to the existing wage rates prevailing throughout the
90.32 state, except that no wage determination by the director shall alter an existing wage
90.33 provision for apprentices or journeymen that is contained in a bargaining agreement in
90.34 effect between an employer and an organization of employees, nor shall the director

91.1 make any determination for the beginning rate for an apprentice that is below the wage
91.2 minimum established by federal or state law.

91.3 Sec. 4. Minnesota Statutes 2006, section 178.041, subdivision 1, is amended to read:

91.4 Subdivision 1. **Rules.** The commissioner may, upon receipt of the ~~council's~~ board's
91.5 proposals, accept, adopt, and issue them by rule with any modifications or amendments
91.6 the commissioner finds appropriate. The commissioner may refer them back to the
91.7 ~~council~~ board with recommendations for further study, consideration and revision. If
91.8 the commissioner refuses to accept, adopt, and issue by rule or other appropriate action
91.9 a board proposal, the commissioner must provide a written explanation of the reason
91.10 for the refusal to the board within 30 days after the board submitted the proposal to the
91.11 commissioner. Additional rules may be issued as the commissioner may deem necessary.

91.12 **ARTICLE 9**

91.13 **MINNESOTA HERITAGE**

91.14 Section 1. **SUMMARY OF APPROPRIATIONS.**

91.15 The amounts shown in this section summarize direct appropriations by fund made
91.16 in this article.

91.17		<u>2008</u>		<u>2009</u>		<u>Total</u>
91.18	<u>General</u>	<u>\$ 51,175,000</u>	<u>\$</u>	<u>47,510,000</u>	<u>\$</u>	<u>98,685,000</u>
91.19	<u>Total</u>	<u>\$ 51,175,000</u>	<u>\$</u>	<u>47,510,000</u>	<u>\$</u>	<u>98,685,000</u>

91.20 Sec. 2. **MINNESOTA HERITAGE APPROPRIATIONS.**

91.21 The sums shown in the columns marked "Appropriations" are appropriated to the
91.22 agencies and for the purposes specified in this article. The appropriations are from the
91.23 general fund, or another named fund, and are available for the fiscal years indicated
91.24 for each purpose. The figures "2008" and "2009" used in this article mean that the
91.25 appropriations listed under them are available for the fiscal year ending June 30, 2008, or
91.26 June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal
91.27 year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal
91.28 year ending June 30, 2007, are effective the day following final enactment.

91.29		<u>APPROPRIATIONS</u>	
91.30		<u>Available for the Year</u>	
91.31		<u>Ending June 30</u>	
91.32		<u>2008</u>	<u>2009</u>

91.33 Sec. 3. **EXPLORE MINNESOTA TOURISM** \$ 11,669,000 \$ 12,587,000

92.1 (a) To develop maximum private sector
92.2 involvement in tourism, \$1,000,000 the first
92.3 year and \$2,000,000 the second year must
92.4 be matched by Explore Minnesota Tourism
92.5 from nonstate sources. Each \$1 of state
92.6 incentive must be matched with \$3 of private
92.7 sector funding. Cash match is defined as
92.8 revenue to the state or documented cash
92.9 expenditures directly expended to support
92.10 Explore Minnesota Tourism programs. Up
92.11 to one-half of the private sector contribution
92.12 may be in-kind or soft match. The incentive
92.13 in the first year shall be based on fiscal
92.14 year 2007 private sector contributions as
92.15 prescribed in Laws 2005, First Special
92.16 Session chapter 1, article 3, section 6. The
92.17 incentive increase in the second year will
92.18 be based on fiscal year 2008 private sector
92.19 contributions. This incentive is ongoing.
92.20 (b) Funding for the marketing grants is
92.21 available either year of the biennium.
92.22 Unexpended grant funds from the first year
92.23 are available in the second year.
92.24 (c) Any unexpended money from the general
92.25 fund appropriations made under this section
92.26 does not cancel but must be placed in a
92.27 special marketing account for use by Explore
92.28 Minnesota Tourism for additional marketing
92.29 activities.
92.30 (d) \$250,000 the first year and \$250,000
92.31 the second year are for operating costs of
92.32 the Minnesota Film and TV Board. The
92.33 appropriation in each year is available
92.34 only upon receipt by the board of \$1 in
92.35 matching contributions of money or in-kind

93.1 contributions from nonstate sources for every
93.2 \$3 provided by this appropriation.

93.3 (e) \$750,000 is appropriated each year for a
93.4 grant to the Minnesota Film and TV Board
93.5 for the film jobs production program under
93.6 Minnesota Statutes, section 116U.26. Of
93.7 this amount, up to \$25,000 each year may
93.8 be used for administration. The budget base
93.9 for the film jobs production program shall be
93.10 \$500,000 in fiscal year 2010 and \$500,000 in
93.11 fiscal year 2011.

93.12 (f) \$150,000 the first year is for a onetime
93.13 grant to St. Louis County to be used for
93.14 feasibility studies and planning activities
93.15 concerning additional uses for the St. Louis
93.16 County Heritage and Arts Center at the
93.17 Duluth depot. The studies and planning
93.18 activities must include:

93.19 (1) examining the costs and benefits of
93.20 relocating the Northeast Minnesota Office of
93.21 Tourism to the Duluth depot;

93.22 (2) establishing a heritage tourism center at
93.23 the Duluth depot;

93.24 (3) developing a multimodal operational plan
93.25 integrating railroad and bus service; and

93.26 (4) identifying additional services and
93.27 activities that would contribute toward
93.28 returning the Duluth depot to being a
93.29 working railroad station and cultural gateway
93.30 to Duluth and St. Louis County.

93.31 This appropriation is available until June 30,
93.32 2009.

93.33 **Sec. 4. MINNESOTA HISTORICAL**
93.34 **SOCIETY**

94.1	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>29,031,000</u>	<u>\$</u>	<u>24,441,000</u>
94.2	<u>The amounts that may be spent for each</u>				
94.3	<u>purpose are specified in the following</u>				
94.4	<u>subdivisions.</u>				
94.5	<u>\$500,000 the first year and \$500,000 the</u>				
94.6	<u>second year are for increased rent costs. This</u>				
94.7	<u>amount is added to the society's base budget.</u>				
94.8	Subd. 2. <u>Education and Outreach</u>		<u>17,307,000</u>		<u>13,765,000</u>
94.9	<u>(a) Of this amount, \$1,700,000 the first year</u>				
94.10	<u>is a onetime appropriation for the Minnesota</u>				
94.11	<u>Sesquicentennial Commission. Of this</u>				
94.12	<u>appropriation, \$750,000 is for competitive</u>				
94.13	<u>matching grants for local events and projects;</u>				
94.14	<u>\$750,000 is for planning and support of</u>				
94.15	<u>statewide activities, and up to \$200,000 may</u>				
94.16	<u>be used for administration.</u>				
94.17	<u>The Minnesota Historical Society, the State</u>				
94.18	<u>Arts Board, and Explore Minnesota Tourism</u>				
94.19	<u>may assist the commission in designing and</u>				
94.20	<u>implementing the grants program.</u>				
94.21	<u>The commission shall encourage private</u>				
94.22	<u>contributions to match the state funds to</u>				
94.23	<u>the greatest extent possible. Contributions</u>				
94.24	<u>received by the commission are appropriated</u>				
94.25	<u>to the commission.</u>				
94.26	<u>(b) \$1,500,000 the first year is for a</u>				
94.27	<u>grant-in-aid program for county and local</u>				
94.28	<u>historical societies. The Minnesota Historical</u>				
94.29	<u>Society shall establish program guidelines</u>				
94.30	<u>and grant evaluation and award criteria for</u>				
94.31	<u>the program. Each dollar of state funds</u>				
94.32	<u>awarded to a grantee must be matched with</u>				
94.33	<u>nonstate funds on a dollar-for-dollar basis by</u>				

95.1	<u>a grantee. This is a onetime appropriation</u>		
95.2	<u>and is available until expended.</u>		
95.3	<u>(c) \$500,000 the first year is for a grant-in-aid</u>		
95.4	<u>program for county and local historical</u>		
95.5	<u>societies for the repair, restoration, and</u>		
95.6	<u>preservation of historic sites and buildings</u>		
95.7	<u>in Minnesota. The Minnesota Historical</u>		
95.8	<u>Society shall establish program guidelines</u>		
95.9	<u>and grant evaluation and award criteria for</u>		
95.10	<u>the program. This is a onetime appropriation</u>		
95.11	<u>and is available until expended.</u>		
95.12	<u>(d) \$60,000 each year is to offset the revenue</u>		
95.13	<u>loss from not charging fees for general tours</u>		
95.14	<u>at the Capitol. This appropriation is added to</u>		
95.15	<u>the society's base budget.</u>		
95.16	<u>(e) Notwithstanding Minnesota Statutes,</u>		
95.17	<u>section 138.668, the Minnesota Historical</u>		
95.18	<u>Society may not charge a fee for its general</u>		
95.19	<u>tours at the Capitol, but may charge fees for</u>		
95.20	<u>special programs other than general tours.</u>		
95.21	<u>Subd. 3. Preservation and Access</u>	<u>10,953,000</u>	<u>10,271,000</u>
95.22	<u>\$500,000 the first year is to conduct a</u>		
95.23	<u>conservation survey and for restoration,</u>		
95.24	<u>treatment, moving, and storage of the 1905</u>		
95.25	<u>historic furnishings and works of art in the</u>		
95.26	<u>Minnesota State Capitol. This is a onetime</u>		
95.27	<u>appropriation and is available until June 30,</u>		
95.28	<u>2009.</u>		
95.29	<u>\$308,000 the first year is for the preservation</u>		
95.30	<u>of battle flags. This is a onetime appropriation</u>		
95.31	<u>and is available until June 30, 2009.</u>		
95.32	<u>Subd. 4. Pass-Through Appropriations</u>	<u>771,000</u>	<u>405,000</u>
95.33	<u>(a) Minnesota International Center</u>	<u>43,000</u>	<u>43,000</u>
95.34	<u>(b) Minnesota Air National Guard Museum</u>	<u>16,000</u>	<u>-0-</u>

96.1	<u>(c) Minnesota Military Museum</u>	<u>234,000</u>	<u>234,000</u>
96.2	<u>(d) Farmamerica</u>	<u>128,000</u>	<u>128,000</u>
96.3	<u>(e) Balances Forward</u>		
96.4	<u>Any unencumbered balance remaining in</u>		
96.5	<u>this subdivision the first year does not cancel</u>		
96.6	<u>but is available for the second year of the</u>		
96.7	<u>biennium.</u>		
96.8	<u>\$150,000 the first year is for a onetime</u>		
96.9	<u>grant to the Nicollet County Historical</u>		
96.10	<u>Society for renovation of the center exhibit</u>		
96.11	<u>gallery in the Treaty Site History Center</u>		
96.12	<u>in St. Peter, including additions to the</u>		
96.13	<u>center's infrastructure and state-of-the-art</u>		
96.14	<u>interpretive elements. This appropriation is</u>		
96.15	<u>available until the project is completed or</u>		
96.16	<u>abandoned, subject to Minnesota Statutes,</u>		
96.17	<u>section 16A.642.</u>		
96.18	<u>\$200,000 the first year is for a grant to</u>		
96.19	<u>the Hmong Studies Center at Concordia</u>		
96.20	<u>University in St. Paul, Minnesota, to be</u>		
96.21	<u>used for preservation of Hmong historical</u>		
96.22	<u>artifacts and documents. Any part of the</u>		
96.23	<u>appropriation not used in fiscal year 2008 is</u>		
96.24	<u>available for use in fiscal year 2009. This is</u>		
96.25	<u>a onetime appropriation and is available until</u>		
96.26	<u>expended.</u>		
96.27	<u>Subd. 5. Fund Transfer</u>		
96.28	<u>The Minnesota Historical Society may</u>		
96.29	<u>reallocate funds appropriated in and between</u>		
96.30	<u>subdivisions 2 and 3 for any program</u>		
96.31	<u>purposes.</u>		
96.32	<u>Subd. 6. Minnesota River Valley Study Group</u>		

97.1 The Minnesota Historical Society in
97.2 cooperation with Explore Minnesota Tourism
97.3 shall establish and coordinate a Minnesota
97.4 River Valley study group. The Minnesota
97.5 River Valley study group shall be comprised
97.6 of representatives of the Minnesota Valley
97.7 Scenic Byway Alliance, the Department
97.8 of Natural Resources, the Department
97.9 of Transportation, the Minnesota Indian
97.10 Affairs Council, the Region 6 West, Region
97.11 6 East, Region 8 and Region 9 Regional
97.12 Development Commissions, the Minnesota
97.13 Historical Society, Explore Minnesota
97.14 Tourism, State Arts Board, and other
97.15 interested parties. The study group must
97.16 develop a plan for coordinated activities
97.17 among organizations represented on the
97.18 study group to enhance and promote historic
97.19 sites, and historic, scenic, and natural
97.20 features of the Minnesota River Valley
97.21 area. Study topics shall include, but are
97.22 not limited to, historic sites related to the
97.23 Dakota Conflict of 1862 and the state and
97.24 local preparations for the sesquicentennial of
97.25 this event. The Minnesota Historical Society
97.26 and Explore Minnesota Tourism shall report
97.27 on the findings and recommendations of
97.28 the Minnesota River Valley study group to
97.29 the standing committees of the house of
97.30 representatives and senate with jurisdiction
97.31 over historic sites and tourism by March 1,
97.32 2008. The Minnesota River Valley study
97.33 group shall serve without compensation.

97.34 Sec. 5. **BOARD OF THE ARTS**

97.35 Subdivision 1. **Total Appropriation** **\$** **9,975,000** **\$** **9,982,000**

98.1 The amounts that may be spent for each
98.2 purpose are specified in the following
98.3 subdivisions.

98.4	<u>Subd. 2. Operations and Services</u>	<u>637,000</u>	<u>644,000</u>
98.5	<u>Subd. 3. Grants Programs</u>	<u>6,452,000</u>	<u>6,452,000</u>

98.6 The base budget for the grants program
98.7 shall be \$5,924,000 in fiscal year 2010 and
98.8 \$5,924,000 in fiscal year 2011.

98.9	<u>Subd. 4. Regional Arts Councils</u>	<u>2,886,000</u>	<u>2,886,000</u>
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98.10 The base budget for the regional arts councils
98.11 shall be \$2,539,000 in fiscal year 2010 and
98.12 \$2,539,000 in fiscal year 2011.

98.13	<u>Sec. 6. MINNESOTA HUMANITIES</u>		
98.14	<u>COMMISSION</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>

98.15 Of this amount, ten percent each year is
98.16 for lifelong learning programs in greater
98.17 Minnesota communities that do not
98.18 receive financial support from other large
98.19 educational institutions. The base budget
98.20 for the Minnesota Humanities Commission
98.21 is \$500,000 each year in the 2010-2011
98.22 biennium.

98.23 Sec. 7. Minnesota Statutes 2006, section 190.096, is amended to read:

98.24 **190.096 BATTLE FLAGS; REPAIR.**

98.25 Subdivision 1. **Authority to repair.** Notwithstanding the provisions of Minnesota

98.26 Statutes 1961, chapters 16 and 43, the adjutant general or the Minnesota Historical

98.27 Society may contract for the repair, restoration, and preservation of regimental battle flags,

98.28 standards, and guidons with persons or corporations skilled in such repair, restoration, and

98.29 preservation, upon terms or conditions the adjutant general or the Minnesota Historical

98.30 Society deems proper, ~~subject to the approval of the commissioner of administration.~~

98.31 Subd. 2. **Surrender.** Notwithstanding the provisions of this section or section

98.32 190.09, the adjutant general or the Minnesota Historical Society may, for the purposes

98.33 of this section, surrender the immediate custody and control of regimental battle flags,

standards, and guidons under conditions and safeguards the adjutant general or the Minnesota Historical Society deems necessary and proper, for such time as is reasonably necessary for their restoration, after which they shall at once be again properly stored or displayed. The adjutant general or the Minnesota Historical Society shall provide adequate storage and display space for flags, standards, and guidons which have been repaired and restored.

Subd. 3. **Battle flags; care and control.** (a) The flags and colors carried by Minnesota troops in the Civil War, Indian Wars, and the Spanish-American War shall be preserved under the care and control of the Minnesota Historical Society. They shall be suitably encased and marked, and, so far as the historical society may deem it consistent with the safety of the flags and colors, they shall be publicly displayed in the capitol.

(b) The flags and colors carried by Minnesota troops in subsequent wars shall be preserved under the care and control of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with the safety of the flags and colors, shall be publicly displayed.

ARTICLE 10
HOUSING

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

		<u>2008</u>		<u>2009</u>		<u>Total</u>
<u>General</u>	\$	<u>67,896,000</u>	\$	<u>49,040,000</u>	\$	<u>116,936,000</u>
<u>TANF</u>	\$	<u>3,075,000</u>	\$	<u>3,075,000</u>	\$	<u>6,150,000</u>
<u>Total</u>	\$	<u>70,971,000</u>	\$	<u>52,115,000</u>	\$	<u>123,086,000</u>

Sec. 2. **HOUSING.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

100.1				<u>APPROPRIATIONS</u>
100.2				<u>Available for the Year</u>
100.3				<u>Ending June 30</u>
100.4				<u>2008</u> <u>2009</u>
100.5	Sec. 3. <u>HOUSING FINANCE AGENCY</u>			
100.6	Subdivision 1. <u>Total Appropriation</u>	\$	<u>70,971,000</u>	\$ <u>52,115,000</u>
100.7	<u>Appropriations by Fund</u>			
100.8		<u>2008</u>	<u>2009</u>	
100.9	<u>General</u>	<u>67,896,000</u>	<u>49,040,000</u>	
100.10	<u>TANF</u>	<u>3,075,000</u>	<u>3,075,000</u>	
100.11	<u>This appropriation is for transfer to the</u>			
100.12	<u>housing development fund. The amounts</u>			
100.13	<u>that may be spent from this appropriation</u>			
100.14	<u>for certain programs are specified in the</u>			
100.15	<u>following subdivisions. Except as otherwise</u>			
100.16	<u>indicated, this transfer is part of the agency's</u>			
100.17	<u>permanent budget base.</u>			
100.18	<u>Of this amount, \$3,075,000 the first year</u>			
100.19	<u>and \$3,075,000 the second year are onetime</u>			
100.20	<u>appropriations from the state's federal TANF</u>			
100.21	<u>block grant under Title I of Public Law</u>			
100.22	<u>Number 104-193 to the commissioner of</u>			
100.23	<u>human services, to reimburse the housing</u>			
100.24	<u>development fund for assistance under</u>			
100.25	<u>the programs for families receiving TANF</u>			
100.26	<u>assistance under the MFIP program. The</u>			
100.27	<u>commissioner of human services shall make</u>			
100.28	<u>monthly reimbursements to the housing</u>			
100.29	<u>development fund. The commissioner</u>			
100.30	<u>of human services shall not make any</u>			
100.31	<u>reimbursement which the commissioner</u>			
100.32	<u>determines would be subject to a penalty</u>			
100.33	<u>under Code of Federal Regulations, section</u>			
100.34	<u>262.1. If the appropriation in either year is</u>			
101.1	<u>insufficient, the appropriation for the other</u>			
101.2	<u>year is available.</u>			

101.3 Subd. 2. **Economic Development and Housing**
101.4 **Challenge**

101.5 \$21,308,000 the first year and \$9,622,000
101.6 the second year are for the economic
101.7 development and housing challenge program
101.8 under Minnesota Statutes, section 462A.33,
101.9 for housing that:

101.10 (1) conserves energy and utilizes sustainable,
101.11 healthy building materials;

101.12 (2) preserves sensitive natural areas and
101.13 open spaces and minimizes the need for new
101.14 infrastructure;

101.15 (3) is accessible to jobs and services through
101.16 integration with transportation or transit
101.17 systems; and

101.18 (4) expands the mix of housing choices in
101.19 a community by diversifying the levels of
101.20 housing affordability.

101.21 The agency may fund demonstration projects
101.22 that have unique approaches to achieving the
101.23 housing described above.

101.24 Subd. 3. **Housing Trust Fund**

101.25 \$15,195,000 the first year and \$11,945,000
101.26 the second year are for the housing trust fund
101.27 account created under Minnesota Statutes,
101.28 section 462A.201, for the purposes of that
101.29 section. Of this amount, \$1,500,000 the first
101.30 year and \$1,500,000 in the second year is a
101.31 onetime appropriation from the state's federal
101.32 TANF block grant. The general fund base
101.33 is reduced by \$1,890,000 each year in fiscal
101.34 year 2010 and fiscal year 2011.

102.1 Subd. 4. **Bridges Rental Assistance for**
102.2 **Mentally Ill**

102.3 \$3,400,000 the first year and \$3,400,000
102.4 the second year are for a rental housing
102.5 assistance program for persons with a mental
102.6 illness or families with an adult member with
102.7 a mental illness under Minnesota Statutes,
102.8 section 462A.2097.

102.9 **Subd. 5. Family Homeless Prevention**

102.10 \$7,565,000 the first year and \$7,565,000
102.11 the second year are for family homeless
102.12 prevention and assistance programs under
102.13 Minnesota Statutes, section 462A.204. Of
102.14 this amount, \$1,575,000 in the first year and
102.15 \$1,575,000 in the second year is a onetime
102.16 appropriation from the state's federal TANF
102.17 block grant. The general fund base in fiscal
102.18 year 2010 and fiscal year 2011 is \$7,465,000
102.19 each year.

102.20 **Subd. 6. Home Ownership Assistance Fund**

102.21 \$1,885,000 the first year and \$1,885,000
102.22 the second year are for the home ownership
102.23 assistance program under Minnesota
102.24 Statutes, section 462A.21, subdivision 8.
102.25 The base is reduced by \$1,000,000 each year
102.26 in fiscal year 2010 and fiscal year 2011.

102.27 **Subd. 7. Affordable Rental Investment Fund**

102.28 \$11,496,000 the first year and \$8,996,000
102.29 the second year are for the affordable rental
102.30 investment fund program under Minnesota
102.31 Statutes, section 462A.21, subdivision 8b.
102.32 Of this amount, \$2,500,000 the first year is a
102.33 onetime appropriation.

103.1 This appropriation is to finance the
103.2 acquisition, rehabilitation, and debt
103.3 restructuring of federally assisted rental

103.4 property and for making equity take-out loans
103.5 under Minnesota Statutes, section 462A.05,
103.6 subdivision 39. The owner of the federally
103.7 assisted rental property must agree to
103.8 participate in the applicable federally assisted
103.9 housing program and to extend any existing
103.10 low-income affordability restrictions on the
103.11 housing for the maximum term permitted.
103.12 The owner must also enter into an agreement
103.13 that gives local units of government,
103.14 housing and redevelopment authorities,
103.15 and nonprofit housing organizations the
103.16 right of first refusal if the rental property
103.17 is offered for sale. Priority must be given
103.18 among comparable federally assisted rental
103.19 properties to properties with the longest
103.20 remaining term under an agreement for
103.21 federal rental assistance. Priority must also
103.22 be given among comparable rental housing
103.23 developments to developments that are or
103.24 will be owned by local government units, a
103.25 housing and redevelopment authority, or a
103.26 nonprofit housing organization.

103.27 This appropriation may also be used to
103.28 finance the acquisition, rehabilitation, and
103.29 debt restructuring of existing supportive
103.30 housing properties. For purposes of this
103.31 subdivision, "supportive housing" means
103.32 affordable rental housing with links to
103.33 services necessary for individuals, youth, and
103.34 families with children to maintain housing
103.35 stability.

104.1 Of this amount, \$2,500,000 is appropriated
104.2 for the purposes of financing the
104.3 rehabilitation and operating costs to preserve
104.4 public housing. For purposes of this

104.5 subdivision, "public housing" is housing for
104.6 low-income persons and households financed
104.7 by the federal government and owned and
104.8 operated by public housing authorities and
104.9 agencies. Eligible public housing authorities
104.10 must have a public housing assessment
104.11 system rating of standard or above. Priority
104.12 among comparable proposals must be given
104.13 to proposals that maximize federal or local
104.14 resources to finance the capital and operating
104.15 costs.

104.16 **Subd. 8. Housing Rehabilitation and**
104.17 **Accessibility**

104.18 \$5,657,000 the first year and \$4,287,000 the
104.19 second year are for the housing rehabilitation
104.20 and accessibility program under Minnesota
104.21 Statutes, section 462A.05, subdivisions 14a
104.22 and 15a.

104.23 **Subd. 9. Urban Indian Housing Program**

104.24 \$187,000 the first year and \$187,000 the
104.25 second year are for the urban Indian housing
104.26 program under Minnesota Statutes, section
104.27 462A.07, subdivision 15. The base is
104.28 reduced by \$7,000 each year in fiscal year
104.29 2010 and fiscal year 2011.

104.30 **Subd. 10. Tribal Indian Housing Program**

104.31 \$1,683,000 the first year and \$1,683,000
104.32 the second year are for the tribal Indian
104.33 housing program under Minnesota Statutes,
104.34 section 462A.07, subdivision 14. The base is
105.1 reduced by \$468,000 each year in fiscal year
105.2 2010 and fiscal year 2011.

105.3 **Subd. 11. Home Ownership Education,**
105.4 **Counseling, and Training**

105.5 \$2,135,000 the first year and \$2,135,000
105.6 the second year are appropriated for the
105.7 home ownership education, counseling, and
105.8 training program under Minnesota Statutes,
105.9 section 462A.209. The base is reduced by
105.10 \$1,270,000 each year in fiscal year 2010 and
105.11 fiscal year 2011. Of this amount, \$630,000
105.12 the first year is for:

105.13 (1) foreclosure prevention and assistance
105.14 activities in communities that have mortgage
105.15 foreclosure rates that exceed the statewide
105.16 average foreclosure rate for the most recent
105.17 quarter for which data is available; and

105.18 (2) home buyer education and counseling
105.19 activities by organizations that have
105.20 experience working with emerging markets
105.21 or partner with organizations with experience
105.22 working with emerging markets and that have
105.23 demonstrated a commitment to increasing the
105.24 homeownership rate of emerging markets.

105.25 **Subd. 12. Capacity Building Grants**

105.26 \$820,000 for the biennium is for capacity
105.27 building grants under Minnesota Statutes
105.28 section 462A.21, subdivision 3b. Of this
105.29 amount, \$140,000 is for continuum of
105.30 care planning in greater Minnesota. This
105.31 appropriation is the agency's base budget for
105.32 this program.

105.33 **Subd. 13. Grant for Hennepin County**

106.1 \$50,000 is a onetime appropriation in the
106.2 first year for a grant to Hennepin County
106.3 for collaboration with the Center for Urban
106.4 and Regional Affairs at the University
106.5 of Minnesota for the development of a
106.6 predictive, data-driven model that can be

106.7 used to identify at-risk properties in order to
106.8 target resources to prevent foreclosure.

106.9 Sec. 4. Minnesota Statutes 2006, section 462A.21, subdivision 8b, is amended to read:

106.10 Subd. 8b. **Family rental housing.** It may establish a family rental housing
106.11 assistance program to provide loans or direct rental subsidies for housing for families
106.12 with incomes of up to 80 percent of state median income, or to provide grants for the
106.13 operating cost of public housing. Priority must be given to those developments with
106.14 resident families with the lowest income. The development may be financed by the
106.15 agency or other public or private lenders. Direct rental subsidies must be administered by
106.16 the agency for the benefit of eligible families. Financial assistance provided under this
106.17 subdivision to recipients of aid to families with dependent children must be in the form
106.18 of vendor payments whenever possible. Loans, grants, and direct rental subsidies under
106.19 this subdivision may be made only with specific appropriations by the legislature. The
106.20 limitations on eligible mortgagors contained in section 462A.03, subdivision 13, do not
106.21 apply to loans for the rehabilitation of existing housing under this subdivision.

106.22 Sec. 5. Minnesota Statutes 2006, section 462A.33, subdivision 3, is amended to read:

106.23 Subd. 3. **Contribution requirement.** Fifty percent of the funds appropriated for
106.24 this section must be used for challenge grants or loans ~~which meet the requirements of this~~
106.25 ~~subdivision~~ for housing proposals with financial or in-kind contributions from nonstate
106.26 resources that reduce the need for deferred loan or grant funds from state resources. ~~These~~
106.27 Challenge grants or loans must be used for economically viable homeownership or rental
106.28 housing proposals that:

106.29 ~~(1) include a financial or in-kind contribution from an area employer and either a unit~~
106.30 ~~of local government or a private philanthropic, religious, or charitable organization; and~~
106.31 ~~(2) address the housing needs of the local work force.~~

106.32 Among comparable proposals, preference must be given to proposals that include
106.33 contributions from nonstate resources for the greatest portion of the total development
106.34 cost. Comparable proposals with contributions from local units of government or private
107.1 philanthropic, religious, or charitable organizations must be given preference in awarding
107.2 grants or loans.

107.3 For the purpose of this subdivision, ~~an employer~~ a contribution may consist partially
107.4 or wholly of the premium paid for federal housing tax credits.

107.5 ~~Preference for grants and loans shall also be given to comparable proposals that~~
107.6 ~~include a financial or in-kind contribution from a unit of local government, an area~~
107.7 ~~employer, and a private philanthropic, religious, or charitable organization.~~

107.8 Sec. 6. Minnesota Statutes 2006, section 469.021, is amended to read:

107.9 **469.021 PREFERENCES.**

107.10 As between applicants equally in need and eligible for occupancy of a dwelling
107.11 and at the rent involved, preference shall be given to disabled veterans, persons with
107.12 disabilities, and families of service persons who died in service and to families of veterans.
107.13 In admitting families of low income to dwelling accommodations in any housing project an
107.14 authority shall, as far as is reasonably practicable, give consideration to applications from
107.15 families ~~to which aid for dependent children is payable~~ receiving assistance under chapter
107.16 256J, and to resident families to whom public assistance or supplemental security income
107.17 for the aged, blind, and disabled is payable, when those families are otherwise eligible.

107.18 Sec. 7. **MORTGAGE FORECLOSURE REDUCTION.**

107.19 The commissioner of the Minnesota Housing Finance Agency, in consultation
107.20 with the commissioner of commerce, the attorney general, the Minnesota Mortgage
107.21 Bankers' Association, Legal Services of Minnesota, the Minnesota Mortgage Foreclosure
107.22 Prevention Association, and the Minnesota Sheriffs' Association shall evaluate the
107.23 provisions of Minnesota Statutes, sections 580.04 and 580.041, to determine if corrective
107.24 actions could be taken by the 2008 legislature to reduce mortgage foreclosures in the state.

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ARTICLE 2	JOBS AND ECONOMIC DEVELOPMENT	Page.Ln 2.12
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ARTICLE 9	MINNESOTA HERITAGE	Page.Ln 91.12
ARTICLE 10	HOUSING	Page.Ln 99.16

16C.18 REPORTS.

Subd. 2. **Commissioner of employment and economic development.** The commissioner of employment and economic development shall submit an annual report to the governor and the legislature pursuant to section 3.195 with a copy to the commissioner of administration. This report shall include the following information:

- (1) the efforts undertaken to publicize the provisions of the small business and small targeted group business procurement program during the preceding fiscal year;
- (2) the efforts undertaken to identify small businesses and small targeted group businesses and the efforts undertaken to encourage participation in the targeted group purchasing program;
- (3) the efforts undertaken by the commissioner to remedy the inability of small businesses and small targeted group businesses to perform on potential awards; and
- (4) the commissioner's recommendations for strengthening the small business and small targeted group business procurement program and delivery of services to small businesses.

176.042 INDEPENDENT CONTRACTORS.

Subdivision 1. **General rule; independent contractors are employees.** Except as provided in subdivision 2, every independent contractor doing commercial or residential building construction or improvements in the public or private sector is, for the purpose of this chapter, an employee of any employer under this chapter for whom the independent contractor is performing service in the course of the trade, business, profession, or occupation of that employer at the time of the injury.

Subd. 2. **Exception.** An independent contractor, as described in subdivision 1, is not an employee of an employer for whom the independent contractor performs work or services if the independent contractor meets all of the following conditions:

- (1) maintains a separate business with the independent contractor's own office, equipment, materials, and other facilities;
- (2) holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service based on that work or service in the previous year;
- (3) operates under contracts to perform specific services or work for specific amounts of money and under which the independent contractor controls the means of performing the services or work;
- (4) incurs the main expenses related to the service or work that the independent contractor performs under contract;
- (5) is responsible for the satisfactory completion of work or services that the independent contractor contracts to perform and is liable for a failure to complete the work or service;
- (6) receives compensation for work or service performed under a contract on a commission or per-job or competitive bid basis and not on any other basis;
- (7) may realize a profit or suffer a loss under contracts to perform work or service;
- (8) has continuing or recurring business liabilities or obligations; and
- (9) the success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

268.035 DEFINITIONS.

Subd. 9. **Construction/independent contractor.** A worker doing commercial or residential building construction or improvement, in the public or private sector, performing services in the course of the trade, business, profession, or occupation of the employer, shall be considered an employee and not an "independent contractor" unless the worker meets all the following conditions:

- (1) maintains a separate business with the independent contractor's own office, equipment, materials, and other facilities;
- (2) holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service based on that work or service in the previous year;
- (3) operates under contracts to perform specific services or work for specific amounts of money under which the independent contractor controls the means of performing the services or work;
- (4) incurs the main expenses related to the service or work that the independent contractor performs under contract;

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- (5) is responsible for the satisfactory completion of work or services that the independent contractor contracts to perform and is liable for a failure to complete the work or service;
- (6) receives compensation for work or service performed under a contract on a commission or per job or competitive bid basis and not on any other basis;
- (7) may realize a profit or suffer a loss under contracts to perform work or service;
- (8) has continuing or recurring business liabilities or obligations; and
- (9) the success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

326.01 DEFINITIONS.

Subd. 4. **Special electrician.** The term "special electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, and supervise the installing, altering, or repairing of special classes of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes or for special classes of electrical work who is licensed as such by the Board of Electricity. The scope of any special electrician license created by the board under section 326.242, subdivision 4, shall be limited to that provided for by the rules adopted by the board.

326.242 LICENSES.

Subd. 4. **Special electrician.** Notwithstanding the provisions of subdivisions 1, 2, 6, and 7, the board may by rule provide for the issuance of special electrician licenses empowering the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license certificate. Each licensee shall have had at least two years of experience, acceptable to the board, in each such limited class of work for which the licensee is licensed.

326.45 STATE LICENSE; EXAMINATION; APPLICATION.

The provisions of sections 326.37 to 326.45 which require state licenses to engage in the work or business of plumbing, and the provisions which provide for the examination of applicants for such licenses, shall only apply in cities having a population of 5,000 or more.