

Subd. 7. APPEAL PROCEDURE. An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under chapter 14. The applicant must submit, within 15 days of the receipt of the commissioner's decision, a written request for a hearing. The request for hearing must set forth in detail the reasons why the applicant contends the decision of the commissioner should be reversed or modified. At the hearing, the applicant has the burden of proving that it satisfied the criteria specified in subdivision 2 or the alternative measures or conditions, if any, specified under subdivision 3, except in a proceeding challenging the revocation of a variance or waiver.

Presented to the governor April 11, 2001

Signed by the governor April 13, 2001, 1:55 p.m.

CHAPTER 30—H.F.No. 47

An act relating to economic development; requiring a closed iron mine and related facilities to be maintained for a period of time; providing extra unemployment benefits for certain workers laid off from the LTV Mining Company; providing criteria for future unemployment benefit extensions; amending Minnesota Statutes 2000, section 93.003.

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

Section 1. Minnesota Statutes 2000, section 93.003, is amended to read:

93.003 IRON MINING; CONDITIONS.

Legal authority to mine and process iron ore, a basic irreplaceable natural resource of the people of the state of Minnesota, is subject to the conditions of this section. When the owner or operator of an iron mine or related production or beneficiation facilities determines to discontinue the operation of the mine or facilities for any reason it shall maintain the mine or facilities in salable operating condition for at least ~~one year~~ two years after it discontinues operation in order to allow the state of Minnesota and other interested public and private bodies to seek a new owner and operator. The requirement imposed by this section is a preliminary and permanent requirement on the right of an owner to commence or continue the operation of an iron mine or related facilities. This requirement is enforceable on all owners and operators and successors of owners and operators and shall be enforced by the state in any action in bankruptcy or other litigation that may affect it.

Sec. 2. IRON ORE MINING EXTRA BENEFITS.

Subdivision 1. EXTRA BENEFITS; AVAILABILITY. Extra unemployment benefits are available to an applicant if the applicant was permanently laid off due to lack of work after August 1, 2000, from the LTV Mining Company in St. Louis county, including the LTV Mining Company power plant operation at Taconite Harbor in Cook county.

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Subd. 2. PAYMENT FROM FUND; EFFECT ON EMPLOYER. Extra unemployment benefits are payable from the fund. Extra unemployment benefits shall not affect the future tax rate of a taxpaying employer nor be charged to the reimbursing account of a government or nonprofit employer.

Subd. 3. ELIGIBILITY CONDITIONS. An applicant is eligible to receive extra unemployment benefits under this section for any week during the 95-week period following the effective date of the applicant's benefit account of regular unemployment benefits, as a result of a layoff described under subdivision 1, if:

(1) a majority of the applicant's wage credits were with LTV Mining Company, including the power plant operation at Taconite Harbor in Cook county;

(2) except as provided in subdivision 6, the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to regular unemployment benefits and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week; and

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under Minnesota Statutes, section 268.035, subdivision 21a, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days.

If an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular unemployment benefits.

Subd. 4. WEEKLY AMOUNT OF EXTRA BENEFITS. (a) The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

(b) If an applicant qualifies for a new benefit account in this or any other state, after exhausting regular unemployment benefits as a result of a layoff under subdivision 1 and the weekly benefit amount on that new benefit account is less than the applicant's extra unemployment benefit amount, the applicant shall be entitled to receive a weekly benefit amount under this section equal to the difference between the weekly benefit amount on the new benefit account and the applicant's weekly amount of extra unemployment benefits. If the weekly benefit amount on the new benefit account exceeds the weekly amount of extra unemployment benefits, the applicant

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shall not be entitled to any extra unemployment benefits until the applicant exhausts unemployment benefits on that new benefit account.

Subd. 5. MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS. The maximum amount of extra unemployment benefits available is 26 times the applicant's weekly extra unemployment benefits amount.

Subd. 6. WORKERS' COMPENSATION/DISABILITY INSURANCE OFFSET. (a) An applicant laid off from LTV Mining Company on or after August 1, 2000, who is otherwise eligible for regular or extra unemployment benefits is not subject to the deductible payment provisions of Minnesota Statutes, section 268.085, subdivision 3, paragraph (a), clause (3). Instead, the applicant is subject to the limitations of this subdivision.

(b) An applicant shall not be eligible to receive unemployment benefits for any week with respect to which the applicant is receiving or has received compensation for loss of wages equal to or in excess of the applicant's weekly unemployment benefit amount under:

- (1) the workers' compensation law of this state;
- (2) the workers' compensation law of any other state or similar federal law; or
- (3) any insurance or fund paid in whole or in part by an employer.

If an applicant receives compensation for loss of wages under clauses (1) to (3) that is less than the applicant's weekly unemployment benefit amount, then unemployment benefits requested for that week shall be reduced by the amount of the compensation payment.

(c) An applicant is not ineligible to receive unemployment benefits because the applicant has a claim pending for loss of wages under paragraph (b); however, such a pending claim shall raise an issue of the applicant's ability to work under Minnesota Statutes, section 268.085, subdivision 1, clause (2), that the commissioner shall determine. If the applicant later receives compensation as a result of the pending claim, then that compensation is subject to the provisions of paragraph (b), and shall be subject to recoupment by the commissioner to the extent that the compensation constitutes overpaid unemployment benefits.

(d) If the commissioner intervenes, in accordance with Minnesota Statutes, section 268.18, subdivision 5, in a workers' compensation matter under Minnesota Statutes, section 176.361, in order to recoup overpaid unemployment benefits paid to an applicant laid off under paragraph (a), the commissioner shall not be required to pay any portion of the applicant's attorney fees, and the applicant shall be liable to repay the total amount of the overpaid unemployment benefits.

This subdivision continues in effect until January 1, 2004.

Subd. 7. PROGRAM EXPIRATION. This extra unemployment benefit program expires on January 1, 2004. No extra unemployment benefits shall be paid for any week after the expiration of this program.

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Sec. 3. FINDINGS.

The legislature finds that extra unemployment benefits in addition to those provided for under Minnesota Statutes, chapter 268, may be appropriate in the event of a large layoff only where the following conditions are met:

(1) the employer involved in the layoff has permanently ceased operations and has commenced bankruptcy proceedings;

(2) the community or communities in which the affected employees live is disproportionately affected by the layoff;

(3) the community or communities in which the affected employees live is in a remote location where opportunities for reemployment are limited; and

(4) employees receive extra benefits only while they are making satisfactory progress in an education or job training program.

In cases where these criteria are not fully met, the legislature finds that the availability of benefits should be limited to the amount and duration provided by Minnesota Statutes, chapter 268, including any additional benefits available under Minnesota Statutes, section 268.125.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment and are retroactive to August 1, 2000.

Presented to the governor April 11, 2001

Signed by the governor April 11, 2001, 4:47 p.m.

CHAPTER 31—S.F.No. 274

An act relating to professions; extending the expiration date of the respiratory care practitioner advisory council; providing for cancellation of athletic trainer registration for nonrenewal after two years; amending Minnesota Statutes 2000, sections 147C.35, subdivision 2; and 148.7809, subdivision 4.

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

Section 1. Minnesota Statutes 2000, section 147C.35, subdivision 2, is amended to read:

Subd. 2. **ORGANIZATION.** The advisory council shall be organized and administered under section 15.059. The council expires June 30, ~~2001~~ 2003.

Sec. 2. Minnesota Statutes 2000, section 148.7809, subdivision 4, is amended to read:

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