

Subd. 6. **RECYCLING AND GARBAGE VEHICLES.** (a) Except as provided in paragraph (b), weight restrictions imposed under subdivisions 1 and 2 do not apply to a two-axle vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

(b) Until July 1, 2005, weight restrictions imposed under subdivisions 1 and 2 do not apply to (1) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling as described in paragraph (a), or (2) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21, while engaged in such collection.

(c) Notwithstanding section 169.80, subdivision 1, a violation of weight restrictions imposed under subdivisions 1 and 2 by a vehicle designed and used exclusively for recycling while engaged in recycling in a political subdivision that mandates curbside recycling pickup while engaged in such collection, or by a vehicle that is designed and used exclusively for collecting mixed municipal solid waste as defined in section 115A.03, subdivision 21, while engaged in such collection, is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871.

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

Presented to the governor May 14, 2004

Signed by the governor May 18, 2004, 4:35 p.m.

#### CHAPTER 206—H.F.No. 2386

*An act relating to state government; merging the Department of Economic Security and the Department of Employment and Economic Development; making corresponding technical and housekeeping changes; amending Minnesota Statutes 2002, sections 3.922, subdivision 10; 15.0591, subdivision 2; 116J.01, subdivisions 4, 5; 116J.035, subdivision 2; 116J.551; 116J.64, subdivisions 4, 5, 7, 8, 9, by adding a subdivision; 119A.46, subdivision 8; 144.9503, subdivision 1; 171.321, subdivision 2; 181.73, subdivision 1; 216C.10; 242.39, subdivision 3; 246.56, subdivision 1; 256J.08, subdivision 52; 268.001; 268.0111, subdivision 4; 268.0122, subdivision 1; 268.29; 268.66, as amended; 268.665, as amended; 268.976, subdivision 2; 268A.01, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.01; 15.057; 15.06, subdivision 1; 15A.0815, subdivision 2; 16C.05, subdivision 3; 116J.011; 116J.401; 116J.64, subdivision 6; 116J.966, subdivision 1; 116J.980, subdivision 1; 116J.994, subdivisions 9, 10; 116M.15, subdivision 1; 248.07, subdivision 8; 256.482, subdivision 1; 256C.233, subdivision 1; 268.014; 268.022, subdivision 1; 268.363; 462A.04, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 116J, 268A; repealing Minnesota Statutes 2002, sections 116J.036; 116J.414; 268.0111, subdivisions 1, 2, 3a, 4a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 2, 5, 6; 268.027; 268.028; 268.26, subdivisions 2, 3; 268.361, subdivision 3; 268.3661; 268.551;*

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268.552; 268.56, subdivision 2; 268.561, subdivision 10; 268.61, subdivision 2; 268.65, subdivisions 1, 3, 4, 5; 268.666, subdivision 5; 268.89; 268.918; 268.95, subdivisions 1, 2, 3, 5; Minnesota Statutes 2003 Supplement, sections 268.0122, subdivision 3; 268.029; 268.26, subdivision 1; 268.65, subdivision 2; 268.95, subdivision 4; 268.976, subdivision 1; Laws 2001, chapter 175, section 49; Minnesota Rules, parts 3300.0050; 3301.0180; 3301.0190; 3301.0200; 3301.0210; 3301.0220; 3301.0230; 3310.2903; 3310.2904; 3310.2905, subpart 1; 3310.2906; 3310.2907; 3310.2909; 3310.2918; 3315.0100; 3315.0202; 3315.0501, subparts 3, 4, 5; 3315.0510; 3315.0530, subpart 1; 3315.0535; 3315.0545; 3315.0555, subpart 5; 3315.0915; 3315.0920; 3315.1005, subpart 2; 3315.1015; 3315.1301, subparts 3, 6; 3315.1305; 3315.1310; 3315.1650, subpart 1; 3315.2410; 3315.2610; 3315.2750; 3315.2810, subparts 1, 3; 3315.3220, subpart 4; 3320.0010; 3320.0020; 3320.0030; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240; 7380.0500; 7380.0510; 7380.0520; 7380.0530; 7380.0540; 7380.0550; 7380.0560; 7380.0570; 7380.0580; 7380.0581; 7380.0582; 7380.0600; 7380.0610; 7380.0620; 7380.0630; 7380.0640; 7380.0650; 7380.0800; 7380.0810; 7380.0820; 7380.0830; 7380.0840.

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

Section 1. Minnesota Statutes 2002, section 3.922, subdivision 10, is amended to read:

Subd. 10. **RULEMAKING.** Notwithstanding section 116J.64, subdivision 7, or other law, the council does not have authority to adopt, amend, or repeal rules or to adjudicate contested cases or appeals. Rules adopted before July 1, 2001, may continue in effect until amended or repealed by law.

Sec. 2. Minnesota Statutes 2003 Supplement, section 15.01, is amended to read:

**15.01 DEPARTMENTS OF THE STATE.**

The following agencies are designated as the departments of the state government: the Department of Administration; the Department of Agriculture; the Department of Commerce; the Department of Corrections; the Department of Education; the Department of Economic Security; the Department of Employment and Economic Development; the Department of Finance; the Department of Health; the Department of Human Rights; the Department of Labor and Industry; the Department of Military Affairs; the Department of Natural Resources; the Department of Employee Relations; the Department of Public Safety; the Department of Human Services; the Department of Revenue; the Department of Transportation; the Department of Veterans Affairs; and their successor departments.

Sec. 3. Minnesota Statutes 2003 Supplement, section 15.057, is amended to read:

**15.057 PUBLICITY REPRESENTATIVES.**

No state department, bureau, or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the Department of Transportation, the Department of Employment and Economic Development, the Game and Fish Division, the Department of Economic Security, and the State Agricultural Society shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This

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section shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

Sec. 4. Minnesota Statutes 2002, section 15.0591, subdivision 2, is amended to read:

Subd. 2. **BODIES AFFECTED.** A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) Advisory Council on Battered Women and Domestic Abuse;
- (2) Advisory Task Force on the Use of State Facilities;
- (3) Alcohol and Other Drug Abuse Advisory Council;
- (4) Board of Examiners for Nursing Home Administrators;
- (5) Board on Aging;
- (6) Chiropractic Examiners Board;
- (7) ~~Consumer Advisory Council on Vocational Rehabilitation;~~
- (8) (7) Council on Disability;
- (9) (8) Council on Affairs of Chicano/Latino People;
- (10) (9) Council on Black Minnesotans;
- (11) (10) Dentistry Board;
- (12) ~~Department of Economic Security Advisory Council;~~
- (13) (11) Higher Education Services Office;
- (14) (12) Housing Finance Agency;
- (15) (13) Indian Advisory Council on Chemical Dependency;
- (16) (14) Medical Practice Board;
- (17) (15) Medical Policy Directional Task Force on Mental Health;
- (18) ~~Minnesota Employment and Economic Development Task Force;~~
- (19) (16) Minnesota State Arts Board;
- (20) (17) Nursing Board;
- (21) (18) Optometry Board;
- (22) (19) Pharmacy Board;
- (23) (20) Board of Physical Therapy;
- (24) (21) Podiatry Board;

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~~(25)~~ (22) Psychology Board;

~~(26)~~ (23) Veterans Advisory Committee.

Sec. 5. Minnesota Statutes 2003 Supplement, section 15.06, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** This section applies to the following departments or agencies: the Departments of Administration, Agriculture, Commerce, Corrections, ~~Economic Security~~, Education, Employee Relations, Employment and Economic Development, Finance, Health, Human Rights, Labor and Industry, Natural Resources, Public Safety, Human Services, Revenue, Transportation, and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the Office of Commissioner of Iron Range Resources and Rehabilitation; the Bureau of Mediation Services; and their successor departments and agencies. The heads of the foregoing departments or agencies are "commissioners."

Sec. 6. Minnesota Statutes 2003 Supplement, section 15A.0815, subdivision 2, is amended to read:

Subd. 2. **GROUP I SALARY LIMITS.** The salaries for positions in this subdivision may not exceed 95 percent of the salary of the governor:

Commissioner of administration;  
 Commissioner of agriculture;  
 Commissioner of education;  
 Commissioner of commerce;  
 Commissioner of corrections;  
~~Commissioner of economic security~~;  
 Commissioner of employee relations;  
 Commissioner of finance;  
 Commissioner of health;  
 Executive director, Higher Education Services Office;  
 Commissioner, Housing Finance Agency;  
 Commissioner of human rights;  
 Commissioner of human services;  
 Executive director, State Board of Investment;  
 Commissioner of labor and industry;  
 Commissioner of natural resources;  
 Director of Office of Strategic and Long-Range Planning;  
 Commissioner, Pollution Control Agency;

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Commissioner of public safety;  
Commissioner of revenue;  
Commissioner of employment and economic development;  
Commissioner of transportation; and  
Commissioner of veterans affairs.

Sec. 7. Minnesota Statutes 2003 Supplement, section 16C.05, subdivision 3, is amended to read:

Subd. 3. **EXCEPTION.** The requirements of subdivision 2 do not apply to contracts of the Department of Employment and Economic Security Development distributing state and federal funds for the purpose of subcontracting the provision of program services to eligible recipients. For these contracts, the commissioner of employment and economic security development is authorized to directly enter into agency contracts and encumber available funds. For contracts distributing state or federal funds pursuant to the federal Economic Dislocation and Worker Adjustment Assistance Act, United States Code, title 29, section 1651 et seq., Workforce Investment Act, United States Code, title 29, section 2911 et seq., or sections 268.9771, 268.978, 268.9781, and 268.9782 section 116L.17, the commissioner of economic security employment and economic development in consultation with the Job Skills Partnership Board is authorized to directly enter into agency contracts with approval of the Workforce Development Council and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner of employment and economic security development shall adopt internal procedures to administer and monitor funds distributed under these contracts. This exception also applies to any contracts entered into by the commissioner of education and the Jobs Skills Partnership Board that were previously entered into by the commissioner of employment and economic security development.

Sec. 8. Minnesota Statutes 2002, section 116J.01, subdivision 4, is amended to read:

Subd. 4. **APPOINTMENT OF DEPUTY COMMISSIONER DIRECTOR OF THE OFFICE OF TOURISM.** ~~The deputy commissioner director~~ of the Office of Tourism shall be appointed by the governor. ~~The deputy commissioner director~~ is under the supervision of the commissioner and serves in the unclassified service.

Sec. 9. Minnesota Statutes 2002, section 116J.01, subdivision 5, is amended to read:

Subd. 5. **DEPARTMENTAL ORGANIZATION.** (a) The commissioner shall organize the department as provided in section 15.06.

(b) The commissioner may establish divisions and offices within the department. The commissioner may employ four deputy commissioners in the unclassified service. One deputy must direct the Minnesota Trade Office and must be experienced and knowledgeable in matters of international trade. One must direct the Office of Tourism

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and be knowledgeable in matters of tourism.

(c) The commissioner shall:

(1) employ assistants and other officers, employees, and agents that the commissioner considers necessary to discharge the functions of the commissioner's office;

(2) define the duties of the officers, employees, and agents, and delegate to them any of the commissioner's powers, duties, and responsibilities, subject to the commissioner's control and under conditions prescribed by the commissioner.

(d) The commissioner shall ensure that there are at least three ~~trade~~ employment and economic development officers in state offices in nonmetropolitan areas of the state who will work with local units of government on developing local ~~trade~~ employment and economic development.

Sec. 10. Minnesota Statutes 2003 Supplement, section 116J.011, is amended to read:

**116J.011 MISSION.**

The mission of the Department of Employment and Economic Development is to employ all of the available state government resources to facilitate an economic environment that produces net new job growth in excess of the national average, to improve the quality of existing jobs, and to increase nonresident and resident tourism revenues while improving the quality of the state workforce. These actions will support the economic success of Minnesota individuals, businesses, and communities by providing opportunities for growth. It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

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Sec. 11. Minnesota Statutes 2002, section 116J.035, subdivision 2, is amended to read:

Subd. 2. **RULES.** The commissioner may adopt rules pursuant to chapter 14 as necessary to carry out the commissioner's duties and responsibilities pursuant to this chapter.

Sec. 12. Minnesota Statutes 2003 Supplement, section 116J.401, is amended to read:

#### 116J.401 POWERS AND DUTIES.

The commissioner of employment and economic development shall:

(1) provide regional development commissions, the Metropolitan Council, and units of local government with information, technical assistance, training, and advice on using federal and state programs;

(2) receive and administer the Small Cities Community Development Block Grant Program authorized by Congress under the Housing and Community Development Act of 1974, as amended;

(3) receive and administer the section 107 technical assistance program grants authorized by Congress under the Housing and Community Development Act of 1974, as amended;

(4) receive and administer grants for the Minnesota Jail Resource Center authorized by Congress under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(5) receive and, administer, and supervise other state and federal grants and grant programs for planning, community affairs, community development purposes, employment and training services and other state and federal programs assigned to the department by law or by the governor in accordance with section 4.07; and

(6) (5) receive applications for state and federal grants and grant programs for planning, community affairs, and community development purposes, and other state and federal programs assigned to the department by law or by the governor in accordance with section 4.07;

(6) act as the agent of, and cooperate with, the federal government in matters of mutual concern, including the administration of any federal funds granted to the state to aid in the performance of functions of the commissioner;

(7) provide consistent, integrated employment and training services across the state;

(8) administer the Wagner-Peyser Act, the Workforce Investment Act, and other federal employment and training programs;

(9) establish the standards for all employment and training services administered under this chapter and chapters 116L, 248, 268, and 268A;

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(10) administer the aspects of the Minnesota family investment program, general assistance, and food stamps that relate to employment and training services, subject to the contract under section 268.86, subdivision 2;

(11) obtain reports from local service units and service providers for the purpose of evaluating the performance of employment and training services;

(12) as requested, certify employment and training services, and decertify services that fail to comply with performance criteria according to standards established by the commissioner;

(13) develop standards for the contents and structure of the local service unit plans and plans for Indian tribe employment and training services, review and comment on those plans, and approve or disapprove the plans;

(14) supervise the county boards of commissioners, local service units, and any other units of government designated in federal or state law as responsible for employment and training programs;

(15) establish administrative standards and payment conditions for providers of employment and training services;

(16) enter into agreements with Indian tribes as necessary to provide employment and training services as appropriate funds become available;

(17) cooperate with the federal government and its employment and training agencies in any reasonable manner as necessary to qualify for federal aid for employment and training services and money;

(18) administer and supervise all forms of unemployment insurance provided for under federal and state laws;

(19) provide current state and substate labor market information and forecasts, in cooperation with other agencies;

(20) require all general employment and training programs that receive state funds to make available information about opportunities for women in nontraditional careers in the trades and technical occupations;

(21) consult with the rehabilitation council for the blind on matters pertaining to programs and services for the blind and visually impaired;

(22) enter into agreements with other departments of the state and local units of government as necessary; and

(23) establish and maintain administrative units necessary to perform administrative functions common to all divisions of the department.

Sec. 13. Minnesota Statutes 2002, section 116J.551, is amended to read:

**116J.551 CREATION OF ACCOUNT ACCOUNTS.**

**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,

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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.

Subd. 2. REVOLVING LOAN ACCOUNT. A revolving loan account is created in a special revenue fund for the Minnesota cleanup revolving loan fund, funded by the United States Environmental Protection Agency. Money in the account may be invested by the State Board of Investment. Money in the account must be used to provide loans and grants in accordance with section 116J.559 and the Brownfields Revitalization and Environmental Restoration Act of 2001, Public Law 107-118, title II, under the authority of the United States Environmental Protection Agency, and to pay for the commissioner's cost in reviewing applications and making loans and/or grants.

Sec. 14. **[116J.559] LOANS.**

The commissioner may provide loans and grants that meet the criteria of the Brownfields Revitalization and Environmental Restoration Act of 2001, Public Law 107-118, title II, under the authority of the United States Environmental Protection Agency, from the account established in section 116J.551, subdivision 2. The commissioner shall prioritize the projects pursuant to section 116J.555.

Sec. 15. Minnesota Statutes 2002, section 116J.64, subdivision 4, is amended to read:

Subd. 4. "Tribal council government" means the reservation business committee, board of trustees, tribal council, federally recognized tribal entity, or equivalent duly constituted tribal authority.

Sec. 16. Minnesota Statutes 2002, section 116J.64, subdivision 5, is amended to read:

Subd. 5. "Agency" means the Indian Affairs Council Department of Employment and Economic Development.

Sec. 17. Minnesota Statutes 2002, section 116J.64, is amended by adding a subdivision to read:

Subd. 5a. "Eligible organization" means any organization approved by a tribal government to administer its portion of the Indian business loan fund allotted to the tribal government.

Sec. 18. Minnesota Statutes 2003 Supplement, section 116J.64, subdivision 6, is amended to read:

Subd. 6. (a) The remaining 20 percent of the tax revenue received by the county auditor under section 273.165, subdivision 1, shall be remitted by the county auditor to the commissioner of finance and shall be deposited in an account in the special revenue fund. The account is established under the jurisdiction and control of the agency, which may engage in a business loan program for ~~American~~ Indians as that term is defined in subdivision 2.

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(b) The tribal councils governments or eligible organization may administer the account, provided that, before making any eligible loans, each tribal council government must submit to the agency, for its review and approval, a plan for that council's government's loan program which specifically describes, as to that program, its content, the application and reporting forms, utilization of money, administration, operation, implementation, and other matters required by the agency. The plan may provide for the tribal government to contract with an eligible organization to administer its loan program.

(c) All such programs plans must provide for a reasonable balance in the distribution of money appropriated pursuant to this section to make business loans between Indians residing on and off the reservations within the state. Each tribal government may allocate all, or a portion of, the funds in its account to one or more other tribal governments for purposes of making eligible loans. As a condition to the making of such eligible loans, the tribal councils governments shall enter into a loan agreement and other contractual arrangements with the agency to carry out this chapter, and shall agree that all official books and records relating to the business loan program shall be subject to audit by the legislative auditor in the same manner prescribed for agencies of state government.

(d) Whenever money is appropriated by the commissioner of finance to the agency solely for the purposes in this subdivision, the agency shall record in the Indian business loan account the receipt and disbursement of the money and of the income, gain and loss from the investment and reinvestment of the money.

Sec. 19. Minnesota Statutes 2002, section 116J.64, subdivision 7, is amended to read:

Subd. 7. (a) An Indian desiring a loan for the purpose of starting a business enterprise, or expanding an existing business, or for technical and management assistance, shall make application to the Indian Affairs Council appropriate tribal government. The Indian Affairs Council shall prescribe the necessary forms and advise the prospective borrower as to the conditions under which the application may be expected to receive favorable consideration. The application shall be forwarded to the appropriate tribal council eligible organization, if it is participating in the program, for approval or disapproval, and shall be consideration in conformity with the plans submitted by said tribal councils governments. The tribal government may approve the application if it determines that the loan would advance the goals of the Indian business loan program. If the tribal council government is not participating in the program, the Indian Affairs Council agency may directly administer approve or deny the loan application.

(b) If the application is approved, the Indian Affairs Council tribal government shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of finance the agency, who shall draw cause a warrant to be drawn in favor of the applicable tribal council or the Indian Affairs Council government, or the agency, if it is administering the loan, with appropriate notations identifying the borrower. The tribal council or the Indian Affairs Council, if it is administering the

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loan, shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the Indian Affairs Council.

(c) The tribal council or the Indian Affairs Council government, eligible organization, or the agency, if it is administering the loan, shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. The interest rate on a loan shall be established by the tribal government or the agency, but may be no less than two percent per annum nor more than ten percent per annum. When any portion of a debt is repaid, the tribal council or the Indian Affairs Council government, eligible organization, or the agency, if it is administering the loan, shall remit the amount so received plus interest paid thereon to the commissioner of finance through the Indian Affairs Council agency. The amount so received shall be credited to the Indian business loan account. The tribal council or the Indian Affairs Council, if it is administering the loan, shall secure a fidelity bond from a surety company, in favor of the commissioner of finance, in an amount equal to the maximum amount to the credit of its loan account during the fiscal year.

(d) On the placing of a loan, additional money equal to ten percent of the total amount made available to any tribal council or the Indian Affairs Council government, eligible organization, or the agency, if it is administering the loan, for loans during the fiscal year shall be paid to the council tribal government, eligible organization, or the agency, prior to December 31 for the purpose of financing administrative costs.

Sec. 20. Minnesota Statutes 2002, section 116J.64, subdivision 8, is amended to read:

Subd. 8. Loans made under subdivision 7 shall be limited to a period of 20 ten years, if made for the purpose of financing nonreal estate purchases. Loans made for the purpose of financing real estate purchases, where such real property is to be used for nonresidential purposes only, shall be limited to a period of 40 20 years, and shall be a lien on the real property so acquired. Under no circumstances shall the state take a position junior to third lien. In instances where it is impossible or undesirable to secure a lien against real property, the state may secure a lien against personal property for an amount equal to, or greater than, the face value of the loan to ensure that adequate collateral is provided.

Sec. 21. Minnesota Statutes 2002, section 116J.64, subdivision 9, is amended to read:

Subd. 9. Any person misrepresenting facts regarding the Indian ancestry of a prospective borrower for the purpose of securing a loan under subdivision 7, whether such borrower be is an individual, partnership or corporation, shall be guilty of a gross misdemeanor.

Sec. 22. Minnesota Statutes 2003 Supplement, section 116J.966, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and

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

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

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

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

(4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses 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 or the Minnesota World Trade Center.

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

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Sec. 23. Minnesota Statutes 2003 Supplement, section 116J.980, subdivision 1, is amended to read:

Subdivision 1. **DUTIES.** The Department of Employment and Economic Development shall:

(1) be responsible for administering all state community development and assistance programs, including the economic recovery account, ~~the outdoor recreation grant program~~; the rural development programs, the Minnesota Public Facilities Authority loan and grant programs, and the enterprise zone program;

(2) be responsible for state administration of federally funded community development and assistance programs, including the small cities development grant program, the Minnesota cleanup revolving loan fund program created under the Brownfields Revitalization and Environmental Restoration Act of 2001, Public Law 107-118, title II, under the authority of the United States Environmental Protection Agency, and land and water conservation program programs;

(3) provide technical assistance to rural communities for community development in cooperation with regional development commissions;

(4) coordinate the development and review of state rural development policies; and

(5) be responsible for coordinating community assistance and development programs in cooperation with regional development commissions.

Sec. 24. Minnesota Statutes 2003 Supplement, section 116J.994, subdivision 9, is amended to read:

Subd. 9. **COMPILATION AND SUMMARY REPORT.** The Department of Employment and Economic Development must publish a compilation and summary of the results of the reports for the previous two calendar year years by August December 1 of 2004 and every other year thereafter. ~~The reports of the government agencies to the department and the compilation and summary report of the department must be made available to the public.~~

The commissioner must coordinate the production of reports so that useful comparisons across time periods and across grantors can be made. The commissioner may add other information to the report as the commissioner deems necessary to evaluate business subsidies. Among the information in the summary and compilation report, the commissioner must include:

- (1) total amount of subsidies awarded in each development region of the state;
- (2) distribution of business subsidy amounts by size of the business subsidy;
- (3) distribution of business subsidy amounts by time category;
- (4) distribution of subsidies by type and by public purpose;

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- (5) percent of all business subsidies that reached their goals;
- (6) percent of business subsidies that did not reach their goals by two years from the benefit date;
- (7) total dollar amount of business subsidies that did not meet their goals after two years from the benefit date;
- (8) percent of subsidies that did not meet their goals and that did not receive repayment;
- (9) list of recipients that have failed to meet the terms of a subsidy agreement in the past five years and have not satisfied their repayment obligations;
- (10) number of part-time and full-time jobs within separate bands of wages; and
- (11) benefits paid within separate bands of wages.

Sec. 25. Minnesota Statutes 2003 Supplement, section 116J.994, subdivision 10, is amended to read:

Subd. 10. **COMPILATION.** The Department of Employment and Economic Development must publish a compilation of granting agencies' criteria policies adopted in the previous two calendar years by ~~August~~ December 1 of 2004 and every other year thereafter.

Sec. 26. Minnesota Statutes 2003 Supplement, section 116M.15, subdivision 1, is amended to read:

Subdivision 1. **CREATION; MEMBERSHIP.** The Urban Initiative Board is created and consists of the ~~commissioners~~ commissioner of employment and economic development and ~~economic security~~, the chair of the Metropolitan Council, and eight members from the general public appointed by the governor. Six of the public members must be representatives from minority business enterprises. No more than four of the public members may be of one gender. All public members must be experienced in business or economic development.

Sec. 27. Minnesota Statutes 2002, section 119A.46, subdivision 8, is amended to read:

Subd. 8. **TESTING AND EVALUATION.** (a) Testing of the environment is not necessary by swab teams whose work is assigned by the commissioner of health or a designated board of health under section 144.9504. The commissioner of health or designated board of health must share the analytical testing data collected on each residence for purposes of secondary prevention under section 144.9504 with the swab team workers in order to provide constructive feedback on their work and to the commissioner for the purposes set forth in paragraph (c).

(b) For purposes of primary prevention evaluation, the following samples must be collected: pretesting and posttesting of one noncarpeted floor dust lead sample and a notation of the extent and location of bare soil and of deteriorated lead-based paint. The analytical testing data collected on each residence for purposes of primary prevention

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under section 144.9503 must be shared with the swab team workers in order to provide constructive feedback on their work and to the commissioner for the purposes set forth in paragraph (c).

(c) The commissioner of health must establish a program in cooperation with the commissioner to collect appropriate data as required under paragraphs (a) and (b), in order to conduct an ongoing evaluation of swab team services for primary and secondary prevention. Within the limits of available appropriations, the commissioner of health must conduct or contract with the commissioner, on up to 1,000 residences which have received primary or secondary prevention swab team services, a postremediation evaluation, on at least a quarterly basis for a period of at least two years for each residence. The evaluation must note the condition of the paint within the residence, the extent of bare soil on the grounds, and collect and analyze one noncarpeted floor dust lead sample. The data collected must be evaluated to determine the efficacy of providing swab team services as a method of reducing lead exposure in young children. In evaluating this data, the commissioner of health must consider city size, community location, historic traffic flow, soil lead level of the property by area or census tract, distance to industrial point sources that emit lead, season of the year, age of the housing, age and number of children living at the residence, the presence of pets that move in and out of the residence, and other relevant factors as the commissioner of health may determine. ~~This evaluation of the swab team program may be paid from amounts appropriated to the Department of Economic Security for providing swab team services.~~

Sec. 28. Minnesota Statutes 2002, section 144.9503, subdivision 1, is amended to read:

Subdivision 1. **PRIMARY PREVENTION PROGRAM.** The commissioner shall develop and maintain a primary prevention program to reduce lead exposure in young children and pregnant women. A board of health serving a city of the first class shall determine areas at high risk for toxic lead exposure before doing primary prevention lead hazard reduction activities. The program shall provide primary prevention lead education materials, promote primary prevention swab team services in cooperation with the commissioner of economic security or housing finance, provide lead cleanup equipment and material grants as funding allows, monitor regulated lead work, and develop and maintain lead-safe practices in cooperation with the commissioner of administration.

Sec. 29. Minnesota Statutes 2002, section 171.321, subdivision 2, is amended to read:

Subd. 2. **RULES.** (a) The commissioner of public safety shall prescribe rules governing the physical qualifications of school bus drivers and tests required to obtain a school bus endorsement. The rules must provide that an applicant for a school bus endorsement or renewal is exempt from the physical qualifications and medical examination required to operate a school bus upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal

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Regulations, title 49, part 391, subpart E, or rules of the commissioner of transportation incorporating those federal regulations. The commissioner shall accept physical examinations for school bus drivers conducted by medical examiners authorized as provided by Code of Federal Regulations, title 49, chapter 3, part 391, subpart E.

(b) The commissioner of public safety, in conjunction with the commissioner of economic security education, shall adopt rules prescribing a training program for Head Start bus drivers. The program must provide for initial classroom and behind-the-wheel training, and annual in-service training. The program must provide training in defensive driving, human relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use of safety equipment. The program must provide that the training will be conducted by the contract operator for a Head Start agency, the Head Start grantee, a licensed driver training school, or by another person or entity approved by both commissioners.

Sec. 30. Minnesota Statutes 2002, section 181.73, subdivision 1, is amended to read:

Subdivision 1. Any person, association, organization, or other group employing five or more persons, full time, part time or otherwise, who come within the definition of recruited migrant laborers as hereafter defined and who are employed or are recruited to be employed in the processing of agricultural produce other than as field labor, shall provide at its expense health care insurance during the period of employment or for illness or injury incurred while employed. Such health care insurance shall be in accordance with such rules as the commissioner of economic security labor and industry may prescribe by rule for each such recruited migrant laborer who is not a resident of Minnesota and who does not have health care insurance meeting the requirements of the rules promulgated by the commissioner of economic security labor and industry.

Sec. 31. Minnesota Statutes 2002, section 216C.10, is amended to read:

#### 216C.10 COMMISSIONER POWERS.

(a) The commissioner may:

(1) adopt rules under chapter 14 as necessary to carry out the purposes of sections 216C.05 to 216C.30;

(2) make all contracts under sections 216C.05 to 216C.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept, and disburse any grant intended for the administration of sections 216C.05 to 216C.30;

(3) provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;

(4) administer for the state, energy programs under federal law, regulations, or guidelines, ~~except for the low-income home energy assistance program and low-income weatherization programs administered by the Department of Economic Security~~, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions;

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(5) develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and marketing strategies;

(6) perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery;

(7) assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects;

(8) manage and disburse funds made available for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the commissioner;

(9) intervene in certificate of need proceedings before the Public Utilities Commission;

(10) collect fees from recipients of loans, grants, or other financial aid from money received from litigation or settlement of alleged violations of federal petroleum-pricing regulations, which fees must be used to pay the department's costs in administering those financial aids; and

(11) collect fees from proposers and operators of conservation and other energy-related programs that are reviewed, evaluated, or approved by the department, other than proposers that are political subdivisions or community or nonprofit organizations, to cover the department's cost in making the reviewal, evaluation, or approval and in developing additional programs for others to operate.

(b) Notwithstanding any other law, the commissioner is designated the state agent to apply for, receive, and accept federal or other funds made available to the state for the purposes of sections 216C.05 to 216C.30.

Sec. 32. Minnesota Statutes 2002, section 242.39, subdivision 3, is amended to read:

Subd. 3. **COOPERATION; TYPES OF PROGRAMS.** The commissioner of corrections shall work with the commissioner of natural resources, the commissioner of ~~economic security~~ public safety, local government and nonprofit agencies, educational institutions, and the courts to design and develop suitable juvenile restitution grant programs. Programs must provide services to communities, including but not necessarily limited to, park maintenance, recycling, and other related work. Eligible juveniles may earn monetary restitution on behalf of a victim or perform a service for the victim. Work performed by eligible juveniles must not result in the displacement of currently employed full- or part-time workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Any monetary restitution earned by an eligible juvenile must either be forwarded to the victim or held in an account for the benefit of the victim.

Sec. 33. Minnesota Statutes 2002, section 246.56, subdivision 1, is amended to read:

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Subdivision 1. **THERAPEUTIC WORK ACTIVITIES.** The commissioner of human services is hereby authorized to establish, ~~subject to the approval of the commissioner of economic security,~~ work activity programs for the purpose of providing therapeutic work activities for regional treatment center patients with mental illness and regional treatment center residents with mental retardation. Work activity programs may be established for the provision of services and for the manufacture, processing and repairing of goods, wares, and merchandise. Work activity programs may be located on the grounds of the regional treatment center or at work sites in the community. In establishing services the commissioner shall cooperate with existing agencies to avoid duplication of available services to the extent feasible.

Sec. 34. Minnesota Statutes 2003 Supplement, section 248.07, subdivision 8, is amended to read:

Subd. 8. **USE OF REVOLVING FUND, LICENSES FOR OPERATION OF VENDING MACHINES.** The revolving fund created by Laws 1947, chapter 535, section 5, is continued as provided in this subdivision and shall be known as the revolving fund for vocational rehabilitation of the blind. It shall be used for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into the fund. All interest earned on money accrued in the fund must be credited to the fund by the commissioner of finance. All equipment, supplies, and expenses for setting up these stands shall be paid for from the fund. Authority is hereby given to the commissioner to use the money available in the revolving fund that originated as operational charges to individuals licensed under this subdivision for the establishment, operation, and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of equipment; (2) expenses incidental to the setting up of new stands and improvement of old stands; (3) reimbursement under section 15.059 to individual blind vending operators for reasonable expenses incurred in attending supervisory meetings as called by the commissioner and other expenditures for management services consistent with federal law; and (4) purchase of fringe benefits for blind vending operators and their employees such as group health insurance, retirement program, vacation or sick leave assistance provided that the purchase of any fringe benefit is approved by a majority vote of blind vending operators licensed pursuant to this subdivision after the commissioner provides to each blind vending operator information on all matters relevant to the fringe benefits. "Majority vote" means a majority of blind vending operators voting. Fringe benefits shall be paid only from assessments of operators for specific benefits, gifts to the fund for fringe benefit purposes, and vending income which is not assignable to an individual stand.

Money originally deposited as merchandise and supplies repayments by individuals licensed under this subdivision may be expended for initial and replacement stocks of supplies and merchandise. Money originally deposited from vending income on federal property must be spent consistent with federal law.

All other deposits may be used for the purchase of general liability insurance or any other expense related to the operation and supervision of vending stands.

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The commissioner shall issue each license for the operation of a vending stand or vending machine for an indefinite period but may terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of this preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

Sec. 35. Minnesota Statutes 2003 Supplement, section 256.482, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; MEMBERS.** There is hereby established the Council on Disability which shall consist of 21 members appointed by the governor. Members shall be appointed from the general public and from organizations which provide services for persons who have a disability. A majority of council members shall be persons with a disability or parents or guardians of persons with a disability. There shall be at least one member of the council appointed from each of the state development regions. The commissioners of the Departments of Education, Human Services, Health, ~~Economic Security~~, and Human Rights and the directors of the ~~Division of Rehabilitation Services and State Services for the Blind~~ in the Department of Employment and Economic Development or their designees shall serve as ex officio members of the council without vote. In addition, the council may appoint ex officio members from other bureaus, divisions, or sections of state departments which are directly concerned with the provision of services to persons with a disability.

Notwithstanding the provisions of section 15.059, each member of the council appointed by the governor shall serve a three-year term and until a successor is appointed and qualified. The compensation and removal of all members shall be as provided in section 15.059. The governor shall appoint a chair of the council from among the members appointed from the general public or who are persons with a disability or their parents or guardians. Vacancies shall be filled by the authority for the remainder of the unexpired term.

Sec. 36. Minnesota Statutes 2003 Supplement, section 256C.233, subdivision 1, is amended to read:

Subdivision 1. **DEAF AND HARD-OF-HEARING DIVISION.** The commissioners of human services, education, employment and economic security development, and health shall create a distinct and separate organizational unit to be known as the Deaf and Hard-of-Hearing Services Division to address the developmental, social, educational, and occupational needs of deaf, deaf-blind, and hard-of-hearing persons through a statewide network of collaborative services and by coordinating the promulgation of public policies, regulations, legislation, and programs affecting deaf, deaf-blind, and hard-of-hearing persons. An interdepartmental management team shall ~~supervise~~ advise the activities of the Deaf and Hard-of-Hearing Services Division. The commissioner of human services shall coordinate the work of the interagency management team and receive legislative appropriations for the division.

Sec. 37. Minnesota Statutes 2002, section 256J.08, subdivision 52, is amended to read:

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Subd. 52. **LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM OR LIHEAP.** "Low-income home energy assistance program" or "LIHEAP" means the program authorized under United States Code, title 42, chapter 94, subchapter II, sections 8621 to 8629, and administered by the Minnesota Department of Economic Security Commerce.

Sec. 38. Minnesota Statutes 2002, section 268.001, is amended to read:

**268.001 CITATION; ECONOMIC SECURITY UNEMPLOYMENT INSURANCE LAW.**

This chapter shall be known and may be cited as the "Minnesota Economic Security Unemployment Insurance Law."

Sec. 39. Minnesota Statutes 2002, section 268.0111, subdivision 4, is amended to read:

Subd. 4. **EMPLOYMENT AND TRAINING SERVICES.** "Employment and training services" means programs, activities, and services related to job training, job placement, and job creation including job service programs, Job Training Partnership Workforce Investment Act programs, ~~wage subsidies,~~ job search, counseling, case management, community work experience programs, displaced homemaker programs, disadvantaged job training programs, grant diversion, youth employment programs, conservation corps, apprenticeship programs, community development corporations, ~~economic development programs,~~ workforce development services to employers, and opportunities industrialization centers.

Sec. 40. Minnesota Statutes 2002, section 268.0122, subdivision 1, is amended to read:

Subdivision 1. **STATE AGENCY.** The commissioner of employment and economic security development is designated the "state agency" as defined by United States Code, title 29, section 49c, the Wagner-Peyser Act, as amended through December 31, 1984.

Sec. 41. Minnesota Statutes 2003 Supplement, section 268.014, is amended to read:

**268.014 COOPERATION WITH OTHER STATE AGENCIES.**

To effectively coordinate job training and placement services with future job needs of the state the commissioner shall maintain close liaison, coordination and cooperation with the commissioner of employment and economic development and any other state agency involved in employment issues affecting the state.

Sec. 42. Minnesota Statutes 2003 Supplement, section 268.022, subdivision 1, is amended to read:

Subdivision 1. **DETERMINATION AND COLLECTION OF SPECIAL ASSESSMENT.** (a) In addition to all other taxes, assessments, and payment obligations under chapter 268 amounts due from an employer under the Minnesota unemployment insurance program, each employer, except an employer making

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reimbursements is liable for a special assessment levied at the rate of ~~one-tenth of one percent per year until June 30, 2000, and seven-hundredths of one percent per year on and after July 1, 2000,~~ on all taxable wages, as defined in section 268.035, subdivision 24. The assessment shall become due and be paid by each employer to the department on the same schedule and in the same manner as other taxes amounts due from an employer under section 268.051, subdivision 1.

(b) The special assessment levied under this section shall ~~not affect the computation of any other taxes, assessments, or payment obligations due under this chapter be subject to the same requirements and collection procedures as any amounts due from an employer under the Minnesota unemployment insurance program.~~

Sec. 43. Minnesota Statutes 2002, section 268.29, is amended to read:

**268.29 JUVENILE JUSTICE PROGRAM.**

The governor shall designate the Department of Economic Security Public Safety as the sole agency responsible for supervising the preparation and administration of the state plan for juvenile justice required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The governor shall designate the Juvenile Justice Advisory Committee as the supervisory board for the Department of Economic Security Public Safety with respect to preparation and administration of the state plan and award of grants.

The governor shall appoint members to the Juvenile Justice Advisory Committee in accordance with the membership requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Section 15.059, subdivision 3, governs the compensation of the members.

Sec. 44. Minnesota Statutes 2003 Supplement, section 268.363, is amended to read:

**268.363 ADVISORY COMMITTEE.**

A ~~13-member~~ 12-member advisory committee is established as provided under section 15.059 to assist the commissioner in selecting eligible organizations to receive program grants and evaluating the final reports of each organization. ~~Notwithstanding section 15.059, the advisory committee shall not expire before June 30, 1995.~~ Members of the committee may be reimbursed for expenses but may not receive any other compensation for service on the committee. The advisory committee consists of representatives of the commissioners of education, human services, and employment and economic security development; a representative of the chancellor of the Minnesota State Colleges and Universities; a representative of the commissioner of the Housing Finance Agency; the director of the Office of Jobs Policy; and seven public members appointed by the governor. Each of the following groups must be represented by a public member experienced in working with targeted youth: labor organizations, local educators, community groups, consumers, local housing developers, youth between the ages of 16 and 24 who have a period of homelessness, and other homeless persons. At least three of the public members must be from outside of the metropolitan

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area as defined in section 473.121, subdivision 2. The commissioner may provide staff to the advisory committee to assist it in carrying out its purpose.

Sec. 45. Minnesota Statutes 2002, section 268.66, as amended by Laws 2003, First Special Session chapter 4, section 1, is amended to read:

**268.66 FIRST SOURCE AGREEMENTS.**

Subdivision 1. **LIST OF VACANCIES.** A business or private enterprise receiving grants or loans from the state in amounts over \$200,000 a year shall as part of the grant or loan agree to list any vacant or new positions with the job services of the commissioner of economic security or the local service units state workforce centers.

Subd. 2. **GRANT AND LOAN AGREEMENTS.** The commissioner of employment and economic development shall incorporate the provisions of this section into grant and loan agreements and assist the commissioner of economic security and the local service units to promote private sector listings with job services and to evaluate their effect on employers and individuals who are referred.

Sec. 46. Minnesota Statutes 2002, section 268.665, as amended by Laws 2003, chapter 130, section 12, and Laws 2003, First Special Session chapter 4, section 1, is amended to read:

**268.665 WORKFORCE DEVELOPMENT COUNCIL.**

Subdivision 1. **CREATION.** The governor's Workforce Development Council is created under the authority of the Job Training Partnership Act, United States Code, title 29, section 1501 Workforce Investment Act, United States Code, title 29, section 2911, et seq. Local workforce development councils are authorized under the Job Training Partnership Act, United States Code, title 29, section 1501 and the one stop career center system Workforce Investment Act. The governor's Workforce Development Council serves as Minnesota's Workforce Investment Board for the purposes of the federal Workforce Investment Act.

Subd. 2. **MEMBERSHIP.** The governor's Workforce Development Council is composed of ~~33~~ 31 members appointed by the governor. The members may be removed pursuant to section 15.059. In selecting the representatives of the council, the governor shall ensure that 50 percent of the members come from nominations provided by local workforce councils. Local education representatives shall come from nominations provided by local education to employment partnerships. The ~~33~~ 31 members shall represent the following sectors:

- (a) State agencies: the following individuals shall serve on the council:
  - (1) commissioner of the Minnesota Department of Employment and Economic Security Development;
  - (2) commissioner of the Minnesota Department of Education; and
  - (3) commissioner of the Minnesota Department of Human Services; and
  - (4) ~~commissioner of the Minnesota Department of Employment and Economic Development.~~

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(b) Business and industry: six individuals shall represent the business and industry sectors of Minnesota.

(c) Organized labor: six individuals shall represent labor organizations of Minnesota.

(d) Community-based organizations: four individuals shall represent community-based organizations of Minnesota. Community-based organizations are defined by the Job Training Partnership Workforce Investment Act as private nonprofit organizations that are representative of communities or significant segments of communities and that provide job training services, agencies serving youth, agencies serving individuals with disabilities, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations and organizations serving nonreservation Indians and tribal governments have demonstrated expertise and effectiveness in the field of workforce investment and may include entities that provide job training services, serve youth, serve individuals with disabilities, serve displaced homemakers, union-related organizations, employer-related nonprofit organizations, and organizations serving nonreservation Indians and tribal governments.

(e) Education: six individuals shall represent the education sector of Minnesota as follows:

(1) one individual shall represent local public secondary education;

(2) one individual shall have expertise in design and implementation of school-based service-learning;

(3) one individual shall represent postsecondary education leadership of the University of Minnesota;

(4) one individual shall represent secondary/postsecondary vocational institutions;

(5) the chancellor of the Board of Trustees of the Minnesota State Colleges and Universities; and

(6) one individual shall have expertise in agricultural education.

(f) Other: two individuals shall represent other constituencies including:

(1) units of local government; and

(2) applicable state or local programs.

The speaker and the minority leader of the house of representatives shall each appoint a representative to serve as an ex officio member of the council. The majority and minority leaders of the senate shall each appoint a senator to serve as an ex officio member of the council. ~~After January 1, 1997, the Minnesota director of the Corporation for National Service shall also serve as an ex officio member.~~

(g) Appointment: each member shall be appointed for a term of three years from the first day of January or July immediately following their appointment. Elected officials shall forfeit their appointment if they cease to serve in elected office.

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(h) Members of the council are compensated as provided in section 15.059, subdivision 3.

Subd. 3. **PURPOSE; DUTIES.** The governor's Workforce Development Council shall replace the governor's Job Training Council and assume all of its requirements, duties, and responsibilities, under the Job Training Partnership Act, United States Code, title 29, section 1501, et seq Workforce Investment Act. Additionally, the Workforce Development Council shall assume the following duties and responsibilities:

(a) ~~Coordinate the development, implementation, and evaluation of the statewide education and employment transitions system under section 124D.46. Beginning January 1, 1997, the council shall also coordinate the development, implementation, and evaluation of the Minnesota youth services programs under sections 124D.39 to 124D.44, and the National and Community Services Act of 1993, United States Code, title 42, section 12501, et seq.~~

(b) Review the provision of services and the use of funds and resources under applicable federal human resource programs and advise the governor on methods of coordinating the provision of services and the use of funds and resources consistent with the laws and regulations governing the programs. For purposes of this section, applicable federal and state human resource programs mean the:

(1) Job Training Partnership Act, United States Code, title 29, section 1501 Workforce Investment Act, United States Code, title 29, section 2911, et seq.;

(2) Carl D. Perkins Vocational and Applied Technology Education Act, United States Code, title 20, section 2301, et seq.;

(3) National and Community Service Act of 1993, United States Code, title 42, section 12501, et seq.;

(4) Adult Education Act, United States Code, title 20, section 1201, et seq.;

(5) (4) Wagner-Peyser Act, United States Code, title 29, section 49;

(6) Social Security Act, title IV, part F, (JOBS), United States Code, title 42, section 681, et seq. (5) Personal Responsibility and Work Opportunities Act of 1996 (TANF);

(7) (6) Food Stamp Act of 1977, United States Code, title 7, section 6(d)(4), Food Stamp Employment and Training Program, United States Code, title 7, section 2015(d)(4); and

(8) (7) programs defined in section 268.0111, subdivision 5 ; and

(9) School to Work Opportunity Act of 1994, Public Law 103-239.

Additional federal and state programs and resources can be included within the scope of the council's duties if recommended by the governor after consultation with the council.

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(e) (b) Review federal, state, and local education, postsecondary, job skills training, and youth employment programs, and make recommendations to the governor and the legislature for establishing an integrated seamless system for providing education, ~~service-learning,~~ and work skills development services to learners and workers of all ages.

~~(d)~~ (c) Advise the governor on the development and implementation of statewide and local performance standards and measures relating to applicable federal human resource programs and the coordination of performance standards and measures among programs.

(e) Develop program guidelines and recommend grant approval procedures to the Department of Education for grants to local education and employment transition partnerships, including implementation grants under section 124D.46, grants for youth apprenticeship programs under section 124D.47, and youth employer grants; and

(1) coordinate implementation of the education and employment transitions system under section 124D.46;

(2) (d) promote education and employment transitions programs and knowledge and skills of entrepreneurship among employers, workers, youth, and educators, and encourage employers to provide meaningful work-based learning opportunities;

(3) (e) evaluate and identify exemplary education and employment transitions programs and provide technical assistance to local partnerships to replicate the programs throughout the state;

(4) establish a performance-based quality assurance system for consistent statewide evaluation of the performance of the education and employment transitions system at both the state and local level;

(5) conduct an annual review of each local education and employment transitions partnership to ensure it adequately meets the quality assurance standards established as part of the state quality assurance system;

(6) develop the methods to assess local partnership effectiveness;

(7) annually publish a report on the findings of the evaluations of each local education transitions partnership;

(8) promote knowledge and skills of entrepreneurship among students in kindergarten through grade 12 by sharing information about the ways new business development contributes to a strong economy.

(f) Advise the governor on methods to evaluate applicable federal human resource programs.

(g) Sponsor appropriate studies to identify human investment needs in Minnesota and recommend to the governor goals and methods for meeting those needs.

(h) Recommend to the governor goals and methods for the development and coordination of a human resource system in Minnesota.

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(i) Examine federal and state laws, rules, and regulations to assess whether they present barriers to achieving the development of a coordinated human resource system.

(j) Recommend to the governor and to the federal government changes in state or federal laws, rules, or regulations concerning employment and training programs that present barriers to achieving the development of a coordinated human resource system.

(k) Recommend to the governor and to the federal government waivers of laws and regulations to promote coordinated service delivery.

(l) Sponsor appropriate studies and prepare and recommend to the governor a strategic plan which details methods for meeting Minnesota's human investment needs and for developing and coordinating a state human resource system.

Subd. 3a. **EXECUTIVE COMMITTEE DUTIES.** The executive committee must, with advice and input of local workforce councils and other stakeholders as appropriate, develop performance standards for the state workforce centers. By January 15, 2002, and each odd-numbered year thereafter, the executive committee shall submit a report to the senate and house committees with jurisdiction over workforce development programs regarding the performance and outcomes of the workforce centers. The report must provide recommendations regarding workforce center funding levels and sources, program changes, and administrative changes.

Subd. 4. **SUBCOMMITTEES.** ~~The governor's workforce development council shall appoint an advisory subcommittee the majority of whose members shall represent business and industry to advise the council on the establishment of the statewide education and employment transitions system.~~ The chair of the Workforce Development Council may establish subcommittees in order to carry out the duties and responsibilities of the council.

Subd. 5. **STAFFING.** ~~The Department of Employment and Economic Security Development must provide staff support to the Minnesota Workforce Development Council. The Department of Economic Security and the Department of Education shall jointly staff the Education and Employment Transitions Subcommittee and its activity with the full council.~~ The support includes professional, technical, and clerical staff necessary to perform the duties assigned to the Workforce Development Council. The council may ask for assistance from other units of state government as it requires in order to fulfill its duties and responsibilities.

Subd. 6. **EXPIRATION.** ~~The council expires immediately if it is no longer required by federal law as a condition of receiving federal funding, or if there is no federal funding for the human resource programs within the scope of the council's duties.~~

Sec. 47. Minnesota Statutes 2002, section 268.976, subdivision 2, is amended to read:

Subd. 2. **NOTICE.** (a) The commissioner shall encourage those business establishments considering a decision to effect a plant closing, substantial layoff, or relocation of operations located in this state to give notice of that decision as early as

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possible to the commissioner, the employees of the affected establishment, any employee organization representing the employees, and the local government unit in which the affected establishment is located. This notice shall be in addition to any notice required under the Worker Adjustment and Retraining Notification Act, United States Code, title 29, section 2101.

(b) Notwithstanding section 268.975, subdivision 6, For purposes of this section, "plant closing" means the announced or actual permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding employees who work less than 20 hours per week.

Sec. 48. Minnesota Statutes 2002, section 268A.01, subdivision 5, is amended to read:

Subd. 5. **PERSON WITH A DISABILITY.** "Person with a disability" means a person who because of a substantial physical, mental, or emotional disability requires special services in order to enjoy the benefits of society an "individual with a disability" as defined in the federal Rehabilitation Act of 1973, as amended.

Sec. 49. [268A.085] **REHABILITATION FACILITY BOARDS.**

Subdivision 1. **APPOINTMENT; MEMBERSHIP.** Every city, town, county, nonprofit corporation, or combination thereof establishing a rehabilitation facility shall appoint a rehabilitation facility board of no fewer than nine members before becoming 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.

Subd. 2. **DUTIES.** Subject to the provisions of sections 268A.06 to 268A.15 and the rules of the department, each rehabilitation facility board shall:

New language is indicated by underline, deletions by strikeout.

(1) review and evaluate the need for extended employment programs offered by the rehabilitation facility provided under sections 268A.06 to 268A.15;

(2) recruit and promote local financial support for extended employment programs from private sources including: the United Way; business, industrial, and private foundations; voluntary agencies; and other lawful sources, and promote public support for municipal and county appropriations;

(3) promote, arrange, and implement working agreements with other educational and social service agencies, both public and private, and any other allied agencies; and

(4) when an extended employment program offered by the rehabilitation facility is certified, act as the administrator of the rehabilitation facility and its programs for purposes of this chapter.

Sec. 50. Minnesota Statutes 2003 Supplement, section 462A.04, subdivision 1, is amended to read:

Subdivision 1. **CREATION; MEMBERS.** There is created a public body corporate and politic to be known as the "Minnesota Housing Finance Agency," which shall perform the governmental functions and exercise the sovereign powers delegated to it in this chapter in furtherance of the public policies and purposes declared in section 462A.02. The agency shall consist of the ~~commissioner of employment and economic development~~, state auditor, and ~~five~~ six public members appointed by the governor with advice and consent of the senate. No more than ~~two~~ three public members shall reside in the area of jurisdiction of the Metropolitan Council as provided in section 473.123, subdivision 1, and no more than one public member shall reside in any one of the development regions established under the provisions of sections 462.381 to 462.396. Each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of the member.

Sec. 51. Minnesota Statutes 2003 Supplement, section 462A.04, subdivision 4, is amended to read:

Subd. 4. **CHAIRS.** The chair of the board of directors shall be designated by the governor from among the public members appointed. ~~The vice chair of the board shall be the commissioner of employment and economic development.~~

Sec. 52. **REVISOR INSTRUCTION.**

(a) The revisor of statutes shall substitute "employment and economic development" for "economic security" when the reference refers to the department or commissioner in Minnesota Statutes, sections 3C.12; 4.045; 10A.01; 13.32; 13.43; 13.46; 13.47; 13.475; 13.791; 14.03; 14.3691; 15.39; 16B.181; 16B.54; 16C.10; 16C.15; 116C.772; 116L.04; 119A.04; 119A.15; 119B.011; 124D.375; 124D.49; 124D.52; 125A.023; 125A.28; 125A.59; 144.0525; 145.9266; 176.011; 176.102; 176.181; 176.186; 176.291; 176.361; 245.4705; 245.696; 245.697; 245.771; 248.07; 252.33; 252.431; 256.482; 256.998; 256C.26; 256C.28; 256D.02; 256D.051; 256J.49;

New language is indicated by underline, deletions by ~~strikeout~~.

256J.51; 256J.61; 256J.645; 256J.751; 268.035, subdivisions 8a and 12a; 268.86; 268A.01; 268A.02; 268A.07; 268A.11; 268A.13; 268A.14; 268A.15; 270A.09; 290.92; 363A.06; 363A.20; 375.552; 469.301; 474A.045; 480A.06; 480A.09; 517.08; 518.551; 518.5513; 523.24; and 611A.202.

(b) The revisor of statutes shall substitute “unemployment insurance” for “reemployment insurance” in Minnesota Statutes, section 356.50.

(c) The revisor of statutes shall substitute “unemployment insurance” for “unemployment compensation” in Minnesota Statutes, sections 116J.993; 256B.0952; 256B.421; 256D.051; and 299C.69.

(d) The revisor of statutes shall substitute “unemployment insurance program” for “unemployment insurance program and job service” in Minnesota Statutes, chapter 268.

(e) The revisor of statutes shall substitute “knowingly” for “intentionally” in Minnesota Statutes, chapter 268.

(f) The revisor of statutes shall substitute “rehabilitation services” for “Division of Rehabilitation Services” when referring to the Department of Employment and Economic Development operating unit in Minnesota Statutes, sections 176.102, subdivision 10; 268A.03; 268A.11; and 268A.15.

(g) The revisor of statutes shall substitute “employment and economic development” for “trade and economic development” when referring to the department or commissioner of employment and economic development in Minnesota Statutes, sections 469.005; 473.351; and 473.608.

(h) The revisor of statutes shall change the title of Minnesota Statutes, chapter 116L, to “Workforce Development.”

(i) The revisor of statutes shall renumber each section of Minnesota Statutes specified in column A with the number set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>268.0111, subs. 4 to 9</u>	<u>116L.19, subs. 4 to 9</u>
<u>268.0121, subd. 3</u>	<u>116J.01, subd. 6</u>
<u>268.0121, subd. 4</u>	<u>116J.035, subd. 4</u>
<u>268.0121, subd. 5</u>	<u>116J.035, subd. 5</u>
<u>268.0122, subd. 1</u>	<u>116J.401, subd. 2</u>
<u>268.0122, subd. 4</u>	<u>116J.035, subd. 4</u>
<u>268.0122, subd. 7</u>	<u>116J.401, subd. 3</u>
<u>268.0124</u>	<u>116J.0124</u>
<u>268.0125</u>	<u>116J.0125</u>
<u>268.014</u>	<u>116J.014</u>
<u>268.022</u>	<u>116L.20</u>
<u>268.29</u>	<u>299A.72</u>
<u>268.30</u>	<u>116L.30</u>

**New language is indicated by underline, deletions by strikeout.**

<u>268.361</u>	<u>116L.361</u>
<u>268.362</u>	<u>116L.362</u>
<u>268.3625</u>	<u>116L.3625</u>
<u>268.363</u>	<u>116L.363</u>
<u>268.364</u>	<u>116L.364</u>
<u>268.365</u>	<u>116L.365</u>
<u>268.366</u>	<u>116L.366</u>
<u>268.56</u>	<u>116L.56</u>
<u>268.561</u>	<u>116L.561</u>
<u>268.60</u>	<u>116L.60</u>
<u>268.61</u>	<u>116L.61</u>
<u>268.62</u>	<u>116L.62</u>
<u>268.63</u>	<u>116L.63</u>
<u>268.64</u>	<u>116L.64</u>
<u>268.66</u>	<u>116L.66</u>
<u>268.665</u>	<u>116L.665</u>
<u>268.666</u>	<u>116L.666</u>
<u>268.86</u>	<u>116L.86</u>
<u>268.871</u>	<u>116L.871</u>
<u>268.872</u>	<u>116L.872</u>
<u>268.88</u>	<u>116L.88</u>
<u>268.881</u>	<u>116L.881</u>
<u>268.9165</u>	<u>119A.545</u>
<u>268.96</u>	<u>116L.96</u>
<u>268.976</u>	<u>116L.976</u>

**Sec. 53. REPEALER.**

Subdivision 1. **MINNESOTA STATUTES.** Minnesota Statutes 2002, sections 116J.036; 116J.414; 268.0111, subdivisions 1, 2, 3a, and 4a; 268.0121, subdivisions 1 and 2; 268.0122, subdivisions 2, 5, and 6; 268.027; 268.028; 268.26, subdivisions 2 and 3; 268.361, subdivision 3; 268.3661; 268.551; 268.552; 268.56, subdivision 2; 268.561, subdivision 10; 268.61, subdivision 2; 268.65, subdivisions 1, 3, 4, and 5; 268.666, subdivision 5; 268.89; 268.918; and 268.95, subdivisions 1, 2, 3, and 5, are repealed. Minnesota Statutes 2003 Supplement, sections 268.0122, subdivision 3; 268.029; 268.26, subdivision 1; 268.65, subdivision 2; 268.95, subdivision 4; and 268.976, subdivision 1, are repealed.

Subd. 2. **LAWS.** Laws 2001, chapter 175, section 49, is repealed.

Subd. 3. **MINNESOTA RULES.** Minnesota Rules, parts 3300.0050; 3301.0180; 3301.0190; 3301.0200; 3301.0210; 3301.0220; 3301.0230; 3310.2903; 3310.2904; 3310.2905, subpart 1; 3310.2906; 3310.2907; 3310.2909; 3310.2918; 3315.0100; 3315.0202; 3315.0501, subparts 3, 4, and 5; 3315.0510; 3315.0530, subpart 1; 3315.0535; 3315.0545; 3315.0555, subpart 5; 3315.0915; 3315.0920; 3315.1005, subpart 2; 3315.1015; 3315.1301, subparts 3 and 6; 3315.1305; 3315.1310; 3315.1650, subpart 1; 3315.2410; 3315.2610; 3315.2750; 3315.2810, subparts 1 and 3; 3315.3220, subpart 4; 3320.0010; 3320.0020; 3320.0030; 7380.0200; 7380.0210; 7380.0220;

New language is indicated by underline, deletions by strikeout.

7380.0230; 7380.0240; 7380.0500; 7380.0510; 7380.0520; 7380.0530; 7380.0540;  
7380.0550; 7380.0560; 7380.0570; 7380.0580; 7380.0581; 7380.0582; 7380.0600;  
7380.0610; 7380.0620; 7380.0630; 7380.0640; 7380.0650; 7380.0800; 7380.0810;  
7380.0820; 7380.0830; and 7380.0840, are repealed.

**Sec. 54. EFFECTIVE DATE.**

Sections 1 to 53 are effective the day following final enactment.

Presented to the governor May 14, 2004

Signed by the governor May 18, 2004, 3:05 p.m.

**CHAPTER 207—S.F.No. 2703**

*An act relating to state employment; modifying state hiring process provisions; adding, modifying, and eliminating definitions; making technical changes; requiring a study and report on the impacts of the political subdivision compensation limit; amending Minnesota Statutes 2002, sections 43A.02, subdivisions 4, 6, 11, 26, 32, 34, by adding subdivisions; 43A.04, subdivisions 3, 4; 43A.05, subdivision 1; 43A.10; 43A.11, subdivisions 5, 7, 8, 9; 43A.15, subdivisions 1, 2, 4, 7, 10, 15; 43A.16, subdivision 1; 43A.191, subdivision 3; 43A.36, subdivision 1; 43A.39, subdivision 1; 197.455; Minnesota Statutes 2003 Supplement, section 43A.15, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 2002, sections 43A.02, subdivisions 7, 8, 15, 16, 19, 20, 37; 43A.11, subdivisions 3, 4; 43A.12; 43A.13, subdivisions 1, 2, 3, 4, 5, 6, 8; 43A.15, subdivisions 8, 9, 11; Minnesota Statutes 2003 Supplement, section 43A.13, subdivision 7; Minnesota Rules, parts 3900.3300; 3900.6100; 3900.6300; 3900.6400; 3900.6500; 3900.6600; 3900.7100; 3900.7200; 3900.7300; 3900.7400; 3900.8500; 3900.8600; 3900.8800.*

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

Section 1. Minnesota Statutes 2002, section 43A.02, subdivision 4, is amended to read:

Subd. 4. **APPLICANT.** "Applicant" means a person who has completed a state application for employment and has submitted it to the Department of Employee Relations or other appointing authority who has been delegated authority to recruit and examine individuals for state jobs satisfied the minimum requirements for application established by the commissioner.

Sec. 2. Minnesota Statutes 2002, section 43A.02, is amended by adding a subdivision to read:

Subd. 4a. **APPLICANT POOL.** "Applicant pool" means those applicants who satisfy any limits on consideration for the position under section 43A.10, subdivision 6a, and who have been determined to meet the minimum qualifications for a vacant position.

New language is indicated by underline, deletions by strikeout.