

CHAPTER 133--S.F.No. 1377

An act relating to state government; revising certain laws governing state boards and advisory groups; amending Minnesota Statutes 2006, sections 15.059, subdivision 5; 16B.055, subdivision 1; 16B.181, subdivision 2; 16C.17; 21.112; 43A.318, subdivision 1; 62J.693, subdivision 2; 129D.04, subdivision 1; 240.18, subdivision 4; 245.71; 245.97, by adding a subdivision; 252.282, subdivision 5; 256C.28, subdivision 1; 353D.01, subdivision 1; 354C.12, subdivision 4; 356A.02, subdivision 1; repealing Minnesota Statutes 2006, sections 3.884; 16B.055, subdivisions 2, 3; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 145.9266, subdivisions 6, 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 299A.293; 299A.331; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; 611A.361.

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

ARTICLE 1

GENERAL LAWS GOVERNING BOARDS AND ADVISORY GROUPS

Section 1. Minnesota Statutes 2006, section 15.059, subdivision 5, is amended to read:

Subd. 5. **Expiration date.** (a) Unless a different date is specified by law, the existence of each advisory council and committee expires on the date specified in the law establishing the group or on June 30, ~~2003~~ 2009, whichever is sooner. This subdivision applies whether or not the law establishing the group provides that the group is governed by this section. The secretary of state must notify the primary appointing authority or chair of an advisory council or committee of its scheduled expiration before the start of the annual legislative session immediately preceding the group's scheduled expiration.

(b) An advisory council or committee does not expire in accordance with paragraph (a) if it:

- (1) is an occupational licensure advisory group to a licensing board or agency;
- (2) administers and awards grants; or
- (3) is required by federal law or regulation.

ARTICLE 2

REPEAL OF EXPIRED ADVISORY GROUPS

Section 1. Minnesota Statutes 2006, section 16B.055, subdivision 1, is amended to read:

Subdivision 1. ~~**Governor's Advisory Council on Technology for People with Disabilities.**~~ ~~**Federal Assistive Technology Act.**~~ (a) ~~The Department of Administration shall serve as the lead agency to assist the Minnesota Governor's Advisory Council on Technology for People with Disabilities in carrying out all responsibilities pursuant to United States Code, title 29, section 2211 et seq., and any other responsibilities related to that program is designated as the lead agency to carry out all the responsibilities under the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The Minnesota Assistive Technology Advisory Council is established to fulfill the responsibilities required by the Assistive Technology Act, as provided by Public Law 108-364, as amended. Because the existence of this council is required by federal law, this council does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply.~~

~~(b) The governor shall appoint the membership of the council as required by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. After the governor has completed the appointments required by this subdivision, the commissioner of administration, or the commissioner's designee, shall convene the first meeting of the council following the appointments. Members shall serve two-year terms commencing July 1 of each odd-numbered year, and receive the compensation specified by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The members of the council shall select their chair at the first meeting following their appointment.~~

Sec. 2. Minnesota Statutes 2006, section 16B.181, subdivision 2, is amended to read:

Subd. 2. **Public entities; purchases from corrections industries.** (a) The commissioner of corrections, in consultation with the commissioner of administration, shall prepare updated lists of the items available for purchase from Department of Corrections industries and annually forward a copy of the most recent list to all public entities within the state. A public entity that is supported in whole or in part with funds from the state treasury may purchase items directly from corrections industries. The bid solicitation process is not required for these purchases.

(b) The commissioner of administration shall develop a contract or contracts to enable public entities to purchase items directly from corrections industries. The commissioner of administration, in consultation with the commissioner of corrections, shall determine the fair market price for listed items. The commissioner of administration shall require that all requests for bids or proposals, for items provided by corrections industries, be forwarded to the commissioner of corrections to enable corrections industries to submit bids. The commissioner of corrections shall consult with the commissioner of administration prior to introducing new products to the state agency market.

(c) No public entity may evade the intent of this section by adopting slight variations in specifications, when Minnesota corrections industry items meet the reasonable needs and specifications of the public entity.

(d) The commissioners of administration and corrections shall develop annual performance measures outlining goals to maximize inmate work program participation. ~~The commissioners of administration and corrections shall appoint cochairs for a task force whose purpose is to determine additional methods to achieve the performance goals for public entity purchasing. The task force shall include representatives from the Minnesota House of Representatives, Minnesota Senate, the Minnesota State Colleges and~~

~~Universities, University of Minnesota, Minnesota League of Cities, Minnesota Association of Counties, and administrators with purchasing responsibilities from the Minnesota state Departments of Corrections, Public Safety, Finance, Transportation, Natural Resources, Human Services, Health, and Employment and Economic Development. Notwithstanding section 15.059, the task force created in this paragraph expires on June 30, 2003.~~

(e) If performance goals for public entity purchasing are not achieved in two consecutive fiscal years, public entities shall purchase items available from corrections industries. The commissioner of administration shall be responsible for notifying public entities of this requirement.

Sec. 3. Minnesota Statutes 2006, section 16C.17, is amended to read:

16C.17 ENCOURAGEMENT OF PARTICIPATION; ~~ADVISORY COUNCIL.~~

Subdivision 1. ~~Commissioner of administration~~ **Commissioners' duties.** The commissioners of administration and employment and economic development shall publicize the provisions of the purchasing programs in sections 16C.16 to 16C.21, attempt to locate small businesses or small targeted group businesses able to perform under the programs, and encourage participation through education, technical assistance, mentoring, and other means. When the commissioner of administration determines that a small business or small targeted group business is unable to perform under a program established in sections 16C.16 to 16C.21, the commissioner shall inform the commissioner of employment and economic development who shall assist the small business or small targeted group business in attempting to remedy the causes of the inability to perform the award. In assisting the small business or small targeted group business, the commissioner of employment and economic development in cooperation with the commissioner of administration shall use management or financial assistance programs made available by or through the Department of Employment and Economic Development, other state or governmental agencies, or private sources.

~~Subd. 2. **Advisory council.** The Small Business Procurement Advisory Council consists of 13 members appointed by the commissioner of administration. A chair of the advisory council shall be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms, compensation, and removal of members are as provided in section 15.059. Notwithstanding section 15.059, the council expires June 30, 2003.~~

~~Subd. 3. **Duties.** The Small Business Procurement Advisory Council shall:~~

~~(1) advise the commissioner of administration on matters relating to the small business and small targeted group business procurement program;~~

~~(2) review complaints or grievances from small businesses and small targeted group businesses who are doing or attempting to do business under the program; and~~

~~(3) review the reports of the commissioners of administration and employment and economic development provided by section 16C.18 to ensure compliance with the goals of the program.~~

Sec. 4. Minnesota Statutes 2006, section 21.112, is amended to read:

21.112 COMMISSIONER, DUTIES; SEED POTATOES.

Subdivision 1. **Duties, employees.** The commissioner shall provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. The commissioner may enter into contracts and ground leases for planting and growing potatoes outside of the state for experimental and research purposes. The commissioner shall provide such forms as are necessary and keep a record of the work performed, and shall appoint, designate, or employ such officers, inspectors, and employees as may be deemed necessary and fix their compensation.

~~Subd. 2. **Advisory seed potato certification task force.** The commissioner may appoint an advisory seed potato certification task force. If the task force is appointed each member shall be a grower in Minnesota of certified seed potatoes. The terms, compensation and removal of members shall be as provided in section 15.059. The task force shall expire June 30, 2003.~~

Sec. 5. Minnesota Statutes 2006, section 43A.318, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) **Scope.** For the purposes of this section, the terms defined have the meaning given them.

~~(b) **Advisory committee, committee.** "Advisory committee" or "committee" means the committee created under subdivision 3.~~

~~(c) **Committee member, member.** "Committee member" or "member" means a person serving on the advisory committee created under subdivision 3.~~

~~(d)~~ (b) **Eligible person.** "Eligible person" means:

- (1) a person who is eligible for insurance and benefits under section 43A.24;
- (2) a person who at the time of separation from employment was eligible to purchase coverage at personal expense under section 43A.27, subdivision 3, regardless of whether the person elected to purchase this coverage;
- (3) a spouse of a person described in clause (1) or (2), regardless of the enrollment status in the program of the person described in clause (1) or (2); or
- (4) a parent of a person described in clause (1), regardless of the enrollment status in the program of the person described in clause (1).

~~(e)~~ (c) **Program.** "Program" means the statewide public employees long-term care insurance program created under subdivision 2.

~~(f)~~ (d) **Qualified vendor.** "Qualified vendor" means an entity licensed or authorized to underwrite, provide, or administer group long-term care insurance benefits in this state.

Sec. 6. Minnesota Statutes 2006, section 129D.04, subdivision 1, is amended to read:

Subdivision 1. **Authority.** The board shall through the following activities stimulate and encourage the creation, performance and appreciation of the arts in the state:

- (1) receive and consider any requests for grants, loans or other forms of assistance;
- (2) advise and serve as a technical resource at the request of sponsoring organizations and political subdivisions in the state on programs relating to the arts;
- (3) advise and recommend on existing or proposed activities of the departments of the state relating to the arts;

(4) accept gifts and grants to the board and distribute the same in accordance with the instructions of the donor insofar as the instructions are consistent with law;

(5) promulgate by rule procedures to be followed by the board in receiving and reviewing requests for grants, loans or other forms of assistance;

(6) promulgate by rule standards consistent with this chapter to be followed by the board in the distribution of grants, loans, and other forms of assistance;

(7) distribute according to the above procedures and standards grants, loans, and other forms of assistance for artistic activities to departments and agencies of the state, political subdivisions, sponsoring organizations and, in appropriate cases, to individuals engaged in the creation or performance of the arts; provided that a member of the board shall not participate in deliberations or voting on assistance to groups or persons in which that member has an interest as officer, director, employee, or recipient;

(8) appoint advisory committees for a term of no more than four years which the board determines are essential to the performance of its powers and duties under this section; provided that no member of an advisory committee shall serve on a committee to which the member has an application pending for a grant, loan, or other form of assistance from the board or its predecessor;

(9) serve as a fiscal agent to disburse appropriations for regional arts councils throughout the state.

Sec. 7. Minnesota Statutes 2006, section 240.18, subdivision 4, is amended to read:

Subd. 4. **Rules; advisory committees.** The commission shall adopt rules governing the distribution of the fund. ~~The commission may establish advisory committees to advise it on the distribution of money under this section, provided that the members of an advisory committee shall serve without compensation.~~

Sec. 8. Minnesota Statutes 2006, section 245.71, is amended to read:

245.71 CONDITIONS TO FEDERAL AID FOR MENTALLY ILL.

Subdivision 1. **Federal aid or block grants.** The commissioner of human services may comply with all conditions and requirements necessary to receive federal aid or block grants with respect to the establishment, construction, maintenance, equipment or operation, for all the people of this state, of adequate facilities and services as specified in section 245.70.

~~Subd. 2. **Planning council.** The commissioner may establish a state Mental Health Services Planning Council to advise on matters relating to coordination of mental health services among state agencies, the unmet needs for services, including services for minorities or other underserved groups, and the allocation and adequacy of mental health services within the state. The commissioner may establish special committees within the planning council authority to address the needs of special population groups. Members of a state advisory planning council must be broadly representative of other state agencies involved with mental health, service providers, advocates, consumers, local elected officials, age groups, underserved and minority groups, and geographic areas of the state.~~

Sec. 9. Minnesota Statutes 2006, section 245.97, is amended by adding a subdivision to read:

Subd. 7. **Duration.** The committee does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply to this section.

Sec. 10. Minnesota Statutes 2006, section 252.282, subdivision 5, is amended to read:

Subd. 5. **Responsibilities of commissioner.** (a) In collaboration with counties, and providers, ~~and the statewide advisory committee,~~ the commissioner shall ensure that services recognize the preferences and needs of persons with developmental disabilities and related conditions through a recurring systemic review and assessment of ICF/MR facilities within the state.

(b) The commissioner shall publish a notice in the State Register no less than biannually to announce the opportunity for counties or providers to submit requests for payment rate adjustments associated with plans for downsizing, relocation, and closure of ICF/MR facilities.

(c) The commissioner shall designate funding parameters to counties and to the statewide advisory committee for the overall implementation of system needs within the fiscal resources allocated by the legislature.

(d) The commissioner shall contract with ICF/MR providers. ~~The initial contracts shall cover the period from October 1, 2000, to December 31, 2001. Subsequent Contracts shall be for two-year periods beginning January 1, 2002.~~

Sec. 11. Minnesota Statutes 2006, section 256C.28, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Minnesota Commission Serving Deaf and Hard-of-hearing People consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deaf-blind or hard of hearing. Members shall include persons who are deaf, deaf-blind, and hard of hearing, parents of children who are deaf, deaf-blind, and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair. Notwithstanding section 15.059, the commission does not expire.

Sec. 12. Minnesota Statutes 2006, section 353D.01, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The public employees defined contribution plan is administered by the Public Employees Retirement Association under supervision of the association board of trustees. ~~To assist it in governing the operations of the plan, the board may appoint an advisory committee of not more than nine members who are representative of the employers and employees who participate in the plan.~~

Sec. 13. **REPEALER.**

Minnesota Statutes 2006, sections 3.884; 16B.055, subdivisions 2 and 3; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 145.9266, subdivisions 6 and 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77,

subdivision 23; 299A.293; 299A.331; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; and 611A.361, are repealed.

ARTICLE 3 CONFORMING CHANGES

Section 1. Minnesota Statutes 2006, section 62J.693, subdivision 2, is amended to read:

Subd. 2. **Grant application process.** (a) The commissioner of health shall make recommendations for a process for the submission, review, and approval of research grant applications. The process shall give priority for grants to applications that are intended to gather preliminary data for submission for a subsequent proposal for funding from a federal agency or foundation, which awards research money on a competitive, peer-reviewed basis. Grant recipients must be able to demonstrate the ability to comply with federal regulations on human subjects research in accordance with Code of Federal Regulations, title 45, section 46, and shall conduct the proposed research. Grants may be awarded to the University of Minnesota, the Mayo Clinic, or any other public or private organization in the state involved in medical research. The commissioner shall report to the legislature by January 15, 2000, with recommendations.

(b) The commissioner may ~~consult with the Medical Education and Research Advisory Committee established in section 62J.692 in developing these recommendations or may~~ appoint a research advisory committee to provide advice and oversight on the grant application process. If the commissioner appoints a research advisory committee, the committee shall be governed by section 15.059 for membership terms and removal of members.

Sec. 2. Minnesota Statutes 2006, section 354C.12, subdivision 4, is amended to read:

Subd. 4. **Administrative expenses.** (a) The Board of Trustees of the Minnesota State Colleges and Universities is authorized to pay the necessary and reasonable administrative expenses of the supplemental retirement plan and may bill participants to recover these expenses. The administrative fees or charges may be charged to participants as an annual fee, an asset-based fee, a percentage of contributions to the plan, or a contribution thereof.

(b) Any recovered or assessed amounts that are not needed for the necessary and reasonable administrative expenses of the plan must be refunded to member accounts.

(c) The Board of Trustees shall report annually, before October 1, to the ~~advisory committee created in section 354B.25, subdivision 1a,~~ legislature on administrative expenses of the plan. The report must include a detailed accounting of charges for administrative expenses collected from plan participants and expenditure of the administrative expense charges. The administrative expense charges collected from plan participants must be kept in a separate account from any other funds under control of the Board of Trustees and may be used only for the necessary and reasonable administrative expenses of the plan.

Sec. 3. Minnesota Statutes 2006, section 356A.02, subdivision 1, is amended to read:

Subdivision 1. **Fiduciary status.** For purposes of this chapter, the following persons are fiduciaries:

- (1) any member of the governing board of a covered pension plan;
- (2) the chief administrative officer of a covered pension plan or of the State Board of Investment;
- (3) any member of the State Board of Investment; and
- (4) any member of the Investment Advisory Council; ~~and~~
- ~~(5) any member of the advisory committee established under section 354B.25.~~

Presented to the governor May 22, 2007

Signed by the governor May 25, 2007, 4:49 p.m.