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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 2948**

03/10/2014 Authored by Mahoney  
The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy

03/20/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time

04/07/2014 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

04/25/2014 Returned to the House as Amended by the Senate  
Refused to concur and Conference Committee appointed

05/07/2014 Third Reading as Amended by Conference  
Repassed by the House

A bill for an act

1.1 relating to state government; repealing obsolete, redundant, and unnecessary laws  
1.2 administered by the Department of Employment and Economic Development,  
1.3 Metropolitan Council, and MN.IT; making conforming changes; amending  
1.4 Minnesota Statutes 2012, sections 15.991, subdivision 1; 16E.01, as amended;  
1.5 16E.03, subdivision 2; 16E.035; 16E.05, subdivision 1; 116C.34, subdivision 3;  
1.6 116D.04, subdivision 2a; 116L.02; 116L.05, subdivision 5; 116L.20, subdivision  
1.7 2; 256J.49, subdivision 4; 256J.51, subdivision 2; 268.105, subdivision 7;  
1.8 268.186; 473.123, subdivision 4; 473.125; 473.129, subdivisions 6, 12;  
1.9 473.173, subdivision 2; 473.181, subdivision 2; 473.254, subdivisions 3a, 4,  
1.10 5; 473.315, subdivision 1; 473.375, subdivision 11; 473.39, subdivision 1e;  
1.11 473.391, subdivision 1; 473.405, subdivision 5; 473.42; 473.504, subdivisions  
1.12 5, 11; 473.858, subdivision 1; 473.859, subdivision 6; 473.861, subdivision 2;  
1.13 473.862, subdivision 2; Minnesota Statutes 2013 Supplement, sections 16E.04,  
1.14 subdivision 2; 16E.18, subdivision 8; repealing Minnesota Statutes 2012, sections  
1.15 16E.02, subdivisions 2, 3; 16E.03, subdivision 8; 16E.0475; 116C.22; 116C.23;  
1.16 116C.24; 116C.25; 116C.26; 116C.261; 116C.27; 116C.28; 116C.29; 116C.30;  
1.17 116C.31; 116C.32; 116C.33; 116J.037; 116J.422; 116J.68, subdivision 5;  
1.18 116J.74, subdivision 7a; 116J.874, subdivisions 1, 2, 3, 4, 5; 116J.885; 116J.987;  
1.19 116J.988; 116J.989; 116J.990, subdivisions 1, 2, 3, 4, 5, 6; 116L.06; 116L.10;  
1.20 116L.11; 116L.12, subdivisions 1, 3, 4, 5, 6; 116L.13; 116L.14; 116L.15;  
1.21 116L.361, subdivision 2; 116L.363; 116L.871; 116L.872; 473.123, subdivision 7;  
1.22 473.13, subdivision 1c; 473.23; 473.241; 473.243; 473.244; 473.254, subdivision  
1.23 3; 473.315, subdivision 2; 473.326; 473.333; 473.375, subdivision 9; 473.382;  
1.24 473.388, subdivision 8; 473.392; 473.516, subdivision 5; 473.523, subdivision 2;  
1.25 473.535; 473.852, subdivision 11; Minnesota Statutes 2013 Supplement, sections  
1.26 116J.6581; 116J.70, subdivision 2a; 473.517, subdivision 9.

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

**ARTICLE 1**

**OBSOLETE AND REDUNDANT STATUTES**

1.31 Section 1. Minnesota Statutes 2012, section 268.105, subdivision 7, is amended to read:

2.1 Subd. 7. **Judicial review.** (a) The Minnesota Court of Appeals must, by writ of  
2.2 certiorari to the department, review the unemployment law judge's decision, provided a  
2.3 petition for the writ is filed with the court and a copy is served upon the unemployment  
2.4 law judge or the commissioner and any other involved party within 30 calendar days of  
2.5 the sending of the unemployment law judge's order under subdivision 2.

2.6 (b) Any employer petitioning for a writ of certiorari must pay to the court the  
2.7 required filing fee ~~and upon the service of the writ must furnish a cost bond to the~~  
2.8 ~~department~~ in accordance with the Rules of Civil Appellate Procedure. If the employer  
2.9 requests a written transcript of the testimony received at the evidentiary hearing conducted  
2.10 under subdivision 1, the employer must pay to the department the cost of preparing the  
2.11 transcript. That money is credited to the administration account.

2.12 (c) Upon issuance by the Minnesota Court of Appeals of a writ of certiorari as a result  
2.13 of an applicant's petition, the department must furnish to the applicant at no cost a written  
2.14 transcript of any testimony received at the evidentiary hearing conducted under subdivision  
2.15 1, and, if requested, a copy of all exhibits entered into evidence. No filing fee or cost bond is  
2.16 required of an applicant petitioning the Minnesota Court of Appeals for a writ of certiorari.

2.17 (d) The Minnesota Court of Appeals may affirm the decision of the unemployment  
2.18 law judge or remand the case for further proceedings; or it may reverse or modify the  
2.19 decision if the substantial rights of the petitioner may have been prejudiced because the  
2.20 findings, inferences, conclusion, or decision are:

- 2.21 (1) in violation of constitutional provisions;  
2.22 (2) in excess of the statutory authority or jurisdiction of the department;  
2.23 (3) made upon unlawful procedure;  
2.24 (4) affected by other error of law;  
2.25 (5) unsupported by substantial evidence in view of the entire record as submitted; or  
2.26 (6) arbitrary or capricious.

2.27 (e) The department is considered the primary responding party to any judicial action  
2.28 involving an unemployment law judge's decision. The department may be represented by  
2.29 an attorney licensed to practice law in Minnesota who is an employee of the department.

2.30 Sec. 2. Minnesota Statutes 2012, section 268.186, is amended to read:

2.31 **268.186 RECORDS; AUDITS.**

2.32 (a) Each employer must keep true and accurate records ~~for the periods of time~~  
2.33 ~~and on individuals performing services for the employer,~~ containing the information the  
2.34 commissioner may require ~~by rule~~ under Minnesota Rules, part 3315.1010. The records  
2.35 must be kept for a period of not less than four years in addition to the current calendar year.

3.1 For the purpose of administering this chapter, the commissioner has the power to  
3.2 audit, examine, or cause to be supplied or copied, any books, correspondence, papers,  
3.3 records, or memoranda that are relevant, whether the books, correspondence, papers,  
3.4 records, or memoranda are the property of or in the possession of the employer or any  
3.5 other person at any reasonable time and as often as may be necessary.

3.6 (b) Any employer that refuses to allow an audit of its records by the department, or  
3.7 that fails to make all necessary records available for audit in Minnesota upon request of  
3.8 the commissioner, may be assessed an administrative penalty of \$500.

3.9 An employer that fails to provide a weekly breakdown of money earned by an  
3.10 applicant upon request of the commissioner, information necessary for the detection of  
3.11 applicant fraud under section 268.18, subdivision 2, may be assessed an administrative  
3.12 penalty of \$100. Any notice requesting a weekly breakdown must clearly state that a \$100  
3.13 penalty may be assessed for failure to provide the information. The penalty collected is  
3.14 credited to the trust fund.

3.15 (c) The commissioner may make summaries, compilations, photographs,  
3.16 duplications, or reproductions of any records, or reports that the commissioner considers  
3.17 advisable for the preservation of the information contained therein. Any summaries,  
3.18 compilations, photographs, duplications, or reproductions is admissible in any proceeding  
3.19 under this chapter. The commissioner may duplicate records, reports, summaries,  
3.20 compilations, instructions, determinations, or any other written or recorded matter  
3.21 pertaining to the administration of this chapter.

3.22 (d) Regardless of any law to the contrary, the commissioner may provide for the  
3.23 destruction of any records, reports, or reproductions, or other papers that are no longer  
3.24 necessary for the administration of this chapter, including any required audit. In addition,  
3.25 the commissioner may provide for the destruction or disposition of any record, report,  
3.26 or other paper from which the information has been electronically captured and stored,  
3.27 or that has been photographed, duplicated, or reproduced.

3.28 **Sec. 3. REPEALER.**

3.29 **Subdivision 1. Environmental Coordination Procedures Act.** Minnesota Statutes  
3.30 2012, sections 116C.22; 116C.23; 116C.24; 116C.25; 116C.26; 116C.261; 116C.27;  
3.31 116C.28; 116C.29; 116C.30; 116C.31; 116C.32; and 116C.33, are repealed.

3.32 **Subd. 2. E-Commerce ready designations.** Minnesota Statutes 2012, section  
3.33 116J.037, is repealed.

3.34 **Subd. 3. Rural policy and development center fund.** Minnesota Statutes 2012,  
3.35 section 116J.422, is repealed.

4.1 Subd. 4. **Minnesota Entrepreneur Resource Virtual Network (MERNV).**

4.2 Minnesota Statutes 2013 Supplement, section 116J.6581, is repealed.

4.3 Subd. 5. **Small Business Development Center Advisory Board meetings.**

4.4 Minnesota Statutes 2012, section 116J.68, subdivision 5, is repealed.

4.5 Subd. 6. **Business license assistance exceptions.** Minnesota Statutes 2013

4.6 Supplement, section 116J.70, subdivision 2a, is repealed.

4.7 Subd. 7. **Affirmative enterprise program.** Minnesota Statutes 2012, section

4.8 116J.874, subdivisions 1, 2, 3, 4, and 5, are repealed.

4.9 Subd. 8. **Biomedical Innovation and Commercialization Initiative.** Minnesota

4.10 Statutes 2012, section 116J.885, is repealed.

4.11 Subd. 9. **Board of Invention.** Minnesota Statutes 2012, sections 116J.987;

4.12 116J.988; 116J.989; and 116J.990, subdivisions 1, 2, 3, 4, 5, and 6, are repealed.

4.13 Subd. 10. **HIRE education loan program.** Minnesota Statutes 2012, section

4.14 116L.06, is repealed.

4.15 Subd. 11. **Healthcare and human services worker program.** Minnesota Statutes

4.16 2012, sections 116L.10; 116L.11; 116L.12, subdivisions 1, 3, 4, 5, and 6; 116L.13;

4.17 116L.14; and 116L.15, are repealed.

4.18 Subd. 12. **Youthbuild advisory committee.** Minnesota Statutes 2012, section

4.19 116L.363, is repealed.

4.20 Subd. 13. **Local service unit delivery.** Minnesota Statutes 2012, sections 116L.871;

4.21 and 116L.872, are repealed.

## 4.22 **ARTICLE 2**

### 4.23 **CONFORMING CHANGES**

4.24 Section 1. Minnesota Statutes 2012, section 15.991, subdivision 1, is amended to read:

4.25 Subdivision 1. **Definitions.** For purposes of this section and section 15.992:

4.26 (1) "business license" or "license" has the meaning given it in section 116J.70,  
4.27 ~~subdivision 2, and also includes licenses and other forms of approval listed in section~~  
4.28 ~~116J.70, subdivision 2a, clauses (7) and (8), but does not include those listed in~~  
4.29 ~~subdivision 2a, clauses (1) to (6);~~

4.30 (2) "customer" means an individual; a small business as defined in section 645.445,  
4.31 but also including a nonprofit corporation that otherwise meets the criteria in that  
4.32 section; a family farm, family farm corporation, or family farm partnership as defined in  
4.33 section 500.24, subdivision 2; or a political subdivision as defined in section 103G.005,  
4.34 subdivision 14a;

5.1 (3) "initial agency" means the state agency to which a customer submits an  
5.2 application for a license or inquires about submitting an application; and

5.3 (4) "responsible agency" means the initial agency or another state agency that agrees  
5.4 to be designated the responsible agency.

5.5 Sec. 2. Minnesota Statutes 2012, section 116C.34, subdivision 3, is amended to read:

5.6 Subd. 3. **County responsibility.** The auditor of each county shall post in a  
5.7 conspicuous place in the auditor's office the telephone numbers of the Bureau of Business  
5.8 Licenses and the permit information center in the office of the applicable regional  
5.9 development commission; ~~copies of any master applications or permit applications~~  
5.10 ~~forwarded to the auditor pursuant to section 116C.27, subdivision 1;~~ and copies of any  
5.11 information published by the bureau or an information center pursuant to subdivision 1.

5.12 Sec. 3. Minnesota Statutes 2012, section 116D.04, subdivision 2a, is amended to read:

5.13 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
5.14 effects resulting from any major governmental action, the action shall be preceded by a  
5.15 detailed environmental impact statement prepared by the responsible governmental unit.  
5.16 The environmental impact statement shall be an analytical rather than an encyclopedic  
5.17 document which describes the proposed action in detail, analyzes its significant  
5.18 environmental impacts, discusses appropriate alternatives to the proposed action and  
5.19 their impacts, and explores methods by which adverse environmental impacts of an  
5.20 action could be mitigated. The environmental impact statement shall also analyze those  
5.21 economic, employment, and sociological effects that cannot be avoided should the action  
5.22 be implemented. To ensure its use in the decision-making process, the environmental  
5.23 impact statement shall be prepared as early as practical in the formulation of an action.

5.24 (a) The board shall by rule establish categories of actions for which environmental  
5.25 impact statements and for which environmental assessment worksheets shall be prepared  
5.26 as well as categories of actions for which no environmental review is required under this  
5.27 section. A mandatory environmental assessment worksheet shall not be required for the  
5.28 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
5.29 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a  
5.30 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
5.31 of the expanded or converted facility to produce alcohol fuel, but must be required if  
5.32 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
5.33 of actions for which environmental assessment worksheets must be prepared. The  
5.34 responsible governmental unit for an ethanol plant or biobutanol facility project for which

6.1 an environmental assessment worksheet is prepared shall be the state agency with the  
6.2 greatest responsibility for supervising or approving the project as a whole.

6.3 A mandatory environmental impact statement shall not be required for a facility  
6.4 or plant located outside the seven-county metropolitan area that produces less than  
6.5 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, if the facility  
6.6 or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
6.7 (b); a biobutanol facility, as defined in section 41A.105, subdivision 1a, clause (1); or a  
6.8 cellulosic biofuel facility, as defined in section 41A.10, subdivision 1, paragraph (d).

6.9 (b) The responsible governmental unit shall promptly publish notice of the  
6.10 completion of an environmental assessment worksheet by publishing the notice in at least  
6.11 one newspaper of general circulation in the geographic area where the project is proposed,  
6.12 by posting the notice on a Web site that has been designated as the official publication site  
6.13 for publication of proceedings, public notices, and summaries of a political subdivision in  
6.14 which the project is proposed, or in any other manner determined by the board and shall  
6.15 provide copies of the environmental assessment worksheet to the board and its member  
6.16 agencies. Comments on the need for an environmental impact statement may be submitted  
6.17 to the responsible governmental unit during a 30-day period following publication of the  
6.18 notice that an environmental assessment worksheet has been completed. The responsible  
6.19 governmental unit's decision on the need for an environmental impact statement shall be  
6.20 based on the environmental assessment worksheet and the comments received during the  
6.21 comment period, and shall be made within 15 days after the close of the comment period.  
6.22 The board's chair may extend the 15-day period by not more than 15 additional days upon  
6.23 the request of the responsible governmental unit.

6.24 (c) An environmental assessment worksheet shall also be prepared for a proposed  
6.25 action whenever material evidence accompanying a petition by not less than 100  
6.26 individuals who reside or own property in the state, submitted before the proposed  
6.27 project has received final approval by the appropriate governmental units, demonstrates  
6.28 that, because of the nature or location of a proposed action, there may be potential for  
6.29 significant environmental effects. Petitions requesting the preparation of an environmental  
6.30 assessment worksheet shall be submitted to the board. The chair of the board shall  
6.31 determine the appropriate responsible governmental unit and forward the petition to it.  
6.32 A decision on the need for an environmental assessment worksheet shall be made by  
6.33 the responsible governmental unit within 15 days after the petition is received by the  
6.34 responsible governmental unit. The board's chair may extend the 15-day period by not  
6.35 more than 15 additional days upon request of the responsible governmental unit.

7.1 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
7.2 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
7.3 review under this chapter and rules of the board, if:

7.4 (1) the proposed action is:

7.5 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

7.6 (ii) an expansion of an existing animal feedlot facility with a total cumulative  
7.7 capacity of less than 1,000 animal units;

7.8 (2) the application for the animal feedlot facility includes a written commitment by  
7.9 the proposer to design, construct, and operate the facility in full compliance with Pollution  
7.10 Control Agency feedlot rules; and

7.11 (3) the county board holds a public meeting for citizen input at least ten business  
7.12 days prior to the Pollution Control Agency or county issuing a feedlot permit for the  
7.13 animal feedlot facility unless another public meeting for citizen input has been held with  
7.14 regard to the feedlot facility to be permitted. The exemption in this paragraph is in  
7.15 addition to other exemptions provided under other law and rules of the board.

7.16 (e) The board may, prior to final approval of a proposed project, require preparation  
7.17 of an environmental assessment worksheet by a responsible governmental unit selected  
7.18 by the board for any action where environmental review under this section has not been  
7.19 specifically provided for by rule or otherwise initiated.

7.20 (f) An early and open process shall be utilized to limit the scope of the environmental  
7.21 impact statement to a discussion of those impacts, which, because of the nature or location  
7.22 of the project, have the potential for significant environmental effects. The same process  
7.23 shall be utilized to determine the form, content and level of detail of the statement as well  
7.24 as the alternatives which are appropriate for consideration in the statement. In addition,  
7.25 the permits which will be required for the proposed action shall be identified during the  
7.26 scoping process. Further, the process shall identify those permits for which information  
7.27 will be developed concurrently with the environmental impact statement. The board  
7.28 shall provide in its rules for the expeditious completion of the scoping process. The  
7.29 determinations reached in the process shall be incorporated into the order requiring the  
7.30 preparation of an environmental impact statement.

7.31 (g) The responsible governmental unit shall, to the extent practicable, avoid  
7.32 duplication and ensure coordination between state and federal environmental review  
7.33 and between environmental review and environmental permitting. Whenever practical,  
7.34 information needed by a governmental unit for making final decisions on permits  
7.35 or other actions required for a proposed project shall be developed in conjunction  
7.36 with the preparation of an environmental impact statement. When an environmental

8.1 impact statement is prepared for a project requiring multiple permits for which two or  
8.2 more agencies' decision processes include either mandatory or discretionary hearings  
8.3 before a hearing officer prior to the agencies' decision on the permit, the agencies  
8.4 may, notwithstanding any law or rule to the contrary, conduct the hearings in a single  
8.5 consolidated hearing process if requested by the proposer. All agencies having jurisdiction  
8.6 over a permit that is included in the consolidated hearing shall participate. The responsible  
8.7 governmental unit shall establish appropriate procedures for the consolidated hearing  
8.8 process, including procedures to ensure that the consolidated hearing process is consistent  
8.9 with the applicable requirements for each permit regarding the rights and duties of parties to  
8.10 the hearing, and shall utilize the earliest applicable hearing procedure to initiate the hearing.  
8.11 ~~The procedures of section 116C.28, subdivision 2, apply to the consolidated hearing.~~

8.12 (h) An environmental impact statement shall be prepared and its adequacy  
8.13 determined within 280 days after notice of its preparation unless the time is extended by  
8.14 consent of the parties or by the governor for good cause. The responsible governmental  
8.15 unit shall determine the adequacy of an environmental impact statement, unless within 60  
8.16 days after notice is published that an environmental impact statement will be prepared,  
8.17 the board chooses to determine the adequacy of an environmental impact statement. If an  
8.18 environmental impact statement is found to be inadequate, the responsible governmental  
8.19 unit shall have 60 days to prepare an adequate environmental impact statement.

8.20 (i) The proposer of a specific action may include in the information submitted to the  
8.21 responsible governmental unit a preliminary draft environmental impact statement under  
8.22 this section on that action for review, modification, and determination of completeness and  
8.23 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
8.24 statement prepared by the project proposer and submitted to the responsible governmental  
8.25 unit shall identify or include as an appendix all studies and other sources of information  
8.26 used to substantiate the analysis contained in the preliminary draft environmental impact  
8.27 statement. The responsible governmental unit shall require additional studies, if needed,  
8.28 and obtain from the project proposer all additional studies and information necessary for  
8.29 the responsible governmental unit to perform its responsibility to review, modify, and  
8.30 determine the completeness and adequacy of the environmental impact statement.

8.31 Sec. 4. Minnesota Statutes 2012, section 116L.02, is amended to read:

8.32 **116L.02 JOB SKILLS PARTNERSHIP PROGRAM.**

8.33 (a) The Minnesota Job Skills Partnership program is created to act as a catalyst to  
8.34 bring together employers with specific training needs with educational or other nonprofit  
8.35 institutions which can design programs to fill those needs. The partnership shall work

9.1 closely with employers to prepare, train and place prospective or incumbent workers in  
9.2 identifiable positions as well as assisting educational or other nonprofit institutions in  
9.3 developing training programs that coincide with current and future employer requirements.  
9.4 The partnership shall provide grants to educational or other nonprofit institutions for  
9.5 the purpose of training workers. A participating business must match the grant-in-aid  
9.6 made by the Minnesota Job Skills Partnership. The match may be in the form of funding,  
9.7 equipment, or faculty.

9.8 ~~(b) The partnership program shall administer the health care and human services~~  
9.9 ~~worker training and retention program under sections 116L.10 to 116L.15.~~

9.10 ~~(e)~~ (b) The partnership program is authorized to use funds to pay for training for  
9.11 individuals who have incomes at or below 200 percent of the federal poverty line.  
9.12 The board may grant funds to eligible recipients to pay for board-certified training.  
9.13 Eligible recipients of grants may include public, private, or nonprofit entities that provide  
9.14 employment services to low-income individuals.

9.15 Sec. 5. Minnesota Statutes 2012, section 116L.05, subdivision 5, is amended to read:

9.16 Subd. 5. **Use of workforce development funds.** After March 1 of any fiscal year,  
9.17 the board may use workforce development funds for the purposes outlined in sections  
9.18 116L.02; and 116L.04; ~~and 116L.10 to 116L.14~~, or to provide incumbent worker training  
9.19 services under section 116L.18 if the following conditions have been met:

9.20 (1) the board examines relevant economic indicators, including the projected  
9.21 number of layoffs for the remainder of the fiscal year and the next fiscal year, evidence of  
9.22 declining and expanding industries, the number of initial applications for and the number  
9.23 of exhaustions of unemployment benefits, job vacancy data, and any additional relevant  
9.24 information brought to the board's attention;

9.25 (2) the board accounts for all allocations made in section 116L.17, subdivision 2;

9.26 (3) based on the past expenditures and projected revenue, the board estimates future  
9.27 funding needs for services under section 116L.17 for the remainder of the current fiscal  
9.28 year and the next fiscal year;

9.29 (4) the board determines there will be unspent funds after meeting the needs of  
9.30 dislocated workers in the current fiscal year and there will be sufficient revenue to meet  
9.31 the needs of dislocated workers in the next fiscal year; and

9.32 (5) the board reports its findings in clauses (1) to (4) to the chairs of legislative  
9.33 committees with jurisdiction over the workforce development fund, to the commissioners  
9.34 of revenue and management and budget, and to the public.

10.1 Sec. 6. Minnesota Statutes 2012, section 116L.20, subdivision 2, is amended to read:

10.2 Subd. 2. **Disbursement of special assessment funds.** (a) The money collected  
10.3 under this section shall be deposited in the state treasury and credited to the workforce  
10.4 development fund to provide for employment and training programs. The workforce  
10.5 development fund is created as a special account in the state treasury.

10.6 (b) All money in the fund not otherwise appropriated or transferred is appropriated  
10.7 to the Job Skills Partnership Board for the purposes of section 116L.17 and as provided for  
10.8 in paragraph (d). The board must act as the fiscal agent for the money and must disburse  
10.9 that money for the purposes of section 116L.17, not allowing the money to be used for  
10.10 any other obligation of the state. All money in the workforce development fund shall be  
10.11 deposited, administered, and disbursed in the same manner and under the same conditions  
10.12 and requirements as are provided by law for the other special accounts in the state treasury,  
10.13 except that all interest or net income resulting from the investment or deposit of money in  
10.14 the fund shall accrue to the fund for the purposes of the fund.

10.15 (c) Reimbursement for costs related to collection of the special assessment shall be  
10.16 in an amount negotiated between the commissioner and the United States Department  
10.17 of Labor.

10.18 (d) If the board determines that the conditions of section 116L.05, subdivision 5,  
10.19 have been met, the board may use funds for the purposes outlined in ~~sections~~ section  
10.20 ~~116L.04 and 116L.10 to 116L.14,~~ or to provide incumbent worker training services under  
10.21 section 116L.18.

10.22 Sec. 7. Minnesota Statutes 2012, section 256J.49, subdivision 4, is amended to read:

10.23 Subd. 4. **Employment and training service provider.** "Employment and training  
10.24 service provider" means:

10.25 (1) a public, private, or nonprofit agency with which a county has contracted to  
10.26 provide employment and training services and which is included in the county's service  
10.27 agreement submitted under section 256J.626, subdivision 4;

10.28 (2) a county agency, if the county has opted to provide employment and training  
10.29 services and the county has indicated that fact in the service agreement submitted under  
10.30 section 256J.626, subdivision 4; or

10.31 (3) a local public health department under section 145A.17, subdivision 4a, that a  
10.32 county has designated to provide employment and training services and is included in the  
10.33 county's service agreement submitted under section 256J.626, subdivision 4.

10.34 ~~Notwithstanding section 116L.871,~~ An employment and training services provider  
10.35 meeting this definition may deliver employment and training services under this chapter.

11.1 Sec. 8. Minnesota Statutes 2012, section 256J.51, subdivision 2, is amended to read:

11.2 Subd. 2. **Appeal; alternate approval.** (a) An employment and training service  
11.3 provider that is not included by a county agency in the service agreement under section  
11.4 256J.626, subdivision 4, and that meets the criteria in paragraph (b), may appeal  
11.5 its exclusion to the commissioner of employment and economic development, and  
11.6 may request alternative approval by the commissioner of employment and economic  
11.7 development to provide services in the county.

11.8 ~~(b) An employment and training services provider that is requesting alternative~~  
11.9 ~~approval must demonstrate to the commissioner that the provider meets the standards~~  
11.10 ~~specified in section 116L.871, subdivision 1, paragraph (b), except that the provider's~~  
11.11 ~~past experience may be in services and programs similar to those specified in section~~  
11.12 ~~116L.871, subdivision 1, paragraph (b).~~

11.13 Sec. 9. **REPEALER.**

11.14 Subdivision 1. Reference to Minnesota Statutes, section 116J.70, subdivision 2a.  
11.15 Minnesota Statutes 2012, section 116J.74, subdivision 7a, is repealed.

11.16 Subd. 2. Reference to Minnesota Statutes, section 116L.363. Minnesota Statutes  
11.17 2012, section 116L.361, subdivision 2, is repealed.

### 11.18 ARTICLE 3

### 11.19 METROPOLITAN COUNCIL

11.20 Section 1. Minnesota Statutes 2012, section 473.123, subdivision 4, is amended to read:

11.21 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a)  
11.22 The chair of the Metropolitan Council shall be appointed by the governor as the 17th  
11.23 voting member thereof by and with the advice and consent of the senate to serve at the  
11.24 pleasure of the governor to represent the metropolitan area at large. Senate confirmation  
11.25 shall be as provided by section 15.066.

11.26 The chair of the Metropolitan Council shall, if present, preside at meetings of the  
11.27 council, have the primary responsibility for meeting with local elected officials, serve as  
11.28 the principal legislative liaison, present to the governor and the legislature, after council  
11.29 approval, the council's plans for regional governance and operations, serve as the principal  
11.30 spokesperson of the council, and perform other duties assigned by the council or by law.

11.31 (b) The Metropolitan Council shall elect other officers as it deems necessary for the  
11.32 conduct of its affairs for a one-year term. A secretary and treasurer need not be members  
11.33 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan  
11.34 Council and special meetings may be called by a majority of the members of the

12.1 Metropolitan Council or by the chair. The chair and each Metropolitan Council member  
12.2 shall be reimbursed for actual and necessary expenses. ~~The annual budget of the council~~  
12.3 ~~shall provide as a separate account anticipated expenditures for compensation, travel, and~~  
12.4 ~~associated expenses for the chair and members, and compensation or reimbursement shall~~  
12.5 ~~be made to the chair and members only when budgeted.~~

12.6 (c) Each member of the council shall attend and participate in council meetings  
12.7 and meet regularly with local elected officials and legislative members from the council  
12.8 member's district. Each council member shall serve on at least one division committee for  
12.9 transportation, environment, or community development.

12.10 (d) In the performance of its duties the Metropolitan Council may adopt policies  
12.11 and procedures governing its operation, establish committees, and, when specifically  
12.12 authorized by law, make appointments to other governmental agencies and districts.

12.13 Sec. 2. Minnesota Statutes 2012, section 473.125, is amended to read:

12.14 **473.125 REGIONAL ADMINISTRATOR.**

12.15 The Metropolitan Council shall appoint a regional administrator to serve at  
12.16 the council's pleasure as the principal administrative officer for the Metropolitan  
12.17 Council. The regional administrator shall organize the work of the council staff. The  
12.18 regional administrator shall appoint on the basis of merit and fitness, and discipline and  
12.19 discharge all employees in accordance with the council's personnel policy, except ~~(1) the~~  
12.20 ~~performance and budget analysts provided for in section 473.123, subdivision 7, (2) the~~  
12.21 ~~general counsel, as provided in section 473.123, subdivision 8, (3) employees of the~~  
12.22 ~~offices of wastewater services and transit operations, who are appointed, disciplined, and~~  
12.23 ~~discharged in accordance with council personnel policies by their respective operations~~  
12.24 ~~managers, and (4) metropolitan transit police officers.~~ The regional administrator must  
12.25 ensure that all policy decisions of the council are carried out. The regional administrator  
12.26 shall attend meetings of the council and may take part in discussions but may not vote.  
12.27 The regional administrator shall recommend to the council for adoption measures deemed  
12.28 necessary for efficient administration of the council, keep the council fully apprised of  
12.29 the financial condition of the council, and prepare and submit an annual budget to the  
12.30 council for approval. The regional administrator shall prepare and submit for approval by  
12.31 the council an administrative code organizing and codifying the policies of the council,  
12.32 and perform other duties as prescribed by the council. The regional administrator may be  
12.33 chosen from among the citizens of the nation at large, and shall be selected on the basis of  
12.34 training and experience in public administration.

13.1 Sec. 3. Minnesota Statutes 2012, section 473.129, subdivision 6, is amended to read:

13.2 Subd. 6. **On metro agencies.** (a) The Metropolitan Council shall appoint from its  
13.3 membership a member to serve with each metropolitan agency. Each member of the  
13.4 Metropolitan Council so appointed on each of such agencies shall serve without a vote.

13.5 ~~(b) The Metropolitan Council shall also appoint individuals to the governing body~~  
13.6 ~~of the cable communications metropolitan interconnected regional channel entity under~~  
13.7 ~~section 238.43, subdivision 5.~~

13.8 Sec. 4. Minnesota Statutes 2012, section 473.129, subdivision 12, is amended to read:

13.9 Subd. 12. **Best value procurement alternative.** (a) Notwithstanding the provisions  
13.10 of section 471.345, the council may award a contract for the purchase of transit vehicles  
13.11 to the vendor or contractor offering the best value under a request for proposals. For the  
13.12 purposes of this subdivision, "transit vehicles" means buses and coaches, commuter rail  
13.13 locomotives and coach cars, light rail vehicles, and paratransit vehicles that are used to  
13.14 provide transit and special transportation service pursuant to sections 473.371 to 473.449.

13.15 (b) For the purposes of this subdivision, "best value" describes a result intended in  
13.16 the acquisition of goods and services described in paragraph (a). Price must be one of  
13.17 the evaluation criteria ~~when acquiring such goods and services~~. Other evaluation criteria  
13.18 may include, but are not limited to, environmental considerations, quality, and vendor or  
13.19 contractor performance. ~~A best value determination must be based on~~ The evaluation  
13.20 criteria detailed must be included in the solicitation document. ~~If criteria other than~~  
13.21 ~~price are used, the solicitation document must state as well as~~ the relative importance of  
13.22 price and other factors.

13.23 Sec. 5. Minnesota Statutes 2012, section 473.173, subdivision 2, is amended to read:

13.24 Subd. 2. **Rules.** ~~By September 1, 1976,~~ The council shall adopt and put into effect  
13.25 rules establishing standards, guidelines and procedures for determining whether any  
13.26 proposed matter is of metropolitan significance, and establishing a procedure for the review  
13.27 of and final determination on such matters in accordance with the powers and requirements  
13.28 set forth in this section. The purpose of these rules shall be to promote the orderly and  
13.29 ~~economie~~ economical development, public and private, of the metropolitan area.

13.30 Sec. 6. Minnesota Statutes 2012, section 473.181, subdivision 2, is amended to read:

13.31 Subd. 2. **Parks.** The council shall review local government park master plans  
13.32 pursuant to section 473.313. ~~The Metropolitan Council shall approve the use of moneys~~  
13.33 ~~made available for land acquisition to local units of government from the land and~~

14.1 ~~conservation fund, the open space program of HUD, the natural resources account in the~~  
14.2 ~~state treasury, if the use thereof conforms with the system of priorities established by~~  
14.3 ~~law as part of a comprehensive plan for the development of parks; otherwise it shall~~  
14.4 ~~disapprove of the use thereof.~~

14.5 Sec. 7. Minnesota Statutes 2012, section 473.254, subdivision 3a, is amended to read:

14.6 Subd. 3a. **Affordable, life-cycle housing opportunities amount after 2002.**

14.7 ~~(1) Notwithstanding any other provisions of this section, commencing for calendar~~  
14.8 ~~year 2003 and each succeeding calendar year, (a) Each municipality's "affordable and~~  
14.9 ~~life-cycle housing opportunities amount" for that year must be determined annually by~~  
14.10 ~~the council using the method in this subdivision. The affordable and life-cycle housing~~  
14.11 ~~opportunities amount must be determined for each calendar year for all municipalities~~  
14.12 ~~in the metropolitan area.~~

14.13 ~~(2) (b) The council must allocate to each municipality its portion of the \$1,000,000~~  
14.14 ~~of the revenue generated by the levy authorized in section 473.249 which is credited to the~~  
14.15 ~~local housing incentives account pursuant to subdivision 5, paragraph (b). The allocation~~  
14.16 ~~must be made by determining the amount levied for and payable in each municipality in~~  
14.17 ~~the previous calendar year pursuant to the council levy in section 473.249 divided by the~~  
14.18 ~~total amount levied for and payable in the metropolitan area in the previous calendar year~~  
14.19 ~~pursuant to such levy and multiplying that result by \$1,000,000.~~

14.20 ~~(3) (c) The council must also determine the amount levied for and payable in~~  
14.21 ~~each municipality in the previous calendar year pursuant to the council levy in section~~  
14.22 ~~473.253, subdivision 1.~~

14.23 ~~(4) (d) A municipality's affordable and life-cycle housing opportunities amount~~  
14.24 ~~for the calendar year is the sum of the amounts determined under clauses (2) and (3)~~  
14.25 ~~paragraphs (b) and (c).~~

14.26 ~~(5) Within 90 days after the effective date of this act, the council must notify each~~  
14.27 ~~municipality of its affordable and life-cycle housing opportunities amount for calendar~~  
14.28 ~~years 2003 and 2004 as determined by the method in this subdivision. These amounts~~  
14.29 ~~replace the affordable and life-cycle housing opportunities amount for each municipality~~  
14.30 ~~for calendar years 2003 and 2004 as previously determined by the method in subdivision 3.~~

14.31 ~~(6) (e) By August 1, 2004, and by August 1 of each succeeding year, the council~~  
14.32 ~~must notify each municipality of its affordable and life-cycle housing opportunities~~  
14.33 ~~amount for the following calendar year determined by the method in this subdivision.~~

14.34 Sec. 8. Minnesota Statutes 2012, section 473.254, subdivision 4, is amended to read:

15.1 Subd. 4. **Affordable and life-cycle housing requirement.** ~~In 1998, and thereafter,~~  
15.2 (a) A municipality that does not spend 85 percent of its affordable and life-cycle housing  
15.3 opportunities amount to create affordable and life-cycle housing opportunities in the  
15.4 previous calendar year must do one of the following with the affordable and life-cycle  
15.5 housing opportunities amount for the previous year as determined under subdivision 3  
15.6 ~~or 3a, as applicable:~~

15.7 (1) distribute it to the local housing incentives account; or

15.8 (2) distribute it to the housing and redevelopment authority of the city or county in  
15.9 which the municipality is located to create affordable and life-cycle housing opportunities  
15.10 in the municipality.

15.11 (b) A municipality may enter into agreements with adjacent municipalities to  
15.12 cooperatively provide affordable and life-cycle housing. The housing may be provided  
15.13 in any of the cooperating municipalities, but must meet the combined housing goals of  
15.14 each participating municipality.

15.15 Sec. 9. Minnesota Statutes 2012, section 473.254, subdivision 5, is amended to read:

15.16 Subd. 5. **Sources of funds.** (a) The council shall credit to the local housing  
15.17 incentives account any revenues derived from municipalities under subdivision 4,  
15.18 paragraph ~~(b)~~ (a), clause (1).

15.19 ~~(b) The council shall credit \$1,000,000 of the proceeds of solid waste bonds issued~~  
15.20 ~~by the council under Minnesota Statutes, section 473.831, before its repeal, to the local~~  
15.21 ~~housing incentives account in the metropolitan livable communities fund. In 1998 and each~~  
15.22 ~~year thereafter,~~ The council shall annually credit \$1,000,000 of the revenues generated by  
15.23 the levy authorized in section 473.249 to the local housing incentives account.

15.24 ~~(c) In 1997, and each year thereafter,~~ The council shall annually transfer \$500,000  
15.25 from the livable communities demonstration account to the local housing incentives  
15.26 account.

15.27 Sec. 10. Minnesota Statutes 2012, section 473.315, subdivision 1, is amended to read:

15.28 Subdivision 1. **To metro local governments.** The Metropolitan Council with the  
15.29 advice of the commission may make grants, from any funds available to it for recreation  
15.30 open space purposes, to any ~~municipality, park district or county located wholly or~~  
15.31 ~~partially within the metropolitan area~~ implementing agency, as defined in section 473.351,  
15.32 to cover the cost, or any portion of the cost, of acquiring or developing regional recreation  
15.33 open space in accordance with the policy plan; and all such agencies may enter into

16.1 contracts for this purpose or rights or interests therein. The cost of acquisition shall  
16.2 include any payments required for relocation pursuant to sections 117.50 to 117.56.

16.3 Sec. 11. Minnesota Statutes 2012, section 473.375, subdivision 11, is amended to read:

16.4 Subd. 11. **Ride sharing.** The council shall administer a ride-sharing program in  
16.5 the metropolitan area, except for the statewide vanpool leasing program conducted by the  
16.6 commissioner of transportation and shall cooperate with the commissioner in the conduct  
16.7 of ride-sharing activities in areas where the commissioner's programs and the council's  
16.8 program overlap. ~~The council shall establish a rideshare advisory committee to advise it in~~  
16.9 ~~carrying out the program.~~ The council may contract for services in operating the program.

16.10 Sec. 12. Minnesota Statutes 2012, section 473.39, subdivision 1e, is amended to read:

16.11 Subd. 1e. **Obligations; additional authority.** In addition to the authority in  
16.12 subdivisions 1a, 1b, 1c, and 1d, the council may issue certificates of indebtedness, bonds,  
16.13 or other obligations under this section in an amount not exceeding \$32,500,000, which may  
16.14 be used for capital expenditures as prescribed in the council's transit capital improvement  
16.15 program and for related costs, including the costs of issuance and sale of the obligations.

16.16 ~~The Metropolitan Council, the city of St. Paul, and the Minnesota Department~~  
16.17 ~~of Transportation shall jointly assess the feasibility of locating a bus storage facility~~  
16.18 ~~near Mississippi and Cayuga Street and I-35E in St. Paul. If the metropolitan council~~  
16.19 ~~determines feasibility, the first priority for siting must be at that location.~~

16.20 Sec. 13. Minnesota Statutes 2012, section 473.391, subdivision 1, is amended to read:

16.21 Subdivision 1. **Contracts.** The council may contract with other operators or local  
16.22 governments for route planning and scheduling services in any configuration of new  
16.23 or reconfiguration of existing transit services and routes, ~~including route planning and~~  
16.24 ~~scheduling necessary for the test marketing program, the service bidding program, and the~~  
16.25 ~~interstate highway described generally as Legislative Routes Nos. 10 and 107 between~~  
16.26 ~~I-494 and the Hawthorne interchange in the city of Minneapolis, commonly known as I-394.~~

16.27 Sec. 14. Minnesota Statutes 2012, section 473.405, subdivision 5, is amended to read:

16.28 Subd. 5. **Acquisition of transit systems.** The council may acquire by purchase,  
16.29 lease, gift, or condemnation proceedings any existing public transit system or any part  
16.30 thereof, including all or any part of the plant, equipment, shares of stock, property, real,  
16.31 personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses,  
16.32 patents, permits and papers, documents and records belonging to any operator of a public

17.1 transit system within the metropolitan area, and may in connection therewith assume any  
17.2 or all liabilities of any operator of a public transit system. The council may take control of  
17.3 and operate a system immediately following the filing and approval of the initial petition  
17.4 for condemnation, if the council, in its discretion, determines this to be necessary, and  
17.5 may take possession of all right, title and other powers of ownership in all properties  
17.6 and facilities described in the petition. Control must be taken by resolution which is  
17.7 effective upon service of a copy on the condemnee and the filing of the resolution in  
17.8 the condemnation action. In the determination of the fair value of the existing public  
17.9 transit system, there must not be included any value attributable to expenditures for  
17.10 improvements made by the former Metropolitan Transit Commission or council.

17.11 ~~The council may continue or terminate within three months of acquisition any~~  
17.12 ~~advertising contract in existence by and between any advertiser and a transit system that~~  
17.13 ~~the council has acquired. If the council determines to terminate the advertising contract,~~  
17.14 ~~it shall acquire all of the advertiser's rights under the contract by purchase or eminent~~  
17.15 ~~domain proceedings as provided by law.~~

17.16 Sec. 15. Minnesota Statutes 2012, section 473.42, is amended to read:

17.17 **473.42 EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYEES.**

17.18 Notwithstanding any contrary provisions of section 352.029, the council shall make  
17.19 the employer contributions required pursuant to section 352.04, subdivision 3, for any  
17.20 employee who was on authorized leave of absence from the transit operating division of the  
17.21 former Metropolitan Transit Commission who is employed by the labor organization which  
17.22 is the exclusive bargaining agent representing Metro Transit Division employees of the  
17.23 Office of Transit Operations council and who is covered by the Minnesota State Retirement  
17.24 System in addition to all other employer contributions the council is required to make.

17.25 Sec. 16. Minnesota Statutes 2012, section 473.504, subdivision 5, is amended to read:

17.26 Subd. 5. **Gifts, grants, loans.** The council may accept gifts, may apply for and  
17.27 accept grants or loans of money or other property from the United States, the state, or any  
17.28 person for any of its purposes, ~~including any grant available under the federal Water~~  
17.29 ~~Pollution Act amendments of 1972~~, whether for construction, research<sub>2</sub> or pilot project  
17.30 implementation, may enter into any agreement required in connection therewith, and may  
17.31 hold, use, and dispose of such money or property in accordance with the terms of the gift,  
17.32 grant, loan<sub>2</sub> or agreement relating thereto. ~~The council has all powers necessary to comply~~  
17.33 ~~with the federal Water Pollution Control Act amendments of 1972 and any grant offered to~~  
17.34 ~~it thereunder including, but not limited to, the power to enter into such contracts with,~~

18.1 ~~or to impose such charges upon, persons using the metropolitan disposal system as it~~  
18.2 ~~shall determine to be necessary for the recovery of treatment works and intercepter costs~~  
18.3 ~~paid with federal grant funds. Insofar as possible these costs shall be recovered by local~~  
18.4 ~~government units on behalf of the council.~~

18.5 Sec. 17. Minnesota Statutes 2012, section 473.504, subdivision 11, is amended to read:

18.6 Subd. 11. **Surplus property.** The council may sell or otherwise dispose of any real  
18.7 or personal property acquired by it which is no longer required for accomplishment of its  
18.8 purposes. ~~Such property may be sold in the manner provided by section 469.065, insofar~~  
18.9 ~~as practical. The council may give such notice of sale as it shall deem appropriate. When~~  
18.10 ~~the council determines that any property or any intercepter or treatment works or any part~~  
18.11 ~~thereof which has been acquired from a local government unit without compensation is no~~  
18.12 ~~longer required, but is required as a local facility by the government unit from which it~~  
18.13 ~~was acquired, the council may by resolution transfer it to such government unit.~~

18.14 Sec. 18. Minnesota Statutes 2012, section 473.858, subdivision 1, is amended to read:

18.15 Subdivision 1. **No conflicting zoning, fiscal device, official control.** Within nine  
18.16 months following the receipt of a metropolitan system statement for an amendment to a  
18.17 metropolitan system plan and within three years following the receipt of a metropolitan  
18.18 system statement issued in conjunction with the decennial review required under section  
18.19 473.864, subdivision 2, every local governmental unit shall have reviewed and, if  
18.20 necessary, amended its comprehensive plan in accordance with sections 462.355, 473.175,  
18.21 and 473.851 to 473.871 and the applicable planning statute and shall have submitted the  
18.22 plan to the Metropolitan Council for review pursuant to section 473.175. The provisions  
18.23 of sections 462.355, 473.175, and 473.851 to 473.871 shall supersede the provisions of the  
18.24 applicable planning statute wherever a conflict may exist. If the comprehensive municipal  
18.25 plan is in conflict with the zoning ordinance, the zoning ordinance shall be brought into  
18.26 conformance with the plan by local government units in conjunction with the review  
18.27 and, if necessary, amendment of its comprehensive plan required under section 473.864,  
18.28 subdivision 2. ~~After August 1, 1995,~~ A local government unit shall not adopt any fiscal  
18.29 device or official control which is in conflict with its comprehensive plan, including any  
18.30 amendments to the plan, or which permits activity in conflict with metropolitan system  
18.31 plans, as defined by section 473.852, subdivision 8. The comprehensive plan shall provide  
18.32 guidelines for the timing and sequence of the adoption of official controls to ensure planned,  
18.33 orderly, and staged development and redevelopment consistent with the comprehensive  
18.34 plan. For purposes of this section, a fiscal device or official control shall not be considered

19.1 to be in conflict with a local government unit's comprehensive plan or to permit an activity  
19.2 in conflict with metropolitan system plans if such fiscal device or official control is adopted  
19.3 to ensure the planned, orderly, and staged development of urbanization or redevelopment  
19.4 areas designated in the comprehensive plan pursuant to section 473.859, subdivision 5.

19.5 Sec. 19. Minnesota Statutes 2012, section 473.859, subdivision 6, is amended to read:

19.6 Subd. 6. **Plan review.** The council shall, ~~by January 1, 1994,~~ prepare guidelines  
19.7 for the preparation of the water supply plans required in subdivision 3, clause (4). The  
19.8 plans must be submitted to the council ~~by January 1, 1996~~ as part of the decennial review  
19.9 required under section 473.864, subdivision 2. The council shall review the plans under  
19.10 section 473.175, subdivision 1, after submitting them to affected counties that have  
19.11 adopted groundwater plans under section 103B.255 for their review and comment.

19.12 Sec. 20. Minnesota Statutes 2012, section 473.861, subdivision 2, is amended to read:

19.13 Subd. 2. ~~By 1976~~ **Plan preparation.** ~~By December 31, 1976,~~ Each town within  
19.14 the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under  
19.15 sections 462.351 to 462.364, or under special law, shall by resolution determine whether it  
19.16 will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify,  
19.17 pursuant to agreement with the county within which it is situated, any parts of its plan and  
19.18 official controls, if any, the preparation of which it delegates to the county.

19.19 Sec. 21. Minnesota Statutes 2012, section 473.862, subdivision 2, is amended to read:

19.20 Subd. 2. ~~Towns with no plan by 1976~~ **Town planning.** Each county other than  
19.21 Hennepin, Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance  
19.22 of the town, the comprehensive plan for any town within the county which ~~fails by~~  
19.23 ~~December 31, 1976, to take~~ has not taken action by resolution pursuant to section 473.861,  
19.24 subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section  
19.25 473.861, subdivision 2.

19.26 Sec. 22. **REPEALER.**

19.27 Minnesota Statutes 2012, sections 473.123, subdivision 7; 473.13, subdivision 1c;  
19.28 473.23; 473.241; 473.243; 473.244; 473.254, subdivision 3; 473.315, subdivision 2;  
19.29 473.326; 473.333; 473.375, subdivision 9; 473.382; 473.388, subdivision 8; 473.392;  
19.30 473.516, subdivision 5; 473.523, subdivision 2; 473.535; and 473.852, subdivision 11,  
19.31 and Minnesota Statutes 2013 Supplement, section 473.517, subdivision 9, are repealed.



21.1 ~~(7) participate in the activities of standards bodies and other appropriate conferences~~  
21.2 ~~related to information and communications technology issues;~~

21.3 ~~(8)~~ (6) review the technology infrastructure of regions of the state and cooperate  
21.4 with and make recommendations to the governor, legislature, state agencies, local  
21.5 governments, local technology development agencies, the federal government, private  
21.6 businesses, and individuals for the realization of information and communications  
21.7 technology infrastructure development potential;

21.8 ~~(9)~~ (7) sponsor, support, and facilitate innovative and collaborative economic  
21.9 and community development and government services projects, including technology  
21.10 initiatives related to culture and the arts, with public and private organizations; and

21.11 ~~(10)~~ (8) review and recommend alternative sourcing strategies for state information  
21.12 and communications systems.

21.13 Subd. 3. **Duties.** (a) The office shall:

21.14 (1) manage the efficient and effective use of available federal, state, local, and  
21.15 public-private resources to develop statewide information and telecommunications  
21.16 technology systems and services and its infrastructure;

21.17 (2) approve state agency and intergovernmental information and telecommunications  
21.18 technology systems and services development efforts involving state or intergovernmental  
21.19 funding, including federal funding, provide information to the legislature regarding  
21.20 projects reviewed, and recommend projects for inclusion in the governor's budget under  
21.21 section 16A.11;

21.22 (3) ensure cooperation and collaboration among state and local governments in  
21.23 developing intergovernmental information and telecommunications technology systems  
21.24 and services, and define the structure and responsibilities of a representative governance  
21.25 structure;

21.26 (4) cooperate and collaborate with the legislative and judicial branches in the  
21.27 development of information and communications systems in those branches;

21.28 (5) continue the development of North Star, the state's official comprehensive online  
21.29 service and information initiative;

21.30 (6) promote and collaborate with the state's agencies in the state's transition to an  
21.31 effectively competitive telecommunications market;

21.32 (7) collaborate with entities carrying out education and lifelong learning initiatives  
21.33 to assist Minnesotans in developing technical literacy and obtaining access to ongoing  
21.34 learning resources;

22.1 (8) promote and coordinate public information access and network initiatives,  
22.2 consistent with chapter 13, to connect Minnesota's citizens and communities to each  
22.3 other, to their governments, and to the world;

22.4 (9) promote and coordinate electronic commerce initiatives to ensure that Minnesota  
22.5 businesses and citizens can successfully compete in the global economy;

22.6 (10) manage and promote the regular and periodic reinvestment in the information  
22.7 and telecommunications technology systems and services infrastructure so that state and  
22.8 local government agencies can effectively and efficiently serve their customers;

22.9 (11) facilitate the cooperative development of and ensure compliance with standards  
22.10 and policies for information and telecommunications technology systems and services,  
22.11 electronic data practices and privacy, and electronic commerce among international,  
22.12 national, state, and local public and private organizations;

22.13 (12) eliminate unnecessary duplication of existing information and  
22.14 telecommunications technology systems and services provided by ~~other public and private~~  
22.15 ~~organizations while building on the existing governmental, educational, business, health~~  
22.16 ~~care, and economic development infrastructures~~ state agencies;

22.17 (13) identify, sponsor, develop, and execute shared information and  
22.18 telecommunications technology projects and ongoing operations;

22.19 (14) ensure overall security of the state's information and technology systems and  
22.20 services; and

22.21 (15) manage and direct compliance with accessibility standards for informational  
22.22 technology, including hardware, software, Web sites, online forms, and online surveys.

22.23 (b) The chief information officer, in consultation with the commissioner of  
22.24 management and budget, must determine when it is cost-effective for agencies to develop  
22.25 and use shared information and telecommunications technology systems and services for  
22.26 the delivery of electronic government services. The chief information officer may require  
22.27 agencies to use shared information and telecommunications technology systems and  
22.28 services. The chief information officer shall establish reimbursement rates in cooperation  
22.29 with the commissioner of management and budget to be billed to agencies and other  
22.30 governmental entities sufficient to cover the actual development, operating, maintenance,  
22.31 and administrative costs of the shared systems. The methodology for billing may include  
22.32 the use of interagency agreements, or other means as allowed by law.

22.33 (c) A state agency that has an information and telecommunications technology  
22.34 project with a total expected project cost of more than \$1,000,000, whether funded as part  
22.35 of the biennial budget or by any other means, shall register with the office by submitting  
22.36 basic project startup documentation, as specified by the chief information officer in both

23.1 format and content, before any project funding is requested or committed and before  
 23.2 the project commences. State agency project leaders must demonstrate that the project  
 23.3 will be properly managed, provide updates to the project documentation as changes are  
 23.4 proposed, and regularly report on the current status of the project on a schedule agreed to  
 23.5 with the chief information officer.

23.6 (d) The chief information officer shall monitor progress on any active information  
 23.7 and telecommunications technology project with a total expected project cost of more than  
 23.8 \$5,000,000 and report on the performance of the project in comparison with the plans for  
 23.9 the project in terms of time, scope, and budget. The chief information officer may conduct  
 23.10 an independent project audit of the project. The audit analysis and evaluation of the  
 23.11 projects subject to paragraph (c) must be presented to agency executive sponsors, the  
 23.12 project governance bodies, and the chief information officer. All reports and responses  
 23.13 must become part of the project record.

23.14 (e) For any active information and telecommunications technology project with a  
 23.15 total expected project cost of more than \$10,000,000, the state agency must perform an  
 23.16 annual independent audit that conforms to published project audit principles promulgated  
 23.17 by the office.

23.18 (f) The chief information officer shall report by January 15 of each year to the  
 23.19 chairs and ranking minority members of the legislative committees and divisions with  
 23.20 jurisdiction over the office regarding projects the office has reviewed under paragraph (a),  
 23.21 clause ~~(2)~~ (13). The report must include the reasons for the determinations made in the  
 23.22 review of each project and a description of its current status.

23.23 Sec. 2. Minnesota Statutes 2012, section 16E.03, subdivision 2, is amended to read:

23.24 Subd. 2. **Chief information officer's responsibility.** ~~The chief information officer~~  
 23.25 ~~shall coordinate the state's information and telecommunications technology systems and~~  
 23.26 ~~services to serve the needs of the state government.~~ The chief information officer shall:

23.27 (1) design a master plan for information and telecommunications technology  
 23.28 systems and services in the state and its political subdivisions and shall report on the plan  
 23.29 to the governor and legislature at the beginning of each regular session;

23.30 (2) coordinate, review, and approve all information and telecommunications  
 23.31 technology projects and oversee the state's information and telecommunications  
 23.32 technology systems and services;

23.33 (3) establish and enforce compliance with standards for information and  
 23.34 telecommunications technology systems and services that are cost-effective and support

24.1 open systems environments and that are compatible with state, national, and international  
 24.2 standards, including accessibility standards;

24.3 (4) maintain a library of systems and programs developed by the state and its  
 24.4 political subdivisions for use by agencies of government;

24.5 (5) direct and manage the shared operations of the state's information and  
 24.6 telecommunications technology systems and services; and

24.7 (6) establish and enforce standards and ensure acquisition of hardware and software  
 24.8 necessary to protect data and systems in state agency networks connected to the Internet.

24.9 Sec. 3. Minnesota Statutes 2012, section 16E.035, is amended to read:

24.10 **16E.035 TECHNOLOGY INVENTORY.**

24.11 The chief information officer must prepare ~~an~~ a financial inventory of technology  
 24.12 owned or leased by ~~state agencies~~ MN.IT Services. The inventory must include: (1)  
 24.13 information on how the technology fits into the state's information technology architecture;  
 24.14 and (2) a projected replacement schedule. The chief information officer must report the  
 24.15 inventory to the legislative committees with primary jurisdiction over state technology  
 24.16 issues by July 1 of each even-numbered year.

24.17 Sec. 4. Minnesota Statutes 2013 Supplement, section 16E.04, subdivision 2, is  
 24.18 amended to read:

24.19 Subd. 2. **Responsibilities.** ~~(a) In addition to other activities prescribed by law, the~~  
 24.20 ~~office shall carry out the duties set out in this subdivision.~~

24.21 ~~(b)~~ (a) The office shall develop and establish a state information architecture to ensure:

24.22 (1) that state agency ~~development and purchase of~~ information and communications  
 24.23 systems, equipment, and services ~~is designed to ensure that individual agency information~~  
 24.24 ~~systems complement and~~ do not needlessly duplicate or conflict with the systems of other  
 24.25 agencies; and

24.26 (2) enhanced public access to data can be provided consistent with standards  
 24.27 developed under section 16E.05, subdivision 4.

24.28 When state agencies have need for the same or similar public data, the chief information  
 24.29 officer, in coordination with the affected agencies, shall manage the most efficient and  
 24.30 cost-effective method of producing and storing data for or sharing data between those  
 24.31 agencies. The development of this information architecture must include the establishment  
 24.32 of standards and guidelines to be followed by state agencies. The office shall ensure  
 24.33 compliance with the architecture.

25.1 ~~(e) The office shall, in cooperation with state agencies, plan and manage the~~  
 25.2 ~~development and improvement of information systems so that an individual information~~  
 25.3 ~~system reflects and supports the state agency's mission and the state's requirements and~~  
 25.4 ~~functions.~~

25.5 ~~(d)~~ (b) The office shall review and approve agency requests for funding for the  
 25.6 development or purchase of information systems equipment or software before the  
 25.7 requests may be included in the governor's budget.

25.8 ~~(e)~~ (c) The office shall review and approve agency requests for grant funding that  
 25.9 have an information and technology component.

25.10 ~~(f)~~ (d) The office shall review major purchases of information systems equipment to:  
 25.11 (1) ensure that the equipment follows the standards and guidelines of the state  
 25.12 information architecture;

25.13 (2) ensure the agency's proposed purchase reflects a cost-effective policy regarding  
 25.14 volume purchasing; and

25.15 (3) ensure that the equipment is consistent with other systems in other state agencies  
 25.16 so that data can be shared among agencies, unless the office determines that the agency  
 25.17 purchasing the equipment has special needs justifying the inconsistency.

25.18 ~~(g)~~ (e) The office shall review the operation of information systems by state agencies  
 25.19 and ensure that these systems are operated efficiently and securely and continually meet  
 25.20 the standards and guidelines established by the office. The standards and guidelines must  
 25.21 emphasize uniformity that is cost-effective for the enterprise, that encourages information  
 25.22 interchange, open systems environments, and portability of information whenever  
 25.23 practicable and consistent with an agency's authority and chapter 13.

25.24 Sec. 5. Minnesota Statutes 2012, section 16E.05, subdivision 1, is amended to read:

25.25 Subdivision 1. **Duties.** The office, in consultation with interested persons, shall:

25.26 (1) coordinate statewide efforts by units of state and local government to plan for  
 25.27 and develop a system for providing access to government services; and

25.28 ~~(2) make recommendations to facilitate coordination and assistance of demonstration~~  
 25.29 ~~projects; and~~

25.30 ~~(3)~~ (2) explore ways and means to improve citizen and business access to public  
 25.31 services, including implementation of technological improvements.

25.32 Sec. 6. Minnesota Statutes 2013 Supplement, section 16E.18, subdivision 8, is  
 25.33 amended to read:

26.1 Subd. 8. **Exemption.** The state information network is exempt from the five-  
26.2 and ten-year limitation on contracts set by sections ~~16C.03, subdivision 17~~; 16C.05,  
26.3 subdivision 2, paragraph (b); 16C.06, subdivision 3b; 16C.08, subdivision 3, clause (5);  
26.4 and 16C.09, clause (6). A contract compliance review must be performed by the office on  
26.5 a five-year basis for any contract that has a total term greater than five years. The review  
26.6 must detail any compliance or performance issues on the part of the contractor.

26.7 Sec. 7. **REPEALER.**

26.8 Minnesota Statutes 2012, sections 16E.02, subdivisions 2 and 3; 16E.03, subdivision  
26.9 8; and 16E.0475, are repealed the day following final enactment.

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ARTICLE 2	CONFORMING CHANGES .....	Page.Ln 4.22
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**16E.02 OFFICE OF ENTERPRISE TECHNOLOGY; STRUCTURE AND PERSONNEL.**

Subd. 2. **Intergovernmental participation.** The chief information officer or the chief information officer's designee shall serve as a member of the Geographic Information Systems Council and the Library Planning Task Force or their respective successor organizations and as a nonvoting member of the Minnesota Health Data Institute.

Subd. 3. **Administrative support.** The commissioner of administration must provide office space and administrative support services to the office. The office must reimburse the commissioner for these services.

**16E.03 STATE INFORMATION AND COMMUNICATIONS SYSTEMS.**

Subd. 8. **Joint actions.** The chief information officer may join with the federal government, other states, local governments, and organizations representing those groups either jointly or severally in the development and implementation of systems analysis, information services, and computerization projects.

**16E.0475 ADVISORY COMMITTEE FOR TECHNOLOGY STANDARDS FOR ACCESSIBILITY AND USABILITY.**

Subdivision 1. **Membership.** (a) The Advisory Committee for Technology Standards for Accessibility and Usability consists of ten members, appointed as follows:

- (1) the state chief information officer, or the state chief information officer's designee;
  - (2) a representative from State Services for the Blind, appointed by the commissioner of employment and economic development;
  - (3) the commissioner of administration, or the commissioner's designee;
  - (4) a representative selected by the Minnesota system of technology to achieve results program;
  - (5) a representative selected by the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans;
  - (6) the commissioner of education, or the commissioner's designee;
  - (7) the commissioner of health, or the commissioner's designee;
  - (8) the commissioner of human services, or the commissioner's designee;
  - (9) one representative from the Minnesota judicial system designated by the chief justice;
- and
- (10) one staff member from the legislature, appointed by the chair of the Legislative Coordinating Commission.

(b) The appointing authorities under this subdivision must use their best efforts to ensure that the membership of the advisory committee includes at least one representative who is deaf, hard-of-hearing, or deafblind and at least one representative who is blind.

(c) The advisory committee shall elect a chair from its membership.

Subd. 2. **Duties.** (a) The advisory committee shall:

- (1) review processes to be used for the evaluation or certification of accessibility of technology against accessibility standards;
- (2) review the exception process and thresholds for any deviation from the accessibility standards;
- (3) identify, in consultation with state agencies serving Minnesotans with disabilities, resources for training and technical assistance for state agency staff, including instruction regarding compliance with accessibility standards;
- (4) convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards;
- (5) review customer comments about accessibility and usability issues collected by State Services for the Blind;
- (6) develop proposals for funding captioning of live videoconferencing, live Webcasts, Web streaming, podcasts, and other emerging technologies;
- (7) provide advice and recommendations regarding the technology accessibility program operation and objectives;
- (8) review and make recommendations regarding individual agency accessibility plans;
- (9) review and make recommendations regarding new or amended accessibility standards and policies;

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(10) review and make recommendations regarding assessments of progress in implementing accessibility standards; and

(11) consult with the chief information officer, if the chief information officer determines that any accessibility standard poses an undue burden to the state.

(b) The advisory committee shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state technology systems by January 15 each year regarding the findings, progress, and recommendations made by the advisory committee under this subdivision. The report shall include any draft legislation necessary to implement the committee's recommendations.

Subd. 3. **Terms, compensation, and removal.** The terms, compensation, and removal of members are governed by section 15.059.

Subd. 4. **Expiration.** This section expires June 30, 2013.

#### **116C.22 CITATION.**

Sections 116C.22 to 116C.34 may be cited as the Minnesota Environmental Coordination Procedures Act.

#### **116C.23 PURPOSE.**

It shall be the purpose of sections 116C.22 to 116C.34:

(1) to provide an optional procedure to assist those who, in the course of satisfying the requirements of state government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain more than one state permit, by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi-judicial and judicial review, pertaining to these permits;

(2) to provide to the members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resources and related environmental matters prior to the making of decisions on these uses by state or local agencies;

(3) to provide to the members of the public a greater degree of certainty in terms of permit requirements of state and local government;

(4) to provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources; and

(5) to establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in this state.

#### **116C.24 DEFINITIONS.**

Subdivision 1. **Applicability.** For the purposes of sections 116C.22 to 116C.34, the terms defined in this section have the meanings given them.

Subd. 1a. **Agency.** "Agency" means a state department, commission, board or other agency of the state however titled or a local governmental unit or instrumentality, only when that unit or instrumentality is acting within existing legal authority to grant or deny a permit that otherwise would be granted or denied by a state agency.

Subd. 2. **Board.** "Board" means the Minnesota Environmental Quality Board.

Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of employment and economic development.

Subd. 3. **Coordination unit.** "Coordination unit" means the Bureau of Business Licenses established pursuant to sections 116J.73 to 116J.76.

Subd. 4. **Local governmental unit.** "Local governmental unit" means a county, city, town, or special district with legal authority to issue a permit.

Subd. 5. **Permit.** "Permit" means a license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to a regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water, which is required to be obtained from a state agency prior to constructing or operating a project in this state.

Nothing in sections 116C.22 to 116C.34 shall relate to the granting of a proprietary interest in publicly owned property through a sale, lease, easement, use permit, license or other conveyance.

Subd. 6. **Person.** "Person" means an individual, an association or partnership, or a cooperative, or a municipal, public or private corporation, including but not limited to a state agency and a county.

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Subd. 7. **Project.** "Project" means a new activity or an expansion of or addition to an existing activity, which is fixed in location and for which permits are required from an agency prior to construction or operation, including but not limited to industrial and commercial operations and developments. Sections 116C.22 to 116C.34 shall not apply to projects which are:

- (1) covered by chapter 93 or 216E or section 216B.243; or
- (2) initiated for the purpose of taconite tailings disposal or mining, or the producing or beneficiating of copper, nickel or copper-nickel.

### **116C.25 ENVIRONMENTAL PERMITS COORDINATION UNIT.**

The commissioner of employment and economic development shall direct the Bureau of Business Licenses to act as the coordination unit to implement and administer the provisions of sections 116C.22 to 116C.34. The commissioner shall employ necessary staff to work for the coordination unit on a continuous basis.

### **116C.26 APPLICATION PROCEDURE.**

Subdivision 1. **Master application.** A person proposing a project which may require more than one permit may, prior to the initial construction of the project or prior to the initial operation of the project if construction of the project required no state permits, submit a master application to the coordination unit requesting the issuance of all state permits necessary for construction and operation of the project. The master application shall be on a form furnished by the coordination unit and shall contain precise information as to the location of the project, and shall describe the nature of the project including any contemplated discharges of wastes therefrom and any uses of, or interferences with, natural resources. No master application shall be accepted for processing by the coordination unit pursuant to sections 116C.22 to 116C.34, unless it is accompanied by the certifications issued not more than 120 days prior to the date of the master application as required by section 116C.31. No master application shall be accepted for processing by the coordination unit pursuant to sections 116C.22 to 116C.34, unless it is accompanied by a certification from the board that either an environmental impact statement concerning the project has been completed or that an environmental impact statement is not required concerning the project.

Subd. 2. **Notice; response.** Upon receipt of a completed master application, the coordination unit shall immediately notify in writing each agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the coordination unit shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the coordination unit within the specified date, not exceeding 20 days from receipt, as determined by the coordination unit, advising whether the agency does or does not have an interest in the master application. If an agency timely responds that it has an interest in the master application, the response shall include information concerning the specific permit programs under its jurisdiction which are pertinent to the project described in the master application. The agency response shall also advise the coordination unit whether a public hearing concerning the master application as provided in section 116C.28 would or would not be required or of value considering the overall public interest.

Subd. 3. **Subsequent permit requirement.** Each notified agency which responds within the specified date that it does not have an interest in the master application or which does not respond as required by subdivision 2 within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if:

(a) the master application provided to the notified agency contained false, misleading, or deceptive information, or lacked information, which would reasonably lead an agency to misjudge its interest in a master application; or

(b) subsequent laws or rules require additional permits; or

(c) unusual circumstances prevented the agency from notifying the coordination unit and the agency can establish that failure to require a permit would result in substantial harm to the public health or welfare, in which case the board may order that the permit be required.

Subd. 4. **Application forms.** The coordination unit shall submit application forms concerning the permit programs identified in the affirmative responses under subdivision 2 to the applicant with a direction to complete and return them to the coordination unit within 90 days.

Subd. 5. **Transmittal to agency.** Within ten days of receipt of the full set of completed application forms by the coordination unit, each application shall be transmitted to the appropriate

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agency for the performance of its responsibilities of decision making in accordance with the procedures of sections 116C.22 to 116C.33.

Subd. 6. **Date.** If an agency has a procedure for setting priorities in issuing a permit according to the date of the application for the permit, the date used shall be the date upon which a master application is received by the coordination unit.

#### **116C.261 ENVIRONMENTAL PERMIT PLAN TIMELINE REQUIREMENT.**

(a) If environmental review under chapter 116D will be conducted for a project and a state agency is the responsible government unit, that state agency shall prepare:

(1) a plan that will coordinate administrative decision-making practices, including monitoring, analysis and reporting, and public comments and hearings; and

(2) a timeline for the issuance of all federal, state, and local permits required for the project.

(b) The plan and timeline shall be delivered to the project proposer by the time the environmental assessment worksheet or draft environmental impact statement is published in the EQB Monitor.

#### **116C.27 NOTICE.**

Subdivision 1. **Publication.** The coordination unit immediately after transmittal of the completed applications to the appropriate agency shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the agency having jurisdiction over each permit. Except as provided in subdivision 2, the notice shall also state the time and place of the public hearing, to be held not less than 20 days after the date of last publication of the notice. It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office of the county auditor of each county in which the project is proposed to be constructed or operated, as well as in other locations which the coordination unit may designate.

Subd. 2. **Public hearing.** If the responses to the master application received by the coordination unit from the state agencies unanimously state the position that a public hearing in relation to a master application would not be of value in consideration of the overall public interest and are not required by any other law or rule, the provisions of subdivision 1 pertaining to the time and place of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may present relevant views and supporting materials in writing to the coordination unit concerning any of the permits applied for within 30 days after the last date of publication of the notice in a newspaper.

#### **116C.28 PUBLIC HEARING.**

Subdivision 1. **Process.** When one or more agencies notifies the coordination unit that a public hearing is required or appropriate on matters relating to the project described in the master application, the coordination unit shall set the time and place for a hearing in which each of the affected agencies shall participate. The hearing shall be held pursuant to the contested case provisions of chapter 14 and section 116C.27.

Subd. 2. **Representation at hearing.** Each participating state agency shall be represented at the public hearing by its chief administrative officer or a designee. The representative of any state agency within whose jurisdiction a specific application lies shall participate in the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to its application. The administrative law judge may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription pursuant to chapter 14.

Subd. 3. **Agency's final decision.** Within 60 days of receipt of the administrative law judge's report, each state agency which is a party to the hearing shall forward its final decision on permit applications within its jurisdiction to the coordination unit, provided that this date may be extended by the chair of the board for reasonable cause. Every final decision shall set forth the basis for the decision together with a final order denying the permit or granting the permit including the specifying of any conditions under which the permit is issued.

Subd. 4. **Procedure if no hearing is held.** If notice has been published pursuant to section 116C.27, subdivision 2, and no public hearing is conducted, the coordination unit shall, not less than 30 days after the last notice publication in the newspaper, submit a copy of all views and

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supporting material received by it to each agency having jurisdiction concerning any permit application described in the notice. Concurrently therewith, the coordination unit shall notify each state agency, in writing, of the date not to exceed 60 days by which final decisions on applications shall be forwarded to the coordination unit; provided that this date may be extended by the chair of the board for reasonable cause. Each final decision shall set forth the information required by subdivision 3.

Subd. 5. **Incorporation into one document.** As soon as all final decisions are received by the coordination unit from the various participating state agencies, the coordination unit shall immediately incorporate them, without modification, into one document and shall transmit the document to the applicant either personally or by certified mail.

#### **116C.29 WITHDRAWAL OF AGENCY PARTICIPATION.**

After an agency has responded that it has an interest in the master application, it may withdraw from further participation in the processing of that master application at any time by written notification to the coordination unit, if it subsequently appears to the agency that it has no permit programs under its jurisdiction which are applicable to the project.

#### **116C.30 APPLICATION.**

Subdivision 1. **Appeal.** A person aggrieved by a final decision of an agency in granting or denying a permit shall seek redress directly and individually from that agency in the manner provided by chapter 14, or any other statute authorizing either judicial or administrative review of an agency decision.

Subd. 2. **Agency jurisdiction.** Each state agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to February 15, 1977, to make such determinations. Nothing in sections 116C.22 to 116C.34 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

Subd. 3. **Additional information.** A state agency may in the performance of its responsibilities of decision making under sections 116C.22 to 116C.33, request or receive additional information from an applicant.

Subd. 4. **Fee schedules.** Fee schedules authorized by statute for an application or permit shall continue to be applicable even though the application or permit is processed under the provisions set forth in sections 116C.22 to 116C.33. The coordination unit shall not charge the applicant or participating agencies a fee for its services.

Subd. 5. **No applicability.** Sections 116C.22 to 116C.33 shall have no applicability to an application for a permit renewal, amendment, extension, or other similar document required subsequent to the completion of decisions and proceedings under sections 116C.27 to 116C.29, or to a replacement thereof or to a quasi-judicial or judicial proceeding held pursuant to an order of remand or similar order by a court in relation to a final decision of a state agency.

Subd. 6. **Land use; zoning.** Nothing in sections 116C.22 to 116C.34 shall modify in any manner whatsoever the applicability or inapplicability of any land use rule, statute or local zoning ordinance to the lands of any state agency.

#### **116C.31 LOCAL CERTIFICATION.**

Subdivision 1. **Generally.** No master application shall be processed pursuant to sections 116C.22 to 116C.33 unless it is accompanied by a certification issued not more than 120 days prior to the date the master application is first received by the coordination unit, from the local governmental units in whose jurisdiction the proposed project is located, certifying that the project is in compliance with all zoning ordinances, subdivision regulations, and environmental regulations administered by the local governmental unit and certifying that the preparation of any environmental impact statement which the local governmental unit is authorized to require pursuant to local ordinance, state statute, or board rule, has been completed or deemed not necessary. If the local governmental unit has required any environmental impact statement concerning the project, a copy of the completed environmental impact statement shall be attached to the local governmental unit's certification. If the local governmental unit has no zoning ordinances, subdivision regulations, or environmental regulations, the certification from the local governmental unit shall so state. A local governmental unit may accept applications for certifications as provided in this section and shall rule upon the same expeditiously to insure that the purposes of sections 116C.22 to 116C.33 are accomplished fully. After issuing a certification for the purposes of this section, no local government shall rescind it even though the local

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government may have changed its zoning ordinances, subdivision regulations, or environmental regulations. A change of zoning ordinances, subdivision regulations, or environmental regulations shall not invalidate a previously given certification for the purpose of securing a state permit under sections 116C.22 to 116C.33. Upon certification, the local government may change such zoning ordinances, subdivision regulations, or environmental regulations, but not so as to affect the proposed project until the procedures of sections 116C.22 to 116C.33, including any administrative or judicial reviews, are completed.

Subd. 2. **Appeal.** A ruling by a local governmental unit denying an application for certification shall not be appealable under sections 116C.22 to 116C.34. The denial of an application for certification by a local governmental unit shall not preclude the applicant from filing a permit application under any other available statute or procedure.

#### **116C.32 RULES; COOPERATION.**

The commissioner shall as soon as practicable adopt rules, not inconsistent with rules of procedure established by the Office of Administrative Hearings, to implement the provisions of sections 116C.22 to 116C.34, including master application procedures, notice procedures, and public hearing procedures and costs.

#### **116C.33 CONFLICT WITH FEDERAL REQUIREMENTS.**

Subdivision 1. **Federal requirements prevail.** If in a final order of a court of competent jurisdiction, any part of sections 116C.22 to 116C.34 as enacted or administered is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds authorized to this state, the conflicting part of sections 116C.22 to 116C.34 shall be void to the limited extent necessary to remove the conflict and the remainder of sections 116C.22 to 116C.34 shall remain effective.

Subd. 2. **Modification.** The commissioner, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing, and related procedural matters provided in sections 116C.22 to 116C.34.

#### **116J.037 CERTIFICATION OF ELECTRONIC-COMMERCE-READY CITIES AND COUNTIES.**

A county or statutory or home rule charter city of Minnesota shall be designated an electronic-commerce-ready city or county by the Department of Employment and Economic Development and may be annually recertified as an electronic-commerce-ready city or county if it:

(1) has formed effective public-private partnerships with communication providers, the business community, banks, schools, health care, government, and nonprofit social and service organizations to become electronic commerce ready;

(2) makes available training and continuing education to develop an electronic-commerce-ready workforce;

(3) develops a plan for electronic commerce readiness that reflects resource integration across economic and government sectors, including current and future investments by business, government, education, and health care to achieve cooperative community and economic development benefits;

(4) uses local funding sources to catalyze and sustain information technology investments to adapt to new business priorities as electronic commerce grows; and

(5) maintains public access sites to ensure access to electronic commerce applications and community networking tools, such as electronic mail.

#### **116J.422 RURAL POLICY AND DEVELOPMENT CENTER FUND.**

A rural policy and development center fund is established as an account in the state treasury. The commissioner of management and budget shall credit to the account the amounts authorized under this section and appropriations and transfers to the account. The state Board of Investment shall ensure that account money is invested under section 11A.24. All money earned by the account must be credited to the account. The principal of the account and any unexpended earnings must be invested and reinvested by the state Board of Investment.

Gifts and donations, including land or interests in land, may be made to the account. Noncash gifts and donations must be disposed of for cash as soon as the board prudently can maximize the value of the gift or donation. Gifts and donations of marketable securities may

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be held or be disposed of for cash at the option of the board. The cash receipts of gifts and donations of cash or capital assets and marketable securities disposed of for cash must be credited immediately to the principal of the account. The value of marketable securities at the time the gift or donation is made must be credited to the principal of the account and any earnings from the marketable securities are earnings of the account. The earnings in the account are annually appropriated to the board of the center for rural policy and development to carry out the duties of the center.

#### **116J.6581 MINNESOTA ENTREPRENEUR RESOURCE VIRTUAL NETWORK (MERNV).**

(a) The commissioner shall seek sufficient private sector funding for the Office of Entrepreneurship and Small Business Development (OESBD) to develop, maintain, and market a virtual network to provide seamless access to statewide resources and expertise for entrepreneurs and existing businesses using private sector funding. Private sector funding must be for general support of the virtual network and must not be used to sponsor specific portions of the network. The network must disclose the value of the donations and names of private sector organizations providing funding for the network. The network must connect Minnesota entrepreneurs to available state and nonstate supported services and technical assistance. In developing and maintaining the network, OESBD must ensure that all listed resources meet established standards. The goal of the network is to assist in the creation of new Minnesota ventures, the growth of existing businesses, and the ability of Minnesota entrepreneurs to compete globally. To the greatest extent possible, the network should be built on and linked to existing resources designed to make business assistance resources more accessible to Minnesota business.

(b) Any portion of the network that involves state information systems or state Web sites is subject to the authority of the Office of MN.IT Services in chapter 16E, including, but not limited to:

- (1) evaluation and approval as specified in section 16E.03, subdivisions 3 and 4;
- (2) review to ensure compliance with security policies, guidelines, and standards as specified in section 16E.03, subdivision 7; and
- (3) assurance of compliance with accessibility standards developed under section 16E.03, subdivision 9.

#### **116J.68 BUREAU OF SMALL BUSINESS.**

Subd. 5. **Advisory board meetings.** (a) If compliance with section 13D.02 is impractical, the Small Business Development Center Advisory Board, created pursuant to United States Code, title 15, section 648, may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly all discussion and testimony and all votes of members of the board and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

#### **116J.70 DEFINITIONS.**

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Subd. 2a. **License; exceptions.** "Business license" or "license" does not include the following:

- (1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;
- (2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;
- (3) any license required to practice the following occupation regulated by the following sections:
  - (i) abstracters regulated pursuant to chapter 386;
  - (ii) accountants regulated pursuant to chapter 326A;
  - (iii) adjusters regulated pursuant to chapter 72B;
  - (iv) architects regulated pursuant to chapter 326;
  - (v) assessors regulated pursuant to chapter 270;
  - (vi) athletic trainers regulated pursuant to chapter 148;
  - (vii) attorneys regulated pursuant to chapter 481;
  - (viii) auctioneers regulated pursuant to chapter 330;
  - (ix) barbers and cosmetologists regulated pursuant to chapter 154;
  - (x) boiler operators regulated pursuant to chapter 326B;
  - (xi) chiropractors regulated pursuant to chapter 148;
  - (xii) collection agencies regulated pursuant to chapter 332;
  - (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
  - (xiv) detectives regulated pursuant to chapter 326;
  - (xv) electricians regulated pursuant to chapter 326B;
  - (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
  - (xvii) engineers regulated pursuant to chapter 326;
  - (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
  - (xix) certified interior designers regulated pursuant to chapter 326;
  - (xx) midwives regulated pursuant to chapter 147D;
  - (xxi) nursing home administrators regulated pursuant to chapter 144A;
  - (xxii) optometrists regulated pursuant to chapter 148;
  - (xxiii) osteopathic physicians regulated pursuant to chapter 147;
  - (xxiv) pharmacists regulated pursuant to chapter 151;
  - (xxv) physical therapists regulated pursuant to chapter 148;
  - (xxvi) physician assistants regulated pursuant to chapter 147A;
  - (xxvii) physicians and surgeons regulated pursuant to chapter 147;
  - (xxviii) plumbers regulated pursuant to chapter 326B;
  - (xxix) podiatrists regulated pursuant to chapter 153;
  - (xxx) practical nurses regulated pursuant to chapter 148;
  - (xxxi) professional fund-raisers regulated pursuant to chapter 309;
  - (xxxii) psychologists regulated pursuant to chapter 148;
  - (xxxiii) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
  - (xxxiv) registered nurses regulated pursuant to chapter 148;
  - (xxxv) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
  - (xxxvi) steamfitters regulated pursuant to chapter 326B;
  - (xxxvii) teachers and supervisory and support personnel regulated pursuant to chapter 125;
  - (xxxviii) veterinarians regulated pursuant to chapter 156;
  - (xxxix) water conditioning contractors and installers regulated pursuant to chapter 326B;
  - (xl) water well contractors regulated pursuant to chapter 103I;
  - (xli) water and waste treatment operators regulated pursuant to chapter 115;
  - (xlii) motor carriers regulated pursuant to chapter 221;
  - (xliii) professional firms regulated under chapter 319B;
  - (xliv) real estate appraisers regulated pursuant to chapter 82B;
  - (xlv) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326B;
  - (xlvi) licensed professional counselors regulated pursuant to chapter 148B;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;

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(7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and

(8) any pollution control rule or standard established by the Pollution Control Agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

#### **116J.74 DEFINITIONS.**

Subd. 7a. **Exception.** "Business license" or "license" does not include any license excepted in section 116J.70, subdivision 2a.

#### **116J.874 AFFIRMATIVE ENTERPRISE PROGRAM.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Business entity" means a sole proprietorship, partnership, limited liability company, or corporation.

(c) "Disabled person" means a person with a disability as defined under section 363A.03, subdivision 12.

(d) "Full-time employee" means an employee who is employed for at least 35 hours per week.

Subd. 2. **Establishment.** The commissioner of employment and economic development shall establish the affirmative enterprise program for the purpose of encouraging the full-time employment of disabled persons in areas of economic need. The commissioner shall determine areas of economic need based on present and past levels of unemployment and population loss, and present and past reductions in industrial and business activity.

Subd. 3. **Eligibility.** A business entity is eligible for an affirmative enterprise grant if it meets the following criteria:

(1) except in the case of a business entity with fewer than ten employees, it employs at least 25 percent of its full-time employees from persons who are not disabled;

(2) it employs at least 50 percent of its full-time employees from disabled persons;

(3) it maintains an integrated work force of nondisabled and disabled persons at the highest possible level;

(4) every full-time employee has an employee status with all accompanying rights and responsibilities;

(5) the following benefits are provided to each full-time employee:

(i) paid vacation;

(ii) paid holidays;

(iii) paid sick leave;

(iv) a personalized career plan;

(v) retirement with employer participation; and

(vi) a co-payment health insurance plan;

(6) a full-time employee selected by all employees of the business entity meets with the business entity's management at least once a month;

(7) each full-time employee is informed of other less restrictive employment when it becomes available;

(8) all full-time employees are required to participate in at least two evaluations per year with accompanying wage adjustments; and

(9) profit sharing based on the business entity's performance is provided to all full-time employees.

Subd. 4. **Grants.** Affirmative enterprise grants must be used by the business to provide training and support services to disabled persons in conjunction with economic development.

Subd. 5. **Preference.** Preference for grant awards must be given to a business entity that: (1) offers ownership options or individual personal improvement plans with employer-sponsored training, has a long-term business plan, and is working collaboratively with the local economic development authority or organization; or (2) has a higher percentage of disabled employees than another eligible entity.

#### **116J.885 BIOMEDICAL INNOVATION AND COMMERCIALIZATION INITIATIVE.**

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Subdivision 1. **Established.** (a) The commissioner of employment and economic development shall establish the Biomedical Innovation and Commercialization Initiative (BICI) as a collaborative economic development initiative between the University of Minnesota, Minnesota's medical technology industry, and investors. BICI is not a state agency.

(b) The board established in subdivision 2 shall organize and operate BICI as a for-profit entity and in a manner and form that the board determines best allows BICI to carry out its objectives. Any distribution from BICI must be returned to all investors, including the state, in the same proportion as funds were contributed.

Subd. 2. **Board.** (a) BICI is governed by a board of directors, appointed to six-year terms, comprised of:

- (1) a representative chosen by the governor;
- (2) a representative chosen by the University of Minnesota; and
- (3) five representatives from the state's medical technology industry, chosen by private sector investors.

(b) The board may use up to five percent of its total capitalization to establish a management and administrative budget, including the hiring of staff and for professional management expenses. Members of the staff are not state employees.

Subd. 3. **Duties of BICI.** BICI shall:

- (1) add business and financial expertise to technologies that are being developed by University of Minnesota faculty and staff to enhance commercial value;
- (2) promote the depth, breadth, and value of technologies being developed by the biomedical academic community;
- (3) catalyze the development of functional, mutually advantageous relationships between industry, faculty, staff, the university, and extended research community;
- (4) provide a financial return on commercialization efforts to the stakeholders in BICI; and
- (5) directly commercialize technologies through the startup of new Minnesota companies or enhance the marketing of technologies to existing companies creating expanded economic development opportunities.

Subd. 4. **Statewide focus.** BICI may contract and collaborate with higher education and other research institutions located throughout the state.

Subd. 5. **Powers of board.** The board has the power to do all things reasonable and necessary to carry out the duties of BICI including, without limitation, the power to:

- (1) enter into contracts for goods and services with individuals and private and public entities;
- (2) sue and be sued;
- (3) acquire, hold, lease, and transfer any interest in real and personal property;
- (4) accept appropriations, gifts, grants, and bequests;
- (5) hire employees for BICI; and
- (6) delegate any of its powers.

Subd. 6. **Board compensation.** Compensation and expense reimbursement of board members is as provided in section 15.0575, subdivision 1.

### **116J.987 DEFINITIONS.**

Subdivision 1. **Application.** The definitions in this section apply to sections 116J.987 to 116J.990.

Subd. 2. **Board.** "Board" means the Board of Invention.

Subd. 3. **Commercial invention.** "Commercial invention" means new and useful processes, machines, manufacturing procedures, or any new and useful improvements or applications of commercial inventions, regardless of whether or not the invention is patentable.

Subd. 4. **Invention.** "Invention" means creative activity resulting in new and potentially useful and applied products or ideas of commercial and social merit. Invention includes commercial and social inventions.

Subd. 5. **Social invention.** "Social invention" means new procedures, new uses for known procedures, and organizations that change the way in which people relate to their environment or to each other.

### **116J.988 BOARD OF INVENTION.**

Subdivision 1. **Membership.** The Board of Invention consists of 11 members appointed by the governor, subject to the advice and consent of the senate. One member must be appointed from each of the congressional districts. The remaining members may be appointed at large.

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Subd. 2. **Terms.** The membership terms, removal, and filling of vacancies of board members are as provided in section 15.0575.

Subd. 3. **Chair; other officers.** The board shall annually elect a chair and other officers as necessary from its members.

Subd. 4. **Staff.** The board may employ an executive director who is knowledgeable in invention and has demonstrated proficiency in the administration of programs relating to invention. The executive director shall perform the duties that the board may require in carrying out its responsibilities.

#### **116J.989 POWERS.**

Subdivision 1. **Contracts.** The board may enter into contracts and grant agreements necessary to carry out its responsibilities.

Subd. 2. **Gifts; grants.** The board may apply for, accept, and disburse gifts, grants, or other property from the United States, the state, private foundations, or any other source. It may enter into an agreement required for the gifts or grants and may hold, use, and dispose of its assets in accordance with the terms of the gift, grant, or agreement. Money received by the board under this subdivision must be deposited in the state treasury. The amount deposited is appropriated to the board to carry out its duties.

#### **116J.990 DUTIES.**

Subdivision 1. **General duties.** The board shall encourage the creation, performance, and appreciation of invention in the state. The board shall investigate and evaluate new methods to enhance invention.

Subd. 2. **Grant program.** The board shall establish an invention grant program to award grants to individuals, nonprofits, or private organizations to encourage the development of both commercial and social inventions.

Subd. 3. **Technical assistance.** The board shall provide information services relating to invention to the general public.

Subd. 4. **Coordination.** The board may review all public and private programs relating to invention and innovation.

Subd. 5. **Budget.** The board shall adopt an annual budget and work program.

Subd. 6. **Report.** The board shall submit a report to the legislature and the governor by January 31 of each year. The report must include a review of invention activities in the state, a review of the board's activities, a listing of grants made under the invention grant program, an evaluation of invention initiatives, and recommendations concerning state support of invention activities.

#### **116L.06 HIRE EDUCATION LOAN PROGRAM.**

Subdivision 1. **Fund uses.** The Job Skills Partnership Board may make loans to Minnesota employers to train persons for jobs in Minnesota. The loans must be used to train current and prospective employees of an employer for specific jobs with the employer.

Subd. 2. **Loan process.** The board shall establish a schedule and competitive process for accepting loan applications. The board shall evaluate loan applications.

Subd. 3. **Loan priority.** The board shall give priority to loans that provide training for jobs that are permanent, provide health coverage and other fringe benefits, and have a career or job path with prospects for wage increases.

Subd. 4. **Loan terms.** Loans may be secured or unsecured, shall be for a term of no more than five years, and shall bear no interest. The maximum amount of a loan is \$250,000. A loan origination fee of up to two percent of the principal of the loan may be charged. An employer may have only one outstanding loan. The loans shall contain such other standard commercial loan terms as the board deems appropriate.

Subd. 5. **Loan uses.** Loans must be used by an employer to obtain the most effective training available from public or private training institutions. An employer must document to the board the process the employer has utilized to ensure that the proposed loan is used to acquire the most cost-effective training and provide a training plan.

Subd. 6. **Packaging loans.** The board may package a grant it makes under section 116L.04 with a loan under this section.

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Subd. 7. **Loan repayments.** Loan repayments and loan origination fees shall be retained by the board for board programs.

### **116L.10 HEALTH CARE AND HUMAN SERVICES WORKER PROGRAM.**

A health care and human services worker training and retention program is established to:

(1) alleviate critical worker shortages confronting specific geographical areas of the state, specific health care and human services industries, or specific providers when employers are not currently offering sufficient worker training and retention options and are unable to do so because of the limited size of the employer, economic circumstances, or other limiting factors described in the grant application and verified by the board; and

(2) increase opportunities for current and potential direct care employees to qualify for advanced employment in the health care or human services fields through experience, training, and education.

### **116L.11 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 116L.10 to 116L.15, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

Subd. 2. **Eligible employer.** "Eligible employer" means a nursing facility, small rural hospital, intermediate care facility for persons with developmental disability, waived services provider, home health services provider, personal care assistance services provider, semi-independent living services provider, day training and habilitation services provider, or similar provider of health care or human services.

Subd. 3. **Potential employee target groups.** "Potential employee target groups" means high school students, past and present recipients of Minnesota family investment program benefits, immigrants, senior citizens, current health care and human services workers, and persons who are underemployed or unemployed.

Subd. 4. **Qualifying consortium.** "Qualifying consortium" means an entity that includes a public or private institution of higher education and one eligible employer.

### **116L.12 FUNDING MECHANISM.**

Subdivision 1. **Applications.** A qualifying consortium shall apply to the board in the manner specified by the board.

Subd. 3. **Program targets.** Applications for grants must describe targeted employers or types of employers and must describe the specific critical work force shortage the program is designed to alleviate. Programs may be limited geographically or be statewide. The application must include verification that in the process of determining that a critical work force shortage exists in the target area, the applicant has:

(1) consulted available data on worker shortages;

(2) conferred with other employers in the target area; and

(3) compared shortages in the target area with shortages at the regional or statewide level.

Subd. 4. **Grants.** Within the limits of available appropriations, the board shall make grants not to exceed \$400,000 each to qualifying consortia to operate local, regional, or statewide training and retention programs. Grants may be made from TANF funds, general fund appropriations, and any other funding sources available to the board, provided the requirements of those funding sources are satisfied. A portion of a grant may be used for preemployment training. Grant awards must establish specific, measurable outcomes and timelines for achieving those outcomes.

Subd. 5. **Local match requirements.** A consortium must satisfy the match requirements established in section 116L.02, paragraph (a).

Subd. 6. **Ineligible worker categories.** Grants shall not be made to alleviate shortages of physicians, physician assistants, or advanced practice nurses.

### **116L.13 PROGRAM REQUIREMENTS.**

Subdivision 1. **Marketing and recruitment.** A qualifying consortium must implement a marketing and outreach strategy to recruit into the health care and human services fields persons from one or more of the potential employee target groups. Recruitment strategies must include:

(1) a screening process to evaluate whether potential employees may be disqualified as the result of a required background check or are otherwise unlikely to succeed in the position for which they are being recruited; and

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(2) a process for modifying course work to meet the training needs of non-English-speaking persons, when appropriate.

Subd. 2. **Recruitment and retention incentives.** Employer members of a consortium must provide incentives to train and retain employees. These incentives may include, but are not limited to:

(1) paid salary during initial training periods, but only if specifically approved by the board, which must certify that the employer has not formerly paid employees during the initial training period and is unable to do so because of the employer's limited size, financial condition, or other factors;

(2) scholarship programs under which a specified amount is deposited into an educational account for the employee for each hour worked, which may include contributions on behalf of an employee to a Minnesota college savings plan account under chapter 136G;

(3) the provision of advanced education to employees so that they may qualify for advanced positions in the health care or human services fields. This education may be provided at the employer's site, at the site of a nearby employer, or at a local educational institution or other site. Preference shall be given to grantees that offer flexible advanced training to employees at convenient sites, allow workers time off with pay during the workday to participate, and provide education at no cost to students or through employer-based scholarships that pay expenses prior to the start of classes rather than upon completion;

(4) work maturity or soft skills training, adult basic education, English as a second language instruction, and basic computer orientation for persons with limited previous attachment to the work force due to a lack of these skills;

(5) child care subsidies during training or educational activities;

(6) transportation to training and education programs; and

(7) programs to coordinate efforts by employer members of the consortium to share staff among employers where feasible, to pool employee and employer benefit contributions in order to enhance benefit packages, and to coordinate education and training opportunities for staff in order to increase the availability and flexibility of education and training programs.

Subd. 3. **Work hour limits.** High school students participating in a training and retention program shall not be permitted to work more than 20 hours per week when school is in session.

Subd. 4. **Collective bargaining agreements.** This section shall be implemented consistent with existing collective bargaining agreements covering health care and human services employees.

#### **116L.14 CAREER ENHANCEMENT REQUIREMENTS.**

All consortium members must work cooperatively to establish and maintain a career ladder program under which direct care staff have the opportunity to advance along a career development path that includes regular educational opportunities, coordination between job duties and educational opportunities, and a planned series of promotions for which qualified employees will be eligible. This section shall be implemented consistent with existing collective bargaining agreements covering direct care staff.

#### **116L.15 SMALL EMPLOYER PROTECTION.**

Grantees must guarantee that small employers, including licensed personal care assistance organizations, be allowed to participate in consortium programs. The financial contribution required from a small employer must be adjusted to reflect the employer's financial circumstances.

#### **116L.361 DEFINITIONS.**

Subd. 2. **Advisory committee.** "Advisory committee" means the committee established in section 116L.363.

#### **116L.363 ADVISORY COMMITTEE.**

A 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. 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 development; a representative of the chancellor of the Minnesota State Colleges and Universities; a representative of the commissioner of the Housing Finance

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Agency; 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 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.

#### **116L.871 LOCAL DELIVERY.**

Subdivision 1. **Responsibility and certification.** (a) Unless prohibited by federal law or otherwise determined by state law, a local service unit is responsible for the delivery of employment and training services. Employment and training services may be delivered by certified employment and training service providers.

(b) The local service unit's employment and training service provider must meet the certification standards in this subdivision if the county requests that they be certified to deliver any of the following employment and training services and programs: wage subsidies; general assistance grant diversion; food stamp employment and training programs; community work experience programs; and MFIP employment services.

(c) The commissioner shall certify a local service unit's service provider to provide these employment and training services and programs if the commissioner determines that the provider has:

(1) past experience in direct delivery of the programs specified in paragraph (b);  
(2) staff capabilities and qualifications, including adequate staff to provide timely and effective services to clients, and proven staff experience in providing specific services such as assessments, career planning, job development, job placement, support services, and knowledge of community services and educational resources;

(3) demonstrated effectiveness in providing services to public assistance recipients and other economically disadvantaged clients; and

(4) demonstrated administrative capabilities, including adequate fiscal and accounting procedures, financial management systems, participant data systems, and record retention procedures.

(d) When the only service provider that meets the criterion in paragraph (c), clause (1), has been decertified, according to subdivision 1a, in that local service unit, the following criteria shall be substituted: past experience in direct delivery of multiple, coordinated, nonduplicative services, including outreach, assessments, identification of client barriers, employability development plans, and provision or referral to support services.

Subd. 2. **Decertification.** (a) The department, on its own initiative, or at the request of the local service unit, shall begin decertification processes for employment and training service providers who:

(1) no longer meet one or more of the certification standards;  
(2) are delivering services in a manner that does not comply with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, or relevant state law after corrective actions have been cited, technical assistance has been provided, and a reasonable period of time for remedial action has been provided; or

(3) are not complying with other state and federal laws or policy which are necessary for effective delivery of services.

(b) The initiating of decertification processes shall not result in decertification of the service provider unless and until adequate fact-finding and investigation has been performed by the department.

Subd. 3. **Enforcement.** The local service units shall provide for the enforcement of employment and training requirements for appropriate recipients of public assistance, and must include provisions for enforcing the requirements in any contracts with providers under subdivision 1.

#### **116L.872 STATE FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.**

Subdivision 1. **Available money.** The commissioner and local service units are not required to provide employment and training services that exceed the levels permitted by available federal, state, and local funds subject to the requirements or limitations of each program.

Subd. 2. **Maintenance of effort.** A local service unit shall certify to the commissioner that it has not reduced funds from other federal, state, and county sources which would, in the

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absence of this section, have been available for employment and training services and child care services and related administrative costs.

### **473.123 METROPOLITAN COUNCIL.**

Subd. 7. **Performance and budget analyst.** The council, other than the chair, may hire a performance and budget analyst to assist the 16 council members with policy and budget analysis and evaluation of the council's performance. The analyst may recommend and the council may hire up to two additional analysts to assist the council with performance evaluation and budget analysis. The analyst and any additional analysts hired shall serve at the pleasure of the council members. The 16 members of the council may prescribe all terms and conditions for the employment of the analyst and any additional analysts hired, including, but not limited to, the fixing of compensation, benefits, and insurance. The analyst shall prepare the budget for the provisions of this section and submit the budget for council approval and inclusion in the council's overall budget.

### **473.13 BUDGET, FINANCIAL AID.**

Subd. 1c. **Report on consultants.** The annual budget must list by contract or project, expenditures for consultants and professional, technical, and other similar services for the preceding fiscal year and those proposed or anticipated in the next year. The council shall consult with the state auditor and the legislative auditor on how to coherently and effectively communicate in the budget information on professional services contracts, including a detailed description of the:

- (1) methods the council used to obtain consultant services;
- (2) criteria used by the council to award the contract;
- (3) number of consultants who sought the contract;
- (4) total cost of the contract;
- (5) duration of the contract; and
- (6) source of the funds used to pay for the contract.

### **473.23 PUBLIC FACILITIES REVIEW.**

Subdivision 1. **Inventory.** The Metropolitan Council, in consultation with appropriate state agencies and local officials, must develop an inventory of all public buildings located within the metropolitan area. The inventory must include an assessment of the condition of each public building and document any underused space in the buildings.

Subd. 2. **Shared facilities.** The Metropolitan Council must review and comment on any joint facility proposed under section 123A.78 and may submit comments to the commissioner of education on any school district facility that is proposed within the metropolitan area.

### **473.241 DATA COLLECTION.**

The Metropolitan Council in cooperation with other departments and agencies of the state and the regents of the University of Minnesota may develop a center for data collection and storage to be used by it and other governmental users and may accept gifts as otherwise authorized in this section for the purposes of furnishing information on such subjects as population, land use, governmental finances, and the like.

### **473.243 EMERGENCY SERVICES.**

The Metropolitan Council may coordinate emergency services, community shelter planning within the metropolitan area, accept gifts for such purposes as otherwise authorized in section 473.129 and contract with local governmental agencies and consultants in connection therewith.

### **473.244 SPECIAL STUDIES AND REPORTS.**

Subdivision 1. **Research and study topics.** The Metropolitan Council shall engage in a continuous program of research and study concerning the matters enumerated in this section.

Subd. 2. **Air pollution.** The control and prevention of air pollution.

Subd. 3. **Parks, open space.** The acquisition and financing of suitable major parks and open spaces within and adjacent to the metropolitan area.

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Subd. 4. **Water pollution.** The control and prevention of water pollution in the metropolitan area in conformity with applicable federal and state laws.

Subd. 5. **Local long-range plans.** The development of long-range planning in the metropolitan area but not for the metropolitan area.

Subd. 6. **Solid waste.** The acquisition of necessary facilities for the disposal of solid waste material for the metropolitan area and the means of financing such facilities.

Subd. 7. **Tax structure, equity.** The examination of the tax structure in the metropolitan area and consideration of ways to equalize the tax resources therein.

Subd. 8. **Assessment practices.** Assessment practices in the metropolitan area.

Subd. 9. **Storm water facilities.** The acquisition of necessary storm water drainage facilities for the metropolitan area and the means of financing such facilities.

Subd. 10. **Consolidation of local services.** The necessity for the consolidation of common services of local governmental units and the kind of consolidation most suitable in the public interest.

Subd. 11. **Advance development land acquisition.** Advance land acquisition for development purposes in the metropolitan area and the role of the public in connection therewith.

Subd. 12. **Recommendations.** All studies shall include recommendations as to the governmental organization, governmental subdivision, or governmental district best suited to discharge the powers recommended.

### **473.254 LOCAL HOUSING INCENTIVES ACCOUNT.**

Subd. 3. **Affordable, life-cycle housing opportunities amount through 2002.** (1) By July 1, 1996, each county assessor shall certify each municipality's average residential homestead limited market value for the 1994 assessment year, including the value of the farm house, garage, and one acre only in the case of farm homesteads, multiplied by a factor of two, as the municipality's "market value base amount." For 1997 through 2001, the "market value base amount" shall be equal to the product of (i) the market value base amount for the previous year multiplied by (ii) the annual average United States Consumer Price Index for all urban consumers, United States average, as determined by the United States Department of Labor, for the previous year divided by that annual average for the year before the previous year.

(2) By July 1, 1996, and each succeeding year through 2001, the county assessor shall determine which homesteads have market values in excess of the municipality's market value base amount and the county auditor shall certify the aggregate net tax capacity corresponding to the amount by which those homesteads' market values exceed the municipality's market value base amount as the "net tax capacity excess amount" for the assessment year corresponding to the current taxes payable year. By July 1, 1996, the county auditor shall also certify the net tax capacity excess amount for taxes payable in 1995.

(3) By July 1, 1996, and each succeeding year through 2001, the county auditor shall also certify each municipality's local tax rate for the current taxes payable year.

(4) By July 1, 1996, and each succeeding year through 2001, the county auditor shall certify for each municipality the amount equal to four percent of the municipality's current year total residential homestead tax capacity multiplied by the local tax rate.

(5) By August 1, 1996, and each succeeding year through 2001, the Metropolitan Council shall notify each municipality of its "affordable and life-cycle housing opportunities amount" for the following calendar year equal to the lesser of the amount certified under clause (4) or the amount, if any, by which the net tax capacity excess amount for the current year exceeds the amount for taxes payable in 1995, multiplied by the municipality's local tax rate certified in clause (3).

### **473.315 GRANTS FOR RECREATION OPEN SPACE.**

Subd. 2. **Immediate grants.** In order to avoid further delays in acquisition and development of regional recreational open spaces heretofore identified by the council and within existing metropolitan development guidelines, the Metropolitan Council is authorized to immediately make grants to acquire or develop such areas. The existing development guide sections on regional recreation open space shall continue in force and effect and shall constitute the policy plan until the adoption of revisions or modifications pursuant to section 473.147.

### **473.326 COMO PARK ZOO BONDS.**

Subdivision 1. **Up to \$2,300,000.** Subject to the provisions of subdivision 2, the Metropolitan Council shall by resolution authorize the issuance of general obligation bonds of the council in an

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aggregate principal amount not exceeding \$2,300,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park Zoo owned and operated by the city. The bonds shall be sold, issued, and secured as provided in section 473.325, and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.

Subd. 2. **Contingent on plan conformity.** The city council shall cause to be prepared, approve, and submit to the Metropolitan Council plans for any work for which a grant is requested. The Metropolitan Council shall determine whether the plans are consistent with Ramsey County's master plan and the Metropolitan Council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the Metropolitan Council.

Subd. 3. **Reappropriated state funds.** Of any state funds reappropriated to the Metropolitan Council for use for the acquisition and betterment of regional recreation open space, at least \$1,400,000 shall be used by the council for grants to the city of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park Zoo.

Subd. 4. **City's ownership, management.** No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.

#### **473.333 COUNCIL ACQUISITION.**

The Metropolitan Council shall have the same powers as a county under section 398.32, subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain. Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may direct the commission to proceed with acquisition. The council may, in its discretion, direct the commission to contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall direct the commission to manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

#### **473.375 POWERS OF COUNCIL.**

Subd. 9. **Advisory committees.** The council may establish one or more advisory committees composed of and representing transit providers, transit users, and local units of government to advise it in carrying out its purposes. The members of advisory committees serve without compensation.

#### **473.382 LOCAL PLANNING AND DEVELOPMENT PROGRAM.**

The council shall establish a program to ensure participation by representatives of local government units and the coordination of the planning and development of transit by local government units. The council shall encourage the establishment of local transit planning and development boards by local governments for the purpose of:

- (a) identifying service needs and objectives;
- (b) preparing, or advising and assisting local units of government in preparing the transit study and service plan required by section 473.384;
- (c) preparing or advising the council in the review of applications for assistance under section 473.384.

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The council may provide local boards with whatever assistance it deems necessary and appropriate.

#### **473.388 REPLACEMENT SERVICE PROGRAM.**

Subd. 8. **Service incentive.** A replacement transit service shall receive an additional two percent of available local transit funds, as defined in subdivision 4, if the service increased its ridership for trips that originate outside of the replacement transit service's member communities and serve the employment centers in those communities by at least five percent from the previous year, provided the service operates within regional performance standards. A replacement transit service that is receiving the maximum amount of available local transit funds may receive up to two percent over the maximum amount set in subdivision 4 if it increases its ridership as provided in this subdivision. The additional funding received under this subdivision may be reserved by the replacement transit service for future use.

#### **473.392 SERVICE BIDDING.**

The council may competitively bid transit service only in accordance with standards, procedures, and guidelines adopted by resolution of the council. The council shall establish a project management team to assist and advise the council in developing and implementing standards, procedures, and guidelines. The project management team must include representatives of the Amalgamated Transit Union Local 1005, private operators, local governments, and other persons interested in the subject. At least 60 days before adopting any standards, procedures, or guidelines for competitive bidding of transit service, the council shall hold a public hearing on the subject. The council shall publish notice of the hearing in newspapers of general circulation in the metropolitan area not less than 15 days before the hearing. At the hearing all interested persons must be afforded an opportunity to present their views orally and in writing. Following the hearing, and after considering the testimony, the council shall revise and adopt the standards, procedures, and guidelines.

#### **473.516 WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.**

Subd. 5. **Sludge ash contracts.** Notwithstanding section 473.523, the council may enter into a negotiated contract with a private person to use the sludge ash generated by the council in a manufacturing process. The contract may not exceed 30 years.

#### **473.517 ALLOCATION OF COSTS.**

Subd. 9. **Advisory committees.** The council may establish and appoint persons to advisory committees to assist the council in the performance of its wastewater services duties. If established, the advisory committees shall meet with the council to consult with such members concerning the acquisition, betterment, operation and maintenance of interceptors and treatment works in the metropolitan disposal system, and the allocation of costs therefor. Members of the advisory committee serve without compensation but must be reimbursed for their reasonable expenses as determined by the council.

#### **473.523 CONSTRUCTION CONTRACTS SUBJECT TO MUNICIPAL BID LAW.**

Subd. 2. **Manager's authority.** The manager of wastewater services may, without prior approval of the council and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of the amount specified in section 471.345, subdivision 3.

#### **473.535 CAPITAL IMPROVEMENT PROGRAM; BUDGET.**

The council shall prepare and adopt a capital improvement program and a budget for the acquisition or betterment of any interceptors or treatment works determined by the council to be necessary or desirable for the metropolitan disposal system. When the council issues debt under section 473.541, it must be for the projects identified in the adopted capital improvement program and budget.

#### **473.852 DEFINITIONS.**

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Subd. 11. **School district.** "School district" has the meaning given it by section 120A.05, subdivisions 10 and 14, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of April 3, 1976.