

(b) Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), local approval of section 37 is not required. Section 37 is effective the day following final enactment.

Presented to the governor May 31, 2005

Signed by the governor June 3, 2005, 8:15 a.m.

CHAPTER 133—S.F.No. 1780

An act relating to employment; permitting employers of professional athletes to request or require random drug testing; amending Minnesota Statutes 2004, section 181.951, subdivision 4.

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

Section 1. Minnesota Statutes 2004, section 181.951, subdivision 4, is amended to read:

Subd. 4. **RANDOM TESTING.** An employer may request or require ~~only~~ employees in ~~safety-sensitive positions~~ to undergo drug and alcohol testing on a random selection basis only if (1) they are employed in safety-sensitive positions, or (2) they are employed as professional athletes if the professional athlete is subject to a collective bargaining agreement permitting random testing but only to the extent consistent with the collective bargaining agreement.

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

Presented to the governor May 31, 2005

Signed by the governor June 1, 2005, 3:15 p.m.

CHAPTER 134—H.F.No. 742

An act relating to employment; providing exemptions from employment agency licensing requirements; prohibiting certain fee payments; extending a pilot project; amending Minnesota Statutes 2004, section 184.22, by adding subdivisions; Laws 2004, chapter 188, section 1.

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

Section 1. Minnesota Statutes 2004, section 184.22, is amended by adding a subdivision to read:

Subd. 6. **EXEMPTIONS.** (a) Except as otherwise provided, sections 184.21 to 184.41 do not apply to any person, firm, corporation, partnership, or association

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

engaged in the business of management consulting, management search consulting, or personnel consulting, hereafter "search firm," if:

(1) the search firm is retained by, acts on behalf of, and is only compensated by the employer, pursuant to a written or oral agreement specifying the position to be filled;

(2) in no instance will any individual candidate who is identified, appraised, or recommended by the search firm for employment become liable in whole or in part to pay a fee of any kind, directly or indirectly, on account of any service performed by the search firm;

(3) in no instance does the search firm or its agents solicit, persuade, or induce any individual to terminate employment with an employer with whom the search firm has placed that individual; and

(4) the search firm does not carry on any other activity that comes within the definition of employment agency as defined in section 184.21, subdivision 2.

(b) If the commissioner at any time has reason to believe that the search firm has not conducted its business in a manner consistent with the conditions in paragraph (a), clauses (1) to (4), the commissioner may inspect the relevant records of the search firm for the purpose of confirming whether the search firm has maintained its exempt status during the year. If it is determined, either by written admission by the search firm or by a finding of fact in a court of law or by a hearing officer pursuant to chapter 14, that any of the four conditions in paragraph (a) were not met, the search firm shall be considered an employment agency and be subject to sections 184.21 to 184.41. If an employment agency offers services which are the same or similar to those offered by a search firm, or if a search firm offers services which are the same or similar to those offered by an employment agency, the person or entity offering these combined employment agency and search firm services shall identify itself to the public by displaying the name filed with the commissioner as a licensed employment agency; provided, that no search firm may offer licensed employment agency services at the same location.

Sec. 2. Minnesota Statutes 2004, section 184.22, is amended by adding a subdivision to read:

Subd. 7. **FEE PAYMENT PROHIBITED.** No employer may require any job candidate placed with the employer by a search firm to pay, directly or indirectly, all or part of the search firm's fee.

Sec. 3. Laws 2004, chapter 188, section 1, is amended to read:

Section 1. **PILOT PROJECT.**

The commissioner of employment and economic development shall conduct an extended employment pilot project to study an industrial model for employment for individuals with severe disabilities in Thief River Falls, Minnesota.

Employment is to be provided by Custom Products, a division of Occupational Development Center. During the pilot, employment outcomes for individuals with

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

severe disabilities will be assumed to be community employment as defined under Minnesota Rules, part 3300.2005. The pilot project will begin July 1, 2004, and end June 30, 2005 2006. Evaluation of the pilot project must be completed by October 1, 2005 2006, by the commissioner.

The pilot project must maintain a minimum ratio of 60 percent of nondisabled persons, must pay minimum wages or better to all employees with severe disabilities, and must provide them a level of benefits equal to those provided to nondisabled employees. All work teams must be integrated.

The pilot project must provide the extended employment program with useful information to clarify the distinction between center-based and community employment subprograms. The commissioner shall consider the findings of the pilot project in adopting rules.

Presented to the governor May 31, 2005

Signed by the governor June 2, 2005, 4:50 p.m.

CHAPTER 135—S.F.No. 808

An act relating to traffic regulations; exempting motorized foot scooters from tax and registration fees; changing eligibility criteria for certain business panels; defining motorized foot scooters and regulating their use and operation; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 168.011, subdivision 27; 168.012, subdivision 1; 169.01, subdivision 4a, by adding a subdivision; 171.01, subdivision 41; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Section 1. Minnesota Statutes 2004, section 160.80, subdivision 1a, is amended to read:

Subd. 1a. **ELIGIBILITY CRITERIA FOR BUSINESS PANELS.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

- (1) be open for business;
- (2) have a sign on site that both identifies the business and is visible to motorists;
- (3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;
- (4) not impose a cover charge or otherwise require customers to purchase additional products or services; and
- (5) meet the appropriate criteria in paragraphs (b) to (e).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day,

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