

(2) "No. 2 kerosene" means a regular grade kerosene suitable for use in flue-connected burner appliances and flue-connected wick-fed illuminating lamps; and

(3) "Saybolt" refers to an apparatus used for determining the color of light oils.

(b) No fuel oil shall be offered for sale or sold as kerosene unless it is no darker than plus 16 Saybolt, has a flash point no lower than 110 degrees Fahrenheit, has an end point distillation of not higher than 572 degrees Fahrenheit, and has a sulfur content of not more than 4/100 of one percent if it is No. 1 kerosene, or three-tenths of one percent if it is No. 2 kerosene.

Approved March 23, 1982

CHAPTER 607 — H.F.No. 1712

An act relating to public welfare; amending the community social services act; designating the commissioner of public welfare as the state authority for federal mental health, alcohol and drug abuse block grants; prescribing a formula for distribution of certain federal funds to counties and defining duties of counties in the use of the funds; removing certain requirements related to biennial plans and the sliding fee for child care; providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules; providing for parental responsibility for the cost of care of mentally retarded, epileptic, or emotionally handicapped children based on ability to pay; providing for allocation of funds to counties; amending Minnesota Statutes 1980, Sections 245.70; 245.71; 254A.16, by adding subdivisions; 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; 252.27, Subdivision 2; 254A.03, Subdivision 1; 256E.03, Subdivision 2; 256E.05, Subdivision 3; and 256E.07, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 245; repealing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 2.

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

Section 1. Minnesota Statutes 1980, Section 245.70, is amended to read:

245.70 MENTALLY ILL AND MENTALLY RETARDED MENTAL HEALTH; FEDERAL AID.

Subdivision 1. MENTALLY RETARDED AND MENTALLY ILL.
The commissioner of public welfare is hereby designated the state agency to establish and administer a state-wide plan for the construction, equipment, maintenance, and operation of any facilities for the care, treatment, diagnosis, or rehabilitation, of the mentally retarded or mentally ill which are or may be required as a condition for eligibility for benefits under any federal law and in

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particular under the Federal Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (P.L. 88-164). The commissioner of public welfare is authorized and directed to receive, administer, and expend any funds that may be available under any federal law or from any other source, public or private, for such purposes.

Subd. 2. MENTAL HEALTH BLOCK GRANTS. The commissioner of public welfare is designated the state authority to establish and administer the state plan for the federal mental health funds available under the alcohol, drug abuse, and mental health services block grant, United States Code, Title 42, Sections 300X to 300X-9. The commissioner shall receive and administer the available federal mental health funds.

Sec. 2. Minnesota Statutes 1980, Section 245.71, is amended to read:

245.71 CONDITIONS TO FEDERAL AID FOR MENTALLY ILL AND MENTALLY RETARDED.

The commissioner of public welfare is authorized and empowered to comply with all conditions and requirements necessary to receive federal aid or block grants with respect to the establishment, construction, maintenance, equipment or operation, for all the people of this state, of adequate facilities and services as specified in section 245.70, including the authority:

(a) To designate or establish a state advisory council, with representation as required as a condition of eligibility for benefits under any federal law, to consult with him in carrying out the purposes of this act;

(b) To provide an inventory of existing facilities or a particular category thereof, and to survey the need for additional facilities;

(c) To develop and administer a construction program or programs which, in conjunction with existing facilities will afford adequate facilities to serve the people of this state;

(d) To provide for priority of projects or facilities;

(e) To provide to applicants an opportunity for a hearing before him;

(f) To prescribe and require compliance with such standards of maintenance and operation applicable to such facilities as are reasonably necessary to protect the public health, welfare, and safety;

(g) To promulgate temporary and permanent rules and regulations as to prescribing methods of administration, reporting, and personnel standards financial and program audits, and any other requirements of federal law which are necessary conditions of qualifying for available federal funds.

Sec. 3. [245.711] COMPREHENSIVE PROGRAMS; COORDINATION OF LOCAL PROGRAMS.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. COUNTY DUTIES. The county board shall coordinate all services for mentally ill individuals conducted by local agencies under contract to the county boards and review all proposed agreements, contracts, grants, plans, and programs in relation to services for mentally ill individuals prepared by any local agencies for funding from any local, state, or federal governmental sources.

Subd. 2. GRANTS BY COUNTIES. The county boards may make grants for comprehensive programs for prevention, care, and treatment of mentally ill individuals. Grants may be made for the cost of these comprehensive programs and services whether provided directly by county boards, by individuals pursuant to contract, or by other public and private agencies and organizations, both profit and nonprofit. Nothing in this section shall prevent the commissioner from entering into contracts with, and making grants to, other state agencies for the purpose of providing specific services and programs. With approval of the county board, the commissioner may make grants or contracts for research or demonstration projects specific to needs within that county.

Sec. 4. [245.712] COUNTY USE OF FEDERAL BLOCK GRANT FUNDS FOR MENTAL HEALTH SERVICES.

Subdivision 1. ALLOWABLE SERVICES. Funds awarded to the state for mental health services by federal block grants shall be used for grants to counties to directly provide, or contract with qualified community mental health centers for the provision of, the following services:

(a) Services for chronically mentally ill individuals, which include identification of chronically mentally ill individuals and assistance to them in gaining access to essential services through the assignment of case managers;

(b) Identification and assessment of severely mentally disturbed children and adolescents and provision of appropriate services to them;

(c) Identification and assessment of mentally ill elderly individuals and provision of appropriate services to them;

(d) Services for identifiable populations which are currently underserved in the state; and

(e) Coordination of mental health and health care services provided within health care centers including planning, administration, and educational activities.

Subd. 2. PROHIBITED SERVICES. Funds allocated to the state for mental health services by the federal block grant may not be used to:

(a) Provide inpatient services;

(b) Make cash payments to intended recipients of health services;

(c) Purchase or improve land, or to purchase, construct or permanently improve any building or other facility, except for minor remodeling, or to purchase major medical equipment;

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(d) Satisfy any requirement for expenditure of nonfederal funds as a condition for receiving federal funds; or

(e) Provide financial assistance to any entity other than a public or nonprofit private entity.

Sec. 5. [245.713] FORMULA.

Subdivision 1. ALLOCATION. Funds available for grants to qualified community mental health centers shall be allocated to each county according to the formula for the allocation of federal social service funds described in section 256E.07, subdivision 1, clauses (a) and (b).

Subd. 2. TOTAL FUNDS AVAILABLE; REDUCTIONS. The amount of funds available for allocation to counties for use by qualified community mental health centers shall be the total amount of funds granted to the state by the federal government under United States Code, Title 42, Sections 300X to 300X-9 each federal fiscal year for mental health services reduced by:

(a) Any amount set aside by the commissioner of public welfare for Indian tribal organizations within the state, which funds shall not duplicate any direct federal funding of Indian tribal organizations and which funds shall not exceed five percent of the total block grant allocation to the state for mental health services; and,

(b) Any amount calculated into the base of the block grant that is made available by the commissioner for qualified community mental health centers that were receiving grants for operations or other continuing grant obligations defined in United States Code, Title 42, Sections 300X to 300X-9 immediately prior to its enactment; and,

(c) An amount not to exceed ten percent of the total allocation for mental health services to be retained by the commissioner for administration; and

(d) Any amount permitted under federal law which the commissioner approves for demonstration or research projects.

Subd. 3. UNUSED FUNDS. If there are federal funds that have been allocated to the counties for qualified community mental health centers that remain unused at the end of the federal fiscal year in which they were made available, the commissioner shall reduce the allocation for the subsequent federal fiscal year for those counties by the same amount. The unused funds shall remain available to those counties for use during the federal fiscal year that immediately follows the one in which they were originally allocated. Beginning in federal fiscal year 1983, the commissioner shall annually review the use of federal funds for this purpose by each county and shall reallocate any funds that will not be used prior to the end of the second federal fiscal year to those counties needing additional money by using the same formula used under subdivision 1.

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Subd. 4. FUNDS AVAILABLE DUE TO TRANSFER. Any federal funds available to the commissioner for mental health services prescribed under United States Code, Title 42, Sections 300X to 300X-9 due to transfer of funds between block grants shall be allocated as prescribed in subdivision 1.

Sec. 6. [245.714] MAINTENANCE OF EFFORT.

Beginning in federal fiscal year 1983, each county shall annually certify to the commissioner that the county has not reduced funds from state, county, and other nonfederal sources which would in the absence of the federal funds made available by United States Code, Title 42, Sections 300X to 300X-9 have been made available for services to mentally ill persons.

Sec. 7. [245.715] QUALIFICATIONS AS A COMMUNITY MENTAL HEALTH CENTER.

In addition to those agencies that have previously qualified as comprehensive community mental health centers under the provisions of the federal Community Mental Health Centers Act, other public or nonprofit private agencies that are able to demonstrate their capacity to provide the following services as defined by the commissioner may qualify as a community mental health center for the purposes of the federal block grant. The federally required services may be provided by separate agencies. These services include:

(a) Outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill and residents of its mental health service area who have been discharged from inpatient treatment at a mental health facility;

(b) 24-hour a day emergency care services;

(c) Day treatment or partial hospitalization services;

(d) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of the admission; and

(e) Consultation and education services.

Before accepting federal block grant funds for mental health services, counties shall provide the commissioner with all necessary assurances that the qualified community mental health centers which receive these block grant funds meet the minimum service requirements of clauses (a) to (e). At any time at least 30 days prior to the commissioner's allocation of federal funds, any county may notify the commissioner of its decision not to accept the federal funds for qualified community mental health centers.

Sec. 8. [245.716] REPORTS; DATA COLLECTION.

Subdivision 1. PERIODIC REPORTS. The commissioner shall require collection of data for compliance, monitoring, and evaluation purposes and shall

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require periodic reports from the counties on the use of funds under the federal block grant by counties for qualified community mental health centers.

Subd. 2. QUARTERLY FINANCIAL STATEMENTS. Beginning in calendar year 1982, each county shall include in its quarterly financial accounting report to the commissioner of the county's community social services fund a separate statement identifying the use of funds, including those received under the federal block grant for qualified community mental health centers as specified in section 256E.08, subdivision 8, clauses (a) and (b). The initial quarterly statement shall be submitted not later than 15 days after the end of the first calendar quarter in which funds are allocated to the counties in accordance with section 5, subdivisions 1 and 2.

Subd. 3. SOCIAL SERVICES REPORT. Beginning in calendar year 1983, each county shall include in the report required by section 256E.10 a part or subpart which addresses the items specified in section 256E.10, subdivision 1, clauses (a) and (b), as they pertain to the use of funds available from the federal government for services of qualified community mental health centers.

Sec. 9. [245.717] WITHHOLDING OF FUNDS.

Beginning in federal fiscal year 1983, the distribution of funds to counties provided in section 5 shall be reduced by an amount equal to the federal block grant funds allotted pursuant to section 5 in the immediately preceding year which have been spent for some purpose other than qualified community mental health centers. If it is determined that the state is legally liable for any repayment of federal block funds which were not properly used by the counties, the repayment liability shall be assessed against the counties which did not properly use the funds. The commissioner may withhold future block grant funds to those counties until the obligation is met. The commissioner shall not award additional block grant funds to those counties until he is assured that no future violations will occur.

Sec. 10. [245.718] APPEAL.

At least 30 days prior to certifying any reduction in funds pursuant to section 9, the commissioner shall notify the county of an intention to certify a reduction. The commissioner shall notify the county of the right to a hearing. If the county requests a hearing within 30 days of notification of intention to reduce funds, the commissioner shall not certify any reduction in funds until a hearing is conducted and a decision rendered in accordance with the provisions of chapter 15 for contested cases.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 245.84, Subdivision 2, is amended to read:

Subd. 2. Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish a

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program to make grants to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate rules to govern the program in accordance with this subdivision. No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the procedures for applying for sliding fee program grants. No later than June 1 of each odd-numbered year, each county wishing to participate in the sliding fee program shall apply to the commissioner for a grant. No later than July 1 of that year, the commissioner shall allocate to all counties that apply and agree to comply with the provisions of sections 245.84 to 245.87 grants in the amounts determined by rule. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 of each odd-numbered year of the effectiveness of the program.

In addition to payments from parents, contributions to the cost of the program shall be made by grantees as follows: 5 percent in the first grant year, 15 percent in the second and subsequent grant years.

The county board shall establish the income range for eligibility of families for the sliding fee program, which shall be not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes families having income above ~~the maximum allowable for title XX fully subsidized child care~~ 60 percent but less than 70 percent of the state median income for a family of four adjusted for family size as ~~that median appears in the then current title XX comprehensive annual services program plan issued by the state department of public welfare;~~ (b) the maximum income range includes families having income above ~~the maximum allowable for title XX fully subsidized child care~~ 60 percent but less than 90 percent of the state median income for a family of four adjusted for family size as ~~that median appears in the then current title XX comprehensive annual services program plan issued by the state department of public welfare.~~ Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.

In setting the sliding fee schedule, the commissioner shall exclude from the amount of income used to determine eligibility under the income range established by the county board an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.

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In each case where the grantee charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

The commissioner shall promulgate temporary and permanent rules in accordance with section 15.0412 to implement this section. No more than seven percent of any grant shall be used for the grantee's administration expenses.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. ~~The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of ten percent of the cost of care per month based upon ability to pay. The county board may establish a schedule of fees in accordance with section 256E.08, subdivision 6, to determine responsibility of the parents for the cost of care when:~~

(a) Insurance or other health care benefits pay some but not all of the cost of care; and

(b) No insurance or other health care benefits are available.

Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The county board may require payment of the full cost of caring for children whose parents or guardians do not reside in this state.

To the extent that a child described in subdivision 1 is eligible for benefits under chapters 62A, 62C, 62D, 62E, or 64A, the county is not liable for the cost of care. A parent or legal guardian who discontinues payment of health insurance premiums, subscriber fees or enrollment fees for a child who is otherwise eligible for those benefits is ineligible for payment of the cost of care of that child under this section.

The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

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Sec. 13. Minnesota Statutes 1981 Supplement, Section 254A.03, Subdivision 1, is amended to read:

254A.03 STATE AUTHORITY ON ALCOHOL AND DRUG ABUSE.

Subdivision 1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities;

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using federal funds, and state funds as authorized to pay for costs of state administration, including evaluation, statewide programs and services, research and demonstration projects, and American Indian programs;

(i) receive and administer monies available for alcohol and drug abuse programs under the alcohol, drug abuse, and mental health services block grant, United States Code, Title 42, Sections 300X to 300X-9;

(j) ~~(j)~~ solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

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(j) (k) with respect to alcohol and other drug abuse programs serving the American Indian community, establish guidelines for the employment of personnel with considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the American Indian community.

Sec. 14. Minnesota Statutes 1980, Section 254A.16, is amended by adding subdivisions to read:

Subd. 3. The commissioner shall report to the appropriate legislative committees annually with respect to the alcohol and drug abuse provisions of the proposed plan which the state agency intends to submit to the secretary of health and human services in satisfaction of the requirements of United States Code, Title 42, Section 300X-4.

Subd. 4. The commissioner shall provide to the legislature an annual report detailing expenditures made by the state authority for alcohol and drug abuse programs from funds received pursuant to United States Code, Title 42, Sections 300X - 300X-9. The report shall include a specific evaluation of the effectiveness of services provided in achieving the goals and priorities listed in the state plan prepared pursuant to section 254A.03. The first report shall include an assessment of expenditures made during state fiscal year 1983 and shall be presented to the legislature by January 1, 1984. Subsequent reports shall be presented annually.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 256E.03, Subdivision 2, is amended to read:

Subd. 2. "Community social services" means services ~~included in the comprehensive annual services plan published by the commissioner of public welfare and social services~~ provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.08, subdivision 1 to the following groups of persons:

(a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;

(b) Persons who are under the guardianship of the commissioner of public welfare as dependent and neglected wards;

(c) Adults who are in need of protection and vulnerable as defined in section 626.557;

(d) Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(e) Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;

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(f) Mentally retarded persons as defined in section 252A.02, subdivision 2 who are unable to provide for their own needs or to independently engage in ordinary community activities;

(g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs; and

(h) Other groups of persons who, in the judgment of the county board, are in need of social services.

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 256E.05, Subdivision 3, is amended to read:

Subd. 3. **ADDITIONAL DUTIES.** The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Identify and then eliminate amend or revise repeal the portions of all applicable department rules which mandate counties to provide specific community social services or programs, unless the state or federal law requires the commissioner to mandate a service or program; in addition to notice required pursuant to section 15.0411, the commissioner shall give. The commissioner shall be exempt from the rulemaking provisions of chapter 15 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The

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commissioner shall provide to all county boards separate notice of all final actions which become effective under this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to section 15.0412, timely advance notice and a written summary of the fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(e) (d) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) (e) Design and implement a method of monitoring and evaluating the social services delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) (f) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

(f) (g) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 3, is amended to read:

Subd. 3. **PRIORITIES.** If any proposed federal block grant program affecting title XX funds becomes operative, the state shall, within the limits set by federal law, adopt the following priority when allocating funds: provide that in each calendar year 1982 and 1983, each county shall, for the purposes of providing the same or similar services, receive priority for an allocation of title XX funds that is equal to or greater than the amount received by the county in 1981.

Sec. 18. Minnesota Statutes 1980, Section 256E.09, Subdivision 4, is amended to read:

Subd. 4. **PLAN SUBMISSION.** The county board of commissioners shall submit the biennial community social services plan to the commissioner of public welfare. The date of publication and submission to the commissioner shall be determined so that the plan is coordinated with the proposed and final comprehensive annual services program plan required by title XX of the social security act county budgeting process.

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Sec. 19. REPEALER.

Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 2, is repealed.

Sec. 20. EFFECTIVE DATE.

Sections 11, 12, and 15 to 19 are effective the day following final enactment. Sections 1 to 10, and sections 13 and 14 are effective July 1, 1982.

Approved March 23, 1982

CHAPTER 608 — H.F.No. 1719

An act relating to courts; authorizing the chief judge of the judicial district to fill vacancies in the office of judicial officer in St. Louis, Steele, and Carlton counties; prescribing powers for certain judges; amending Minnesota Statutes 1980, Section 487.04; and Minnesota Statutes 1981 Supplement, Section 487.08, Subdivision 2.

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

Section 1. Minnesota Statutes 1980, Section 487.04, is amended to read:

487.04 DISQUALIFICATIONS OF LAY JUDGE.

A county court judge who is not learned in the law shall not act in hearings, try or dispose of any case or proceeding involving jurisdiction in addition to that exercised by him at the time of the effective date of Laws 1971, Chapter 951. Those matters shall be heard by a judge or judicial officer learned in the law from within the county court district or from any other county, who upon request of the county court agrees to serve or who is assigned to hear the cases or proceedings by the chief justice of the supreme court, or, with the consent of the parties and the district court, such proceedings may be transferred by the county court to the district court. Provided that, a lay judge may be assigned to hear marriage dissolution actions in which the custody of children is not at issue.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 487.08, Subdivision 2, is amended to read:

Subd. 2. **EXCEPTION.** Persons holding the office of judicial officer full time or part time on January 1, 1981, in St. Louis county, Steele county and Carlton county may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. The chief judge of the district may fill vacancies arising in the office of judicial officer, which office was in existence on January 1, 1981.

Approved March 23, 1982

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