

must, within 60 days of service of the resolution on the owner, express an interest in retaining the cemetery plot and submit satisfactory evidence of an intention to use the plot for a future burial.

Subd. 3. PUBLISHED NOTICE; SUBSTITUTE SERVICE. If the owner cannot be personally served with the resolution of the board, as required in subdivision 2, because the owner cannot be found in this state or for another valid reason, the board must publish its resolution for three successive weeks in a legal newspaper published in the county and must mail a copy of the resolution within 14 days after the third publication to the owner's last known address.

Subd. 4. REINVESTMENT. If, for 30 days after the first day of May following the service or publication of the board's resolution, the owner or person with a legal interest in the cemetery plot fails to state a valid interest in the use of the cemetery plot for burial purposes, the owner's rights are terminated and that portion of the cemetery once again belongs to the cemetery association.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 17, 1983

CHAPTER 150 — H.F.No. 360

An act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

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

Section 1. Minnesota Statutes 1982, section 121.16, is amended to read:

121.16 COMMISSIONER OF EDUCATION.

Subdivision 1. The department shall be under the administrative control of the commissioner of education which office is established. The commissioner shall be the secretary of the state board. ~~He~~ The commissioner shall be appointed by the state board ~~with the approval of the governor~~ under the provisions of section 15.06. ~~For purposes of section 15.06, the board shall be the appointing authority.~~

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. Notwithstanding any other law to the contrary, the commissioner may appoint

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

two deputy commissioners who shall serve in the unclassified service. The commissioner shall also appoint other employees as may be necessary for the organization of the department. ~~He~~ The commissioner shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the department. ~~He~~ The commissioner shall make recommendations to the board, and ~~he shall~~ be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out its duties.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Approved May 17, 1983

CHAPTER 151 — H.F.No. 490

An act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

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

Section 1. Minnesota Statutes 1982, section 256B.02, subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, nursing home, boarding home, shelter, halfway house, foster home, semi-independent living domicile, residential facility offering care, board and lodging facility offering 24-hour care or supervision of mentally ill, mentally retarded, or physically disabled persons, or other institution for the hospitalization or care of human beings, as defined in sections 144.50 ~~or~~, 144A.01, or 245.782, subdivision 6.

Sec. 2. Minnesota Statutes 1982, section 256B.02, subdivision 3, is amended to read:

Subd. 3. "County of financial responsibility" means:

(a) for an applicant who resides in the state and is not in a facility described in subdivision 2, the county in which he or she resides at the time of application;

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