

Subd. 2. SUCCESSORS. In the event of the resignation or death of an officer of the house of representatives or senate, the duties of the officer shall be performed by a successor as provided in the rules of the respective house until a successor is elected at a regular or special session of the legislature.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective June 25, 1987.

Approved June 25, 1987

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CHAPTER 3—H.F.No. 3

*An act relating to capital improvements; authorizing payment of an arbitration award for a construction project at Rainy River community college; authorizing sale of state bonds; appropriating money.*

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

Section 1. RAINY RIVER ARBITRATION AWARD.

\$435,000 is appropriated from the state building fund to the commissioner of administration to pay an arbitration award relating to the construction of a college center and physical education building addition and connecting links at Rainy River community college. This appropriation is added to the appropriation in Laws 1984, chapter 597, section 14, subdivision 6.

To provide the money appropriated in this act from the state building fund, the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$435,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Approved June 25, 1987

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CHAPTER 4—S.F.No. 5

*An act relating to acts of the 1987 regular session; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; creating an exception to the nursing home moratorium for a facility operated on the Red Lake Indian Reservation; delaying the effective date for phasing out trunk highway funding of tourist information centers; exempting the children's trust fund advisory council from expiration; giving priority to certain applicants for funds; appropriating*

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*money; amending Minnesota Statutes 1986, sections 124.574, subdivision 3, as amended; 126.67, subdivision 2b, as added; 126.70, subdivision 2a, as added; 129B.041, subdivisions 1 and 3, as amended; 144A.071, subdivision 3, as amended; 161.52; 256.736, subdivision 16, as added; 268.91, subdivision 3b, as added; 275.125, subdivision 9, as amended; 299A.23, subdivision 2; and 299A.25, subdivision 3; Laws 1987, chapter 398, article 1, sections 14, subdivision 1; 23, subdivisions 2 and 3; and 26, subdivision 2; article 8, sections 18, subdivision 1; and 33, subdivision 1; repealing Minnesota Statutes 1986, section 299A.25, subdivision 6.*

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

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## ARTICLE 1

### EDUCATION AIDS

Section 1. Minnesota Statutes 1986, section 124.574, subdivision 3, as amended by Laws 1987, chapter 398, article 3, section 24, is amended to read:

Subd. 3. **EQUIPMENT, TRAVEL, AND SUPPLIES.** In addition to the provisions of subdivision 2b, the state shall pay for each school year:

(a) 47 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children;

(b) 47 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; and

(c) 47 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$45 ~~\$47~~ in any one school year for each handicapped child receiving these services.

Sec. 2. Minnesota Statutes 1986, section 126.67, subdivision 2b, as added by Laws 1987, chapter 398, article 8, section 24, is amended to read:

Subd. 2b. **DISTRICT ASSESSMENTS.** As part of the PER process, each year a district shall, in at least three grades, conduct assessments among at least a sample of pupils for each subject area in that year of the curriculum review cycle. The district's curriculum review cycle for communication, mathematics, science, and social studies shall be ~~more than~~ not exceed five years. Assessments may not be conducted in the same curriculum area for two consecutive years. The district may use tests from the assessment item bank, the local assessment program developed by the department, or other tests. As they become available, districts shall use state developed measures to assure state progress toward the

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state core curriculum. Funds are provided for districts that choose to use the local assessment program or the assessment item bank.

Sec. 3. Minnesota Statutes 1986, section 126.70, subdivision 2a, as added by Laws 1987, chapter 398, article 8, section 28, is amended to read:

Subd. 2a. **PERMITTED USES.** A school board may approve a plan for any of the following purposes:

(1) to participate in the educational effectiveness program according to section 121.609;

(2) to provide in-service education for elementary and secondary teachers to improve the use of technology in education;

(3) to provide subject area in-service education emphasizing the academic content of curricular areas determined by the district to be a priority area;

(4) to use experienced teachers, as mentors, to assist in the continued development of new teachers;

(5) to increase the involvement of parents, business, and the community in education;

(6) for experimental delivery systems;

(7) for in-service education to increase the effectiveness of principals and administrators;

(8) for in-service education or curriculum development for programs for gifted and talented pupils;

(9) for in-service education or curriculum development for cooperative efforts to increase curriculum offerings, as set forth in section 124.272;

(10) for improving curriculum, according to the needs identified under the planning, evaluation, and reporting process set forth in Laws 1987, chapter 398, article 8, section 28, section ~~126.66~~ 23;

(11) for in-service education and curriculum development designed to promote sex equity in all aspects of education, with emphasis on curricular areas such as mathematics, science, and technology programs;

(12) for in-service education or curriculum modification for handicapped pupils and low-achieving pupils;

(13) for short-term contracts as described in section 126.72; or

(14) to employ teachers for an extended year to perform duties directly related to improving curriculum or teaching skills.

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Sec. 4. Minnesota Statutes 1986, section 129B.041, subdivision 1, as amended by Laws 1987, chapter 398, article 8, section 31, is amended to read:

Subdivision 1. **COPYRIGHT.** Products of projects and programs ~~funded pursuant to sections 129B.01 to 129B.05~~ developed with a grant or loan from the council on quality education, including curriculum and instructional materials, computer and telecommunications software, and associated manuals and reports, may be copyrighted by the department in the name of the state and may be sold. ~~However,~~ The state shall sell the products at prices that do not exceed the cost of reproduction and distribution. Products sold shall be clearly labeled as products developed pursuant to a grant or loan from the council on quality education.

Sec. 5. Minnesota Statutes 1986, section 275.125, subdivision 9, as amended by Laws 1987, chapter 398, article 7, section 39, is amended to read:

Subd. 9. **LEVY REDUCTIONS; TACONITE.** (1) Reductions in levies pursuant to subdivision 10, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.26; 298.23 to 298.28, except an amount distributed under section 298.28, subdivision 4, paragraph (c), clause (ii); 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 477A.15; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, or recognized revenue pursuant to section 477A.15; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section and ~~sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 124A.20, subdivision 2, chapters 124 and 124A~~ by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year less the product of the same dollar amount of payments or revenue times the ratio of the maximum levy allowed the district under Minnesota Statutes 1986, sections 124A.03, subdivision 2, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, and 124A.14, subdivision 5a, to the total levy allowed the district under this section and Minnesota Statutes 1986, sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 124A.20, subdivision 2, ~~in the year in which the levy is for levies certified in 1986.~~

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(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to ~~section 124A.03, subdivision 4~~, Laws 1987, chapter 398, article 1, section 12, to an amount less than the amount raised by a levy of 12.5 mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to section 124A.03, subdivision 2 shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by article 6, section 4, subdivision 2, and subdivisions 11c and 12a, and the community service levy authorized by subdivisions 8 and 8b, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to article 6, section 4, subdivision 2, and subdivisions 11c and 12a, and for community services pursuant to subdivisions 8 and 8b. The reduction of the capital expenditure levy and the community services levy shall be computed on the basis of the amount so ascertained.

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124A.035, subdivision 5, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the St. Louis county auditor in the following amount by March 15 of each year except 1986, the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section 124A.035, subdivision 5, which is in excess of the foundation aid earned for that fiscal year. The county auditor shall deposit any amounts received pursuant to this clause in the St. Louis county treasury for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 6. Laws 1987, chapter 398, article 1, section 14, subdivision 1, is amended to read:

Subdivision 1. **1987-1988 REVENUE.** "1987-1988 revenue" means the sum of the following categories of revenue for a district for the 1987-1988 school year:

(1) basic foundation revenue, tier revenue, and declining pupil unit revenue, according to chapter 124A, plus any reduction to second tier revenue, according to Minnesota Statutes 1986, section 124A.08, subdivision 5;

(2) teacher retirement and FICA aid, according to Minnesota Statutes 1986, sections 124.2162 and 124.2163;

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(3) chemical dependency aid, according to Minnesota Statutes 1986, section 124.246;

(4) gifted and talented education aid, according to Minnesota Statutes 1986, section 124.247;

(5) interdistrict cooperation aid and levy, according to Minnesota Statutes 1986, sections 124.272 and 275.125, subdivision 8a;

(6) arts education aid, according to Minnesota Statutes 1986, section 124.275;

(7) summer program aid and levy, according to Minnesota Statutes 1986, sections 124A.03 and 124A.033;

(8) programs of excellence grants, according to Minnesota Statutes 1986, section 126.60; and

(9) liability insurance levy, according to Minnesota Statutes 1986, section 466.06.

For the purpose of this subdivision, intermediate districts and other employing units, as defined in Minnesota Statutes 1986, section 124.2161, shall allocate the amount of their teacher retirement and FICA aid for fiscal year 1988 among their member school districts.

Sec. 7. Laws 1987, chapter 398, article 1, section 23, subdivision 2, is amended to read:

Subd. 2. ~~MILL RATE ADJUSTMENT AID.~~ For the 1988-1989 school year a district shall receive ~~mill rate adjustment~~ additional general education aid equal to one-half of the excess foundation mill increase times the 1986 adjusted assessed valuation.

Sec. 8. Laws 1987, chapter 398, article 1, section 23, subdivision 3, is amended to read:

Subd. 3. ~~LEVY REDUCTION; MILL RATE ADJUSTMENT AID.~~ For any district that will receive ~~mill rate adjustment~~ aid according to subdivision 2, the general education levy limitation for the 1988-1989 school year shall be reduced by the amount of the ~~mill rate adjustment~~ aid.

Sec. 9. Laws 1987, chapter 398, article 1, section 26, subdivision 2, is amended to read:

Subd. 2. **FOUNDATION AID.** For foundation aid there is appropriated:

\$851,283,900 ..... 1988,

~~\$126,482,100~~ \$129,073,100 ..... 1989.

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The appropriation for aid for fiscal year 1988 includes \$121,712,400 for aid for fiscal year 1987 payable in fiscal year 1988 and \$729,571,500 for aid for fiscal year 1988 payable in fiscal year 1989.

The appropriation for aid for fiscal year 1989 is for aid for fiscal year 1988 payable in fiscal year 1989.

Sec. 10. Laws 1987, chapter 398, article 8, section 18, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** For the purposes of Laws 1987, chapter 398, article 8, sections 9 18 to 44 23 and section 126.67, the following terms have the meanings given them.

Sec. 11. Minnesota Statutes 1986, section 129B.041, subdivision 3, as amended by Laws 1987, chapter 398, article 8, section 32, is amended to read:

Subd. 3. **REVOLVING FUND.** The education product and loan repayment revolving account is established in the state treasury. Sale proceeds from the sale of products under this section shall be deposited in this account. All ~~funds~~ money in this account ~~are~~ is annually appropriated to the department of education and shall be used to reproduce and distribute products of projects and programs ~~funded pursuant to Minnesota Statutes 1986, sections 129B.01 to 129B.05~~ developed with a grant or loan from the council on quality education.

Sec. 12. Laws 1987, chapter 398, article 8, section 33, subdivision 1, is amended to read:

Subdivision 1. **PLANS; GRANT AWARDS.** The state board of education, with the advice of the state curriculum advisory committee and the advisory committee on technology in education for projects involving technology, shall make grants to groups of school districts to implement plans to improve education. The board may award grants to groups of districts which submit plans that include at least the following:

- (1) program and curriculum changes which provide more learning opportunities for students;
- (2) demonstration of a local commitment to the plan and, in the case of plans utilizing technology, local financial support including public and private partnerships;
- (3) involvement of school district teaching staff in development of the plan;
- (4) demonstration that the plan is consistent with school district goals established under Laws 1987, chapter 398, article 8, section ~~126.66~~ 23; and
- (5) the structural criteria established in subdivision 2.

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The board may establish additional criteria and shall establish time-lines and the grant application procedure for making grants.

**Sec. 13. STATUTORY CONSTRUCTION FOR SCHOOL DISTRICT LEVIES.**

If necessary during fiscal year 1988 to determine levy limitations for school districts for the 1988-1989 school year, the commissioner of education shall construe terms in Minnesota Statutes and Laws 1987, chapter 398, that refer to foundation and tier revenue to mean the successor terms within general education revenue. Successor terms are at least the following: "foundation and tier revenue" is "general education revenue," "foundation aid" is "general education aid," "foundation aid formula allowance" is "formula allowance" for basic revenue, and "basic maintenance mill rate" is "general education mill rate."

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**ARTICLE 2**

**MISCELLANEOUS**

Section 1. Minnesota Statutes 1986, section 144A.071, subdivision 3, as amended by Laws 1987, chapter 403, article 4, section 3, is amended to read:

Subd. 3. **EXCEPTIONS.** The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or the addition of a new licensed nursing home bed, under the following conditions:

(a) to replace a bed decertified after May 23, 1983 or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives;

(b) to certify a new bed in a facility that commenced construction before May 23, 1983. For the purposes of this section, "commenced construction"

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means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were secured;

(c) to certify beds in a new nursing home that is needed in order to meet the special dietary needs of its residents, if: the nursing home proves to the commissioner's satisfaction that the needs of its residents cannot otherwise be met; elements of the special diet are not available through most food distributors; and proper preparation of the special diet requires incurring various operating expenses, including extra food preparation or serving items, not incurred to a similar extent by most nursing homes;

(d) to license a new nursing home bed in a facility that meets one of the exceptions contained in clauses (a) to (c);

(e) to license nursing home beds in a facility that has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and has either commenced any required construction as defined in clause (b) before May 1, 1985, or has, before May 1, 1985, received from the commissioner approval of plans for phased-in construction and written authorization to begin construction on a phased-in basis. For the purpose of this clause, "construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the nursing home licensure rules;

(f) to certify or license new beds in a new facility that is to be operated by the commissioner of veterans' affairs or when the costs of constructing and operating the new beds are to be reimbursed by the commissioner of veterans' affairs or the United States Veterans Administration;

(g) to license or certify beds in a new facility constructed to replace a facility that was destroyed after June 30, 1987, by fire, lightning, or other hazard provided:

(1) destruction was not caused by the intentional act of or at the direction of a controlling person of the facility;

(2) at the time the facility was destroyed the controlling persons of the facility maintained insurance coverage for the type of hazard that occurred in an amount that a reasonable person would conclude was adequate;

(3) the net proceeds from an insurance settlement for the damages caused by the hazard are applied to the cost of the new facility;

(4) the new facility is constructed on the same site as the destroyed facility or on another site subject to the restrictions in section 4, subdivision 5; and

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(5) the number of licensed and certified beds in the new facility does not exceed the number of licensed and certified beds in the destroyed facility;

(h) to license or certify beds that are moved from one location to another within a nursing home facility, provided the total costs of remodeling performed in conjunction with the relocation of beds does not exceed ten percent of the appraised value of the facility or \$200,000, whichever is less, or to license or certify beds in a facility for which the total costs of remodeling or renovation exceed ten percent of the appraised value of the facility or \$200,000, whichever is less, if the facility makes a written commitment to the commissioner of human services that it will not seek to receive an increase in its property-related payment rate by reason of the remodeling or renovation;

(i) to license or certify beds in a facility that has been involuntarily delicensed or decertified for participation in the medical assistance program, provided that an application for relicensure or recertification is submitted to the commissioner within 120 days after delicensure or decertification;

(j) to license or certify beds in a project recommended for approval by the interagency board for quality assurance under section 4;

(k) to license nursing home beds in a hospital facility that are relocated from a different hospital facility under common ownership or affiliation, provided: (1) the hospital in which the nursing home beds were originally located ceases to function as an acute care facility, or necessary support services for nursing homes as required for licensure under sections 144A.02 to 144A.10, such as dietary service, physical plant, housekeeping, physical therapy, occupational therapy, and administration, are no longer available from the original hospital site; and (2) the nursing home beds are not certified for participation in the medical assistance program;

(1) to license or certify beds that are moved from one location to another within an existing identifiable complex of hospital buildings, from a hospital-attached nursing home to the hospital building, or from a separate nursing home under common ownership with or control of a hospital to the hospital when a hospital-attached nursing home is moved simultaneously to the hospital. As a condition of receiving a license or certification under this clause, the facility must make a written commitment to the commissioner of human services that it will not seek to receive an increase in its property-related payment rate as a result of the relocation. At the time of the licensure and certification of the nursing home beds, the commissioner of health shall delicense the same number of acute care beds within the existing complex of hospital buildings or building. When a separate nursing home and a hospital-attached nursing home under common ownership or control are simultaneously relocated to a hospital building, a combined cost report must be submitted for the cost reporting year ending September 30, 1987, and the freestanding nursing home limits apply. Relocation of nursing home beds under this clause is subject to the limitations in section 4, subdivision 5;

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(m) to license or certify beds that are moved from an existing state nursing home to a different state facility, provided there is no net increase in the number of state nursing home beds; ~~or~~

(n) to license new nursing home beds in a continuing care retirement community affiliated with a national referral center engaged in substantial programs of patient care, medical research, and medical education meeting state and national needs that receives more than 40 percent of its residents from outside the state for the purpose of meeting contractual obligations to residents of the retirement community, provided the facility makes a written commitment to the commissioner of human services that it will not seek medical assistance certification for the new beds; or

(o) to certify or license new beds in a new facility on the Red Lake Indian reservation for which payments will be made under the Indian Health Care Improvement Act, Public Law Number 94-437, at the rates specified in United States Code, title 42, section 1396d(b).

Sec. 2. Minnesota Statutes 1986, section 161.52, is amended to read:

#### 161.52 TOURIST INFORMATION CENTERS.

For the fiscal year ending June 30, 1988, and subsequent years, the payment of the cost of staffing and operating tourist information centers located on trunk highways, including interstate highways, by the commissioner of transportation is subject to the following restrictions:

(a) For the fiscal year ending June 30, 1988, not more than ~~two-thirds~~ five-sixths of the cost may be paid from the trunk highway fund.

(b) For the fiscal year ending June 30, 1989, not more than one-third of the cost may be paid from the trunk highway fund.

(c) For the fiscal year ending June 30, 1990, no part of the cost may be paid from the trunk highway fund.

That portion of the cost not paid from the trunk highway fund must be paid either by the commissioner from funds appropriated for that purpose from sources other than the trunk highway fund, or by local sources of funding.

#### Sec. 3. APPROPRIATION.

\$75,000 is appropriated from the general fund to the commissioner of transportation to pay the cost of staffing and operating tourist information centers located on trunk highways, including interstate highways, to be available for the fiscal year ending June 30, 1988.

Sec. 4. Minnesota Statutes 1986, section 256.736, subdivision 16, as added by Laws 1987, chapter 403, article 3, section 20, is amended to read:

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

Subd. 16. **ALLOCATION AND USE OF MONEY.** (a) State money appropriated for employment and training services under this section must be allocated to counties as follows:

(1) Forty percent of the state money must be allocated based on the average monthly number of caretakers receiving AFDC in the county who are under age ~~22~~ 21 and the average monthly number of AFDC cases open in the county for 24 or more consecutive months and residing in the county for the 12-month period ending March 31 of the previous fiscal year.

(2) Twenty percent of the state money must be allocated based on the average monthly number of nonpriority caretakers receiving AFDC in the county for the period ending March 31 of the previous fiscal year. Funds may be used to develop employability plans for nonpriority caretakers if resources allow.

(3) Twenty-five percent of the state money must be allocated based on the average monthly number of assistance units in the county receiving AFDC-UP for the period ending March 31 of the previous fiscal year.

(4) Fifteen percent of the state money must be allocated at the discretion of the commissioner based on participation levels for priority group members in each county.

(b) No more than 15 percent of the money allocated under paragraph (a) may be used for administrative activities.

(c) Except as provided in paragraph (d), at least 70 percent of the money allocated to counties must be used for case management services and employment and training services for caretakers in the priority groups. Up to 30 percent of the money may be used for employment search activities and employment and training services for nonpriority caretakers.

(d) A county whose proportion of the statewide average monthly AFDC-UP caseload exceeds its proportion of the statewide AFDC caseload may, with the approval of the commissioner of human services, use up to 40 percent of the money allocated under this section for employment search activities and employment and training services for nonpriority caretakers.

(e) Counties and the department of jobs and training shall bill the commissioner of human services for any expenditures incurred by the county, the county's employment and training service provider, or the department of jobs and training that may be reimbursed by federal money. The commissioner of human services shall bill the United States Department of Health and Human Services for the reimbursement and appropriate the reimbursed money to the county or employment and training service provider that submitted the original bill. The reimbursed money must be used to expand employment and training services.

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Sec. 5. Minnesota Statutes 1986, section 268.91, subdivision 3b, as added by Laws 1987, chapter 403, article 3, section 63, is amended to read:

Subd. 3b. **SET-ASIDE MONEY FOR AFDC PRIORITY GROUPS.** (a) Set-aside money for AFDC priority groups must be allocated among the counties based on the average monthly number of caretakers receiving AFDC under the age of ~~22~~ 21 and the average monthly number of AFDC cases open 24 or more consecutive months. For each fiscal year the average monthly caseload shall be based on the 12-month period ending March 31 of the previous fiscal year. The commissioner may reallocate quarterly unexpended or unencumbered set-aside money to counties that expend their full allocation. The county shall use the set-aside money for AFDC priority groups.

(b) The county shall develop cooperative agreements with the employment and training service provider for coordination of child care funding with employment, training, and education programs for aid to families with dependent children priority groups. The cooperative agreement shall specify that individuals receiving employment, training, and education services under an employability plan from the employment and training service provider shall, as resources permit, be guaranteed set-aside money for child care assistance from the county of their residence.

(c) Counties may contract for administration of the program or may arrange for or contract for child care funds to be used by other appropriate programs, in accordance with this section and as permitted by federal law and regulations.

(d) If the commissioner finds, on or after January 1 of a fiscal year, that set-aside money for AFDC priority groups is not being fully utilized, the commissioner may permit counties to use set-aside money for other eligible applicants, as long as priority for use of the money will continue to be given to the AFDC priority groups.

(e) A county may claim federal reimbursement under the AFDC special needs program for money spent for persons listed in subdivision 3a, clause (1). The commissioner shall allocate any federal earnings to the county. The county shall use the money to expand services to AFDC recipients under the child care sliding fee program.

Sec. 6. Minnesota Statutes 1986, section 299A.23, subdivision 2, is amended to read:

Subd. 2. **ADVISORY COUNCIL.** An advisory council of 15 members is established under section 15.059. The commissioners of human services, health, education, and corrections shall each appoint one member. The subcommittee on committees of the senate and the speaker of the house of representatives shall each appoint two members of their respective bodies, one from each caucus. The governor shall appoint an additional seven members who shall demonstrate knowledge in the area of child abuse and shall represent the demographic and

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geographic composition of the state, and to the extent possible, represent the following groups: local government, parents, racial and ethnic minority communities, the religious community, professional providers of child abuse prevention and treatment services, and volunteers in child abuse prevention and treatment services. The council shall advise and assist the commissioner in carrying out Laws 1986, chapter 423 sections 299A.20 to 299A.26. The council does not expire as provided by section 15.059, subdivision 5.

Sec. 7. Minnesota Statutes 1986, section 299A.25, subdivision 3, is amended to read:

Subd. 3. **USE OF FUNDS.** Priority must be given to applicants whose matching funds ~~must~~ do not consist, in whole or in part, of state or federal funds. Any trust fund money received must not be used to compensate for a decrease in previously existing funding levels unless that decrease is attributable to a decision made by state, federal, or other entities not controlled by the applicant and the applicant demonstrates that it has made reasonable efforts to retain all previously existing funding.

Sec. 8. **APPROPRIATION.**

\$200,000 is appropriated from the children's trust fund to the commissioner of public safety to administer sections 299A.20 to 299A.26. \$100,000 is for fiscal year 1988 and \$100,000 is for fiscal year 1989.

Sec. 9. **REPEALER.**

Minnesota Statutes 1986, section 299A.25, subdivision 6, is repealed.

Approved June 25, 1987

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**CHAPTER 5—S.F.No. 6**

*An act relating to capital improvements; providing conditions for payment of a certain solid waste management project grant to Winona county.*

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

Section 1. **WINONA COUNTY SOLID WASTE GRANT.**

The waste management board shall disburse the local project grant awarded to Winona county under Laws 1985, First Special Session chapter 15, section 6, pending issuance of the necessary state permits. If the permits are issued and Winona county abandons the project, Winona county must repay the grant to the state. If the permits are not issued and the project is abandoned, neither the state nor Winona county need reimburse the other for its costs incurred.

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