

(e) **LABOR-MANAGEMENT COMMITTEE.** "Labor-management committee" means the committee established by subdivision 4.

(f) **PROGRAM.** "Program" means the statewide public employees insurance program created by subdivision 3.

Presented to the governor March 5, 1998

Signed by the governor March 6, 1998, 11:10 a.m.

#### CHAPTER 272—H.F.No. 3095

*An act relating to veterans; designating a date in February as Chaplains Day in honor of four United States army chaplains who sacrificed their lives at sea for other service members; proposing coding for new law in Minnesota Statutes, chapter 10.*

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

##### Section 1. [10.56] **FOUR CHAPLAINS DAY.**

February 3 is designated Four Chaplains Day in honor of the four United States army chaplains, George L. Fox, Alexander D. Goode, Clark V. Poling, and John P. Washington, who sacrificed their lives to save the lives of other service personnel while serving on the U.S.S. Dorchester, a United States army troop transport that was sunk off the coast of Greenland on February 3, 1943. Each year the governor shall issue a proclamation of this observance.

##### Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following enactment.

Presented to the governor March 5, 1998

Signed by the governor March 6, 1998, 11:12 a.m.

#### CHAPTER 273—S.F.No. 2477

*An act relating to state government; codifying reorganization order number 179 with respect to the departments of children, families, and learning and economic security; amending Minnesota Statutes 1996, sections 13.99, subdivision 81; 216B.241, subdivision 2a; 239.785, subdivision 6; and 462A.05, subdivision 15c; Minnesota Statutes 1997 Supplement, sections 119A.15, subdivision 5a; and 268.19; proposing coding for new law in Minnesota Statutes, chapter 119A; repealing Minnesota Statutes 1996, sections 4.071, subdivision 3; 268.37; 268.371; 268.38, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and 12; 268.55; and 268.92; Minnesota Statutes 1997 Supplement, sections 268.38, subdivision 7; and 268.917.*

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

Section 1. Minnesota Statutes 1996, section 13.99, subdivision 81, is amended to read:

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Subd. 81. **TRANSITIONAL HOUSING DATA.** Certain data collected, used, or maintained by the recipient of a grant to provide transitional housing are classified under section ~~268.38~~ 119A.43, subdivision 9.

Sec. 2. Minnesota Statutes 1997 Supplement, section 119A.15, subdivision 5a, is amended to read:

Subd. 5a. **EXCLUDED PROGRAMS.** Programs transferred to the department of children, families, and learning from the department of economic security may not be included in the consolidated funding account and are ineligible for local consolidation. The commissioner may not apply for federal waivers to include these programs in funding consolidation initiatives. The programs include the following:

- (1) programs for the homeless under sections 268.365, ~~268.38~~, and ~~268.39~~ 119A.43;
- (2) emergency energy assistance and energy conservation programs under sections ~~4.071~~ 119A.40 and ~~268.371~~ 119A.42;
- (3) weatherization programs under section ~~268.37~~ 119A.41;
- (4) foodshelf programs under section ~~268.55~~ 119A.44 and the emergency food assistance program; and
- (5) lead abatement programs under section ~~268.92~~ 119A.45.

Sec. 3. **[119A.40] OIL OVERCHARGE MONEY FOR ENERGY CONSERVATION.**

The oil overcharge money that is not otherwise appropriated by law or dedicated by court order is appropriated to the commissioner for energy conservation projects that directly serve low-income Minnesotans. This appropriation is available until spent.

Sec. 4. **[119A.41] COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.**

Subdivision 1. AGENCY DESIGNATION. The department is the state agency to apply for, receive, and disburse money made available to the state by federal law for the purpose of weatherizing the residences of low-income persons. The commissioner must coordinate available federal money with state money appropriated for this purpose.

Subd. 2. GRANTS. The commissioner must make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications must be submitted in accordance with rules promulgated by the commissioner.

Subd. 3. BENEFITS OF WEATHERIZATION. In the case of any grant made to an owner of a rental dwelling unit for weatherization, the commissioner must require that (1) the benefits of weatherization assistance in connection with the dwelling unit accrue primarily to the low-income family that resides in the unit; (2) the rents on the dwelling unit will not be raised because of any increase in value due solely to the weatherization assistance; and (3) no undue or excessive enhancement will occur to the value of the dwelling unit.

Subd. 4. RULES. The commissioner must promulgate rules that describe procedures for the administration of grants, data to be reported by grant recipients, and com-

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pliance with relevant federal regulations. The commissioner must require that a rental unit weatherized under this section be rented to a household meeting the income limits of the program for 24 of the 36 months after weatherization is complete. In applying this restriction to multiunit buildings weatherized under this section, the commissioner must require that occupancy continue to reflect the proportion of eligible households in the building at the time of weatherization.

Subd. 5. GRANT ALLOCATION. The commissioner must distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.

Criteria for the allocation of state grants to local agencies include existing local agency production levels, emergency needs, and the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for 90 days' production, but thereafter must receive grants solely on the basis of program criteria.

Subd. 6. ELIGIBILITY CRITERIA. To the extent allowed by federal regulations, the commissioner must ensure that the same income eligibility criteria apply to both the weatherization program and the energy assistance program.

**Sec. 5. [119A.42] EMERGENCY ENERGY ASSISTANCE; FUEL FUNDS.**

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

(b) "Energy provider" means a person who provides heating fuel, including natural gas, electricity, fuel oil, propane, wood, or other form of heating fuel, to residences at retail.

(c) "Fuel fund" means a fund established by an energy provider, the state, or any other entity that collects and distributes money for low-income emergency energy assistance and meets the minimum criteria, including income eligibility criteria, for receiving money from the federal Low-Income Home Energy Assistance Program and the program's Incentive Fund for Leveraging Non-Federal Resources.

Subd. 2. ENERGY PROVIDERS; REQUIREMENT. Each energy provider may solicit contributions from its energy customers for deposit in a fuel fund established by the energy provider, a fuel fund established by another energy provider or other entity, or the statewide fuel account established in subdivision 3, for the purpose of providing emergency energy assistance to low-income households that qualify under the federal eligibility criteria of the federal Low-Income Home Energy Assistance Program. Solicitation of contributions from customers may be made at least annually and may provide each customer an opportunity to contribute as part of payment of bills for provision of service or provide an alternate, convenient way for customers to contribute.

Subd. 3. STATEWIDE FUEL ACCOUNT; APPROPRIATION. The commissioner must establish a statewide fuel account. The commissioner may develop and implement a program to solicit contributions, manage the receipts, and distribute emergency energy assistance to low-income households, as defined in the federal Low-Income

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Home Energy Assistance Program, on a statewide basis. All money remitted to the commissioner for deposit in the statewide fuel account is appropriated to the commissioner for the purpose of developing and implementing the program. No more than ten percent of the money received in the first two years of the program may be used for the administrative expenses of the commissioner to implement the program and no more than five percent of the money received in any subsequent year may be used for administration of the program.

**Subd. 4. EMERGENCY ENERGY ASSISTANCE ADVISORY COUNCIL.** The commissioner must appoint an advisory council to advise the commissioner on implementation of this section. At least one-third of the advisory council must be composed of persons from households that are eligible for emergency energy assistance under the federal Low-Income Home Energy Assistance Program. The remaining two-thirds of the advisory council must be composed of persons representing energy providers, customers, local energy assistance providers, existing fuel fund delivery agencies, and community action agencies. Members of the advisory council may receive expenses, but no other compensation, as provided in section 15.059, subdivision 3. Appointment and removal of members is governed by section 15.059.

**Sec. 6. [119A.425] DATA PRIVACY; ENERGY PROGRAMS.**

Data on individuals collected, maintained, or created because an individual applies for benefits or services provided by the energy assistance and weatherization programs is private data on individuals and must not be disseminated except pursuant to section 13.05, subdivisions 3 and 4.

**Sec. 7. [119A.43] TRANSITIONAL HOUSING PROGRAMS.**

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

(b) "Transitional housing" means housing designed for independent living and provided to a homeless person or family at a rental rate of at least 25 percent of the family income for a period of up to 24 months. If a transitional housing program is associated with a licensed facility or shelter, it must be located in a separate facility or a specified section of the main facility where residents can be responsible for their own meals and other daily needs.

(c) "Support services" means an assessment service that identifies the needs of individuals for independent living and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, health care, or information and referral services to meet these needs.

Subd. 2. ESTABLISHMENT AND ADMINISTRATION. A transitional housing program is established to be administered by the commissioner. The commissioner may make grants to eligible recipients or enter into agreements with community action agencies or other public or private nonprofit agencies to make grants to eligible recipients to initiate, maintain, or expand programs to provide transitional housing and support services for persons in need of transitional housing, which may include up to six months of follow-up support services for persons who complete transitional housing as they stabilize in permanent housing. The commissioner must ensure that money appropriated to implement this section is distributed as soon as practicable. The commissioner may make grants directly to eligible recipients.

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Subd. 3. **ELIGIBLE RECIPIENTS.** A housing and redevelopment authority established under section 469.003 or a community action agency recognized under section 268.53 is eligible for assistance under the program. In addition, a partnership, joint venture, corporation, or association that meets the following requirements is also eligible:

(1) it is established for a purpose not involving pecuniary gain to its members, partners, or shareholders;

(2) it does not pay dividends or other pecuniary remuneration, directly or indirectly, to its members, partners, or shareholders; and

(3) in the case of a private, nonprofit corporation, it is established under and in compliance with chapter 317A.

Subd. 4. **APPLICATIONS.** An eligible recipient may apply to the commissioner, or to a nonprofit agency designated by the commissioner, for a grant to initiate, maintain, or expand a program providing transitional housing and support services for persons in need of transitional housing. The application must include:

(1) a proposal for the provision of transitional housing and support services, including program objectives, availability of adequate funding, appropriateness of the proposed program for the population to be served, and how the program will help individuals to move into permanent housing;

(2) a proposed budget;

(3) a plan for collection of required data and the method to be used for program evaluation; and

(4) evidence of the participation in the development of the application of any agency or governmental body that will provide essential services or assistance to the program.

Subd. 5. **CRITERIA FOR GRANT AWARDS.** Criteria for the award of grants must include:

(1) evidence that the application meets all program requirements;

(2) evidence of the need of the applicant for state assistance and of the need for the particular program;

(3) indication of long-range plans for future funding if the need continues to exist for the service; and

(4) assurance that grants are awarded to as wide a variety of programs as possible, with emphasis on programs that concentrate on long-term solutions to individual housing problems.

Subd. 6. **PROGRAMS DESIGNATED.** At least two programs funded must be located in the seven-county metropolitan area and at least one program must be located outside of the metropolitan area. The commissioner may fund programs designed primarily to serve families with children, single persons, and persons leaving a shelter for family abuse.

Subd. 7. **FUNDING COORDINATION.** Grant recipients must combine funds awarded under this section with other funds from public and private sources.

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**Subd. 8. PROGRAM INFORMATION.** In order to collect uniform data to better measure the nature and extent of the need for transitional housing, grant recipients must collect and make available to the commissioner the following information:

- (1) the number of requests received for transitional housing, including the number of persons requiring assistance;
- (2) the number of persons for whom services are provided, listed by age;
- (3) reasons for seeking assistance;
- (4) length of stay;
- (5) reasons for leaving the housing program;
- (6) demand for support services;
- (7) follow-up information on status of persons assisted, including source of income and whether living independently, employed, or in treatment, unless the information is not available; and
- (8) source of income on entering the program, prior residence, race, and sex of persons assisted.

**Subd. 9. PRIVATE DATA.** Personal history information and other information collected, used, or maintained by a grant recipient from which the identity of any individual receiving services may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grant recipient must maintain the data in accordance with the provisions of chapter 13.

**Subd. 10. LICENSING REQUIREMENTS NOT APPLICABLE.** The requirements of sections 245A.01 to 245A.16 do not apply to transitional housing and support services funded under this section unless the commissioner of human services determines that the program is primarily a residential program within the meaning of section 245A.02, subdivision 14.

#### Sec. 8. [119A.44] FOODSHELF.

**Subdivision 1. DISTRIBUTION OF APPROPRIATION.** The commissioner must distribute funds appropriated to the commissioner by law for that purpose to the Minnesota Foodshelf Association, a statewide association of foodshelves organized as a nonprofit corporation as defined under section 501(c)(3) of the Internal Revenue Code of 1986, to distribute to qualifying foodshelves. A foodshelf qualifies under this section if:

- (1) it is a nonprofit corporation, or is affiliated with a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code of 1986;
- (2) it distributes standard food orders without charge to needy individuals. The standard food order must consist of at least a two-day supply or six pounds per person of nutritionally balanced food items;
- (3) it does not limit food distributions to individuals of a particular religious affiliation, race, or other criteria unrelated to need or to requirements necessary to administration of a fair and orderly distribution system;
- (4) it does not use the money received or the food distribution program to foster or advance religious or political views; and

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(5) it has a stable address and directly serves individuals.

Subd. 2. APPLICATION. In order to receive money appropriated under this section, the Minnesota Foodshelf Association must apply to the commissioner. The application must be in a form prescribed by the commissioner and must indicate the proportion of money each qualifying foodshelf shall receive. Applications must be filed at the times and for the periods determined by the commissioner.

Subd. 3. DISTRIBUTION FORMULA. The Minnesota Foodshelf Association must distribute money distributed to it by the department to foodshelf programs in proportion to the number of individuals served by each foodshelf program. The commissioner must gather data from the Minnesota Foodshelf Association or other appropriate sources to determine the proportionate amount each qualifying foodshelf program is entitled to receive. The commissioner may increase or decrease the qualifying foodshelf program's proportionate amount if the commissioner determines the increase or decrease is necessary or appropriate to meet changing needs or demands.

Subd. 4. USE OF MONEY. At least 96 percent of the money distributed to the Minnesota Foodshelf Association under this section must be distributed to foodshelf programs to purchase, transport and coordinate the distribution of nutritious food to needy individuals and families. No more than four percent of the money may be expended for other expenses, such as rent, salaries, and other administrative expenses of the Minnesota Foodshelf Association.

Subd. 5. ENFORCEMENT. The Minnesota Foodshelf Association must retain records documenting expenditure of the money and comply with any additional requirements imposed by the commissioner. The commissioner may require the Minnesota Foodshelf Association to report on its use of the funds. The commissioner may require that the report contain an independent audit. If ineligible expenditures are made by the Minnesota Foodshelf Association, the ineligible amount must be repaid to the commissioner and deposited in the general fund.

Subd. 6. ADMINISTRATIVE EXPENSES. All funds appropriated under this section must be distributed to the Minnesota Foodshelf Association as provided under this section with deduction by the commissioner for administrative expenses limited to 1.8 percent.

#### **Sec. 9. [119A.45] EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.**

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for Head Start, early childhood and family education programs, other early childhood intervention programs, or demonstration family service centers housing multiagency collaboratives, with priority to centers in counties or municipalities with the highest number of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or child visitation centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner must prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. The commissioner must give priority to grants that in-

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volve collaboration among sponsors of programs under this section. At least 25 percent of the amounts appropriated for these grants must be used in conjunction with the youth employment and training programs operated by the commissioner of economic security. Eligible programs must consult with appropriate labor organizations to deliver education and training.

**Sec. 10. [119A.46] LEAD ABATEMENT PROGRAM.**

Subdivision 1. DEFINITIONS. (a) The definitions in section 144.9501 and in this subdivision apply to this section.

(b) "Eligible organization" means a lead contractor, city, board of health, community health department, community action agency as defined in section 268.52, or community development corporation.

(c) "Commissioner" means the commissioner of children, families, and learning, or the commissioner of the Minnesota housing finance agency as authorized by section 462A.05, subdivision 15c.

Subd. 2. GRANTS; ADMINISTRATION. Within the limits of the available appropriation, the commissioner must develop a swab team services program which may make demonstration and training grants to eligible organizations to train workers to provide swab team services and swab team services for residential property. Grants may be awarded to nonprofit organizations to provide technical assistance and training to ensure quality and consistency within the statewide program. Grants must be awarded to help ensure full-time employment to workers providing swab team services and must be awarded for a two-year period.

Grants awarded under this section must be made in consultation with the commissioners of the department of health and the housing finance agency, and representatives of neighborhood groups from areas at high risk for toxic lead exposure, a labor organization, the lead coalition, community action agencies, and the legal aid society. The consulting team must review grant applications and recommend awards to eligible organizations that meet requirements for receiving a grant under this section.

Subd. 3. APPLICANTS. (a) Interested eligible organizations may apply to the commissioner for grants under this section. Two or more eligible organizations may jointly apply for a grant. Priority shall be given to community action agencies in greater Minnesota and to either community action agencies or neighborhood based nonprofit organizations in cities of the first class. Of the total annual appropriation, 12.5 percent may be used for administrative purposes. The commissioner may deviate from this percentage if a grantee can justify the need for a larger administrative allowance. Of this amount, up to five percent may be used by the commissioner for state administrative purposes: Applications must provide information requested by the commissioner, including at least the information required to assess the factors listed in paragraph (d).

(b) The commissioner must coordinate with the commissioner of health who must consult with boards of health to provide swab team services for purposes of secondary prevention. The priority for swab teams created by grants to eligible organizations under this section must be work assigned by the commissioner of health, or by a board of health if so designated by the commissioner of health, to provide secondary prevention swab team services to fulfill the requirements of section 144.9504, subdivision 6, in response

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to a lead order. Swab teams assigned work under this section by the commissioner, that are not engaged daily in fulfilling the requirements of section 144.9504, subdivision 6, must deliver swab team services in response to elevated blood lead levels as defined in section 144.9501, subdivision 9, where lead orders were not issued, and for purposes of primary prevention in census tracts known to be in areas at high risk for toxic lead exposure as described in section 144.9503, subdivision 2.

(c) Any additional money must be used for grants to establish swab teams for primary prevention under section 144.9503, in census tracts in areas at high risk for toxic lead exposure as determined under section 144.9503, subdivision 2.

(d) In evaluating grant applications, the commissioner must consider the following criteria:

- (1) the use of lead contractors and lead workers for residential swab team services;
- (2) the participation of neighborhood groups and individuals, as swab team workers, in areas at high risk for toxic lead exposure;
- (3) plans for the provision of swab team services for primary and secondary prevention as required under subdivision 4;
- (4) plans for supervision, training, career development, and postprogram placement of swab team members;
- (5) plans for resident and property owner education on lead safety;
- (6) plans for distributing cleaning supplies to area residents and educating residents and property owners on cleaning techniques;
- (7) sources of other funding and cost estimates for training, lead inspections, swab team services, equipment, monitoring, testing, and administration;
- (8) measures of program effectiveness;
- (9) coordination of program activities with other federal, state, and local public health, job training, apprenticeship, and housing renovation programs including the emergency jobs program under sections 268.672 to 268.881; and
- (10) prior experience in providing swab team services.

**Subd. 4. LEAD CONTRACTORS.** (a) Eligible organizations and lead contractors may participate in the swab team program. An eligible organization receiving a grant under this section must assure that all participating lead contractors are licensed and that all swab team workers are certified by the department of health under section 144.9505. Eligible organizations and lead contractors may distinguish between interior and exterior services in assigning duties and may participate in the program by:

- (1) providing on-the-job training for swab team workers;
- (2) providing swab team services to meet the requirements of sections 144.9503, subdivision 4, and 144.9504, subdivision 6;
- (3) providing a removal and replacement component using skilled craft workers under subdivision 7;

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- (4) providing lead testing according to subdivision 8;
- (5) providing lead dust cleaning supplies, as described in section 144.9503, subdivision 5, paragraph (b), to residents; or
- (6) having a swab team worker instruct residents and property owners on appropriate lead control techniques, including the lead-safe directives developed by the commissioner of health.

(b) Participating lead contractors must:

- (1) demonstrate proof of workers' compensation and general liability insurance coverage;
- (2) be knowledgeable about lead abatement requirements established by the Department of Housing and Urban Development and the Occupational Safety and Health Administration and lead hazard reduction requirements and lead-safe directives of the commissioner of health;
- (3) demonstrate experience with on-the-job training programs;
- (4) demonstrate an ability to recruit employees from areas at high risk for toxic lead exposure; and
- (5) demonstrate experience in working with low-income clients.

**Subd. 5. SWAB TEAM WORKERS.** Each worker engaged in swab team services established under this section must have blood lead concentrations below 15 micrograms of lead per deciliter of whole blood as determined by a baseline blood lead screening. Any organization receiving a grant under this section is responsible for lead screening and must assure that all swab team workers meet the standards established in this subdivision. Grantees must use appropriate workplace procedures including following the lead-safe directives developed by the commissioner of health to reduce risk of elevated blood lead levels. Grantees and participating contractors must report all employee blood lead levels that exceed 15 micrograms of lead per deciliter of whole blood to the commissioner of health.

**Subd. 6. ON-THE-JOB TRAINING COMPONENT.** (a) Programs established under this section must provide on-the-job training for swab team workers. Training methods must follow procedures established under section 144.9506.

(b) Swab team workers must receive monetary compensation equal to the prevailing wage as defined in section 177.42, subdivision 6, for comparable jobs in the licensed contractor's principal business.

**Subd. 7. REMOVAL AND REPLACEMENT COMPONENT.** (a) Within the limits of the available appropriation and if a need is identified by a lead inspector, the commissioner may establish a component for removal and replacement of deteriorated paint in residential properties according to the following criteria:

- (1) components within a residence must have both deteriorated lead-based paint and substrate damage beyond repair or rotting wooden framework to be eligible for removal and replacement;
- (2) all removal and replacement must be done using least-cost methods and following lead-safe directives;

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(3) whenever windows and doors or other components covered with deteriorated lead-based paint have sound substrate or are not rotting, those components should be repaired, sent out for stripping, planed down to remove deteriorated lead-based paint, or covered with protective guards instead of being replaced, provided that such an activity is the least cost method of providing the swab team service;

(4) removal and replacement or repair must be done by lead contractors using skilled craft workers or trained swab team members; and

(5) all craft work that requires a state license must be supervised by a person with a state license in the craft work being supervised. The grant recipient may contract for this supervision.

(b) The program design must:

(1) identify the need for on-the-job training of swab team workers to be removal and replacement workers; and

(2) describe plans to involve appropriate groups in designing methods to meet the need for training swab team workers.

Subd. 8. TESTING AND EVALUATION. (a) Testing of the environment is not necessary by swab teams whose work is assigned by the commissioner of health or a designated board of health under section 144.9504. The commissioner of health or designated board of health must share the analytical testing data collected on each residence for purposes of secondary prevention under section 144.9504 with the swab team workers in order to provide constructive feedback on their work and to the commissioner for the purposes set forth in paragraph (c).

(b) For purposes of primary prevention evaluation, the following samples must be collected: pretesting and posttesting of one noncarpeted floor dust lead sample and a notation of the extent and location of bare soil and of deteriorated lead-based paint. The analytical testing data collected on each residence for purposes of primary prevention under section 144.9503, must be shared with the swab team workers in order to provide constructive feedback on their work and to the commissioner for the purposes set forth in paragraph (c).

(c) The commissioner of health must establish a program in cooperation with the commissioner to collect appropriate data as required under paragraphs (a) and (b), in order to conduct an ongoing evaluation of swab team services for primary and secondary prevention. Within the limits of available appropriations, the commissioner of health must conduct or contract with the commissioner, on up to 1,000 residences which have received primary or secondary prevention swab team services, a postremediation evaluation, on at least a quarterly basis for a period of at least two years for each residence. The evaluation must note the condition of the paint within the residence, the extent of bare soil on the grounds, and collect and analyze one noncarpeted floor dust lead sample. The data collected must be evaluated to determine the efficacy of providing swab team services as a method of reducing lead exposure in young children. In evaluating this data, the commissioner of health must consider city size, community location, historic traffic flow, soil lead level of the property by area or census tract, distance to industrial point sources that emit lead, season of the year, age of the housing, age, and number of children living at the residence, the presence of pets that move in and out of the residence, and other relevant

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factors as the commissioner of health may determine. This evaluation of the swab team program may be paid from amounts appropriated to the department of economic security for providing swab team services.

**Subd. 9. PROGRAM BENEFITS.** As a condition of providing swab team services under this section, an organization may require a property owner to not increase rents on a property solely as a result of a substantial improvement made with public funds under the programs in this section.

**Subd. 10. REQUIREMENTS OF ORGANIZATIONS RECEIVING GRANTS.** An eligible organization that is awarded a training and demonstration grant under this section must prepare and submit a quarterly progress report to the commissioner beginning three months after receipt of the grant.

Sec. 11. Minnesota Statutes 1996, section 216B.241, subdivision 2a, is amended to read:

**Subd. 2a. ENERGY AND CONSERVATION ACCOUNT.** The commissioner shall must deposit money contributed under subdivisions 1a and 1b in the energy and conservation account in the general fund. Money in the account is appropriated to the department for programs designed to meet the energy conservation needs of low-income persons and to make energy conservation improvements in areas not adequately served under subdivision 2. Interest on money in the account accrues to the account. Using information collected under section 216C.02, subdivision 1, paragraph (b), the commissioner shall must, to the extent possible, allocate enough money to programs for low-income persons to assure that their needs are being adequately addressed. The commissioner shall must request the commissioner of finance to transfer money from the account to the commissioner of economic security children, families, and learning for an energy conservation program for low-income persons. In establishing programs, the commissioner shall must consult political subdivisions and nonprofit and community organizations, especially organizations engaged in providing energy and weatherization assistance to low-income persons. At least one program must address the need for energy conservation improvements in areas in which a high percentage of residents use fuel oil or propane to fuel their source of home heating. The commissioner may contract with a political subdivision, a nonprofit or community organization, a public utility, a municipality, or a cooperative electric association to implement its programs.

Sec. 12. Minnesota Statutes 1996, section 239.785, subdivision 6, is amended to read:

**Subd. 6. LIQUEFIED PETROLEUM GAS ACCOUNT.** A liquefied petroleum gas account in the special revenue fund is established in the state treasury. Fees and penalties collected under this section must be deposited in the state treasury and credited to the liquefied petroleum gas account. Money in that account, including interest earned, is appropriated to the commissioner of economic security children, families, and learning for programs to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes.

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Sec. 13. Minnesota Statutes 1997 Supplement, section 268.19, is amended to read:

**268.19 INFORMATION.**

Except as hereinafter otherwise provided, data gathered from any employing unit or individual pursuant to the administration of sections 268.03 to 268.23, and from any determination as to the benefit rights of any individual are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

(a) state and federal agencies specifically authorized access to the data by state or federal law;

(b) any agency of this or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;

(c) local human rights groups within the state which have enforcement powers;

(d) the department of revenue ~~shall~~ must have access to department of economic security private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;

(e) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(f) the department of labor and industry on an interchangeable basis with the department of economic security subject to the following limitations and notwithstanding any law to the contrary:

(1) the department of economic security ~~shall~~ must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under sections 268.03 to 268.23; and

(2) the department of labor and industry ~~shall~~ must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under state law;

(g) the department of trade and economic development may have access to private data on individual employing units and nonpublic data not on individual employing units for its internal use only; when received by the department of trade and economic development, the data remain private data on individuals or nonpublic data;

(h) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department of economic security;

(i) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation; and

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(j) the department of health may have access to private data on individuals and non-public data not on individuals solely for the purposes of epidemiologic investigations.

Data on individuals and employing units which are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and shall must not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and shall must be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

Aggregate data about employers compiled from individual job orders placed with the department of economic security are private data on individuals and nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, if the commissioner determines that divulging the data would result in disclosure of the identity of the employer. The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are also classified as private data on individuals or nonpublic data.

~~Data on individuals collected, maintained, or created because an individual applies for benefits or services provided by the energy assistance and weatherization programs administered by the department of economic security is private data on individuals and shall not be disseminated except pursuant to section 13.05, subdivisions 3 and 4.~~

Data gathered by the department pursuant to the administration of sections 268.03 to 268.23 shall must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 14. Minnesota Statutes 1996, section 462A.05, subdivision 15c, is amended to read:

Subd. 15c. **RESIDENTIAL LEAD ABATEMENT.** (a) It may make or purchase loans or grants for the abatement of hazardous levels of lead paint in residential buildings and lead contaminated soil on the property of residential buildings occupied by low- and moderate-income persons. Hazardous levels are as determined by the department of health or the pollution control agency. The agency must establish criteria for a residential lead paint and lead contaminated soil abatement program, including the terms of loans and grants under this section, a maximum amount for loans or grants, eligible borrowers or grantees, eligible contractors, and eligible buildings. The agency may make grants to cities, local units of government, registered lead abatement contractors, and nonprofit organizations for the purpose of administering a residential lead paint and contaminated lead soil abatement program. The agency must establish standards for the relocation of families where necessary and the payment of relocation expenses. To the extent possible, the agency must coordinate loans and grants under this section with existing housing programs.

The agency, in consultation with the department of health, shall must report to the legislature by January 1996 on the costs and benefits of subsidized lead abatement and

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the extent of the childhood lead exposure problem. The agency shall must review the effectiveness of its existing loan and grant programs in providing funds for residential lead abatement and report to the legislature with examples, case studies and recommendations.

(b) The agency may also make grants to eligible organizations, as defined in section ~~268.92~~ 119A.46, subdivision 1, for the purposes of section ~~268.92~~ 119A.46.

Sec. 15. **REPEALER.**

Minnesota Statutes 1996, sections 4.071, subdivision 3; 268.37; 268.371; 268.38, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and 12; 268.55; and 268.92; and Minnesota Statutes 1997 Supplement, sections 268.38, subdivision 7; and 268.917, are repealed.

Presented to the governor March 6, 1998

Signed by the governor March 9, 1998, 11:20 a.m.

**CHAPTER 274—H.F.No. 3040**

*An act relating to human services; modifying requirements for documentation of long-term care facility payrolls; amending Minnesota Statutes 1996, section 256B.432, subdivision 8.*

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

Section 1. Minnesota Statutes 1996, section 256B.432, subdivision 8, is amended to read:

Subd. 8. **ADEQUATE DOCUMENTATION SUPPORTING LONG-TERM CARE FACILITY PAYROLLS.** Beginning July 1, ~~1993~~ 1998, payroll records supporting compensation costs claimed by long-term care facilities must be supported by affirmative time and attendance records prepared by each individual at intervals of not more than one month. The requirements of this subdivision are met when documentation is provided under either clause (1) or (2) as follows:

(1) the affirmative time and attendance record must identify the individual's name; the days worked during each pay period; the number of hours worked each day; and the number of hours taken each day by the individual for vacation, sick, and other leave. The affirmative time and attendance record must include a signed verification by the individual and the individual's supervisor, if any, that the entries reported on the record are correct; or

(2) if the affirmative time and attendance records identifying the individual's name, the days worked each pay period, the number of hours worked each day, and the number of hours taken each day by the individual for vacation, sick, and other leave are placed on microfilm, equipment must be made available for viewing and printing them, or if the records are stored as automated data, summary data must be available for viewing and printing.

Presented to the governor March 13, 1998

Signed by the governor March 16, 1998, 10:20 a.m.

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