

CHAPTER 334—S.F.No. 3028

An act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

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

Section 1. Minnesota Statutes 2000, section 124D.385, subdivision 3, is amended to read:

Subd. 3. **DUTIES.** (a) The commission shall:

(1) develop, with the assistance of the governor, the commissioner of children, families, and learning, and affected state agencies, a comprehensive state plan to provide services under sections 124D.37 to 124D.45 and federal law;

(2) actively pursue public and private funding sources for services, including funding available under federal law;

(3) ~~coordinate volunteer service-learning programs within the state;~~

~~(4) develop, in cooperation with the workforce development council and the commissioner of children, families, and learning, volunteer service-learning programs, including curriculum, materials, and methods of instruction;~~

~~(5) work collaboratively with the workforce development council, the commissioner of children, families, and learning, schools, public and private agencies, for-profit and nonprofit employers, and labor unions to identify mentoring and service-learning opportunities, solicit and recruit participants for these programs, and disseminate information on the programs;~~

~~(6) administer the youth works grant program under sections 124D.39 to 124D.44, with assistance from the commissioner of children, families, and learning and the executive director of the higher education services office, including soliciting and approving grant applications from eligible organizations, and administering individual postservice benefits;~~

~~(7) (4) establish an evaluation plan for programs developed and services provided under sections 124D.37 to 124D.45;~~

~~(8) (5) report to the governor, commissioner of children, families, and learning, and legislature; and~~

~~(9) provide oversight and support for school, campus, and community-based service programs; and~~

~~(10) (6) administer the federal AmeriCorps program.~~

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

(b) Nothing in sections 124D.37 to 124D.45 precludes an organization from independently seeking public or private funding to accomplish purposes similar to those described in paragraph (a).

(c) ~~The commissioner of children, families, and learning shall consult with commission members before the commissioner selects the executive director for the commission, who shall serve in the unclassified service.~~

EFFECTIVE DATE. This section, including the termination of the employment of the executive director in the state unclassified service, is effective on the effective date of section 3.

Sec. 2. Minnesota Statutes 2000, section 124D.385, is amended by adding a subdivision to read:

Subd. 4. **DELEGATION TO NONPROFIT.** The commission may create a private nonprofit corporation that is exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code of 1986. If the commission creates a private nonprofit corporation, the commission must serve as the corporation's board of directors. The private nonprofit corporation is not subject to laws governing state agencies or political subdivisions, except the provisions of chapter 13, the Open Meeting Law under chapter 13D, salary limits under section 15A.0815, subdivision 2, and audits by the legislative auditor under chapter 3 apply. Further provided that the board of directors and the executive director of the nonprofit corporation are each considered an "official" for purposes of section 10A.071. The commission may delegate any or all of its powers and duties under federal law or under sections 124D.37 to 124D.45 to the corporation if the nonprofit corporation is approved under federal law to administer the National and Community Service Trust Act. The commission may revoke a delegation of powers and duties at any time, and must revoke the delegation if the corporation is no longer approved under federal law as the administrator in the state of Minnesota for the National and Community Service Trust Act.

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

Sec. 3. APPROPRIATION TRANSFER.

The unspent and unencumbered portion of the appropriation in Laws 2001, First Special Session chapter 6, article 2, section 77, subdivision 22, is transferred from the commissioner of children, families, and learning to the administrative entity approved by the Corporation for National and Community Service to carry out the National and Community Service Trust Act. In the presentation of the governor's proposed budget for fiscal years 2004 and 2005, the amount appropriated in Laws 2001, First Special Session chapter 6, article 2, section 77, subdivision 22, adjusted for any changes enacted in 2002, must be shown as part of the base budget. However, any proposed future appropriation for this purpose must be shown as a pass-through grant to the commission or to the nonprofit corporation created by the commission to carry out the National and Community Service Trust Act.

EFFECTIVE DATE. This section is effective the day after the commission certifies to the commissioner of finance that it has created a nonprofit corporation under

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

section 2, that the corporation has been approved by the Corporation for National and Community Service to carry out the National and Community Service Trust Act, and that the commission has delegated duties to administer sections 124D.37 to 124D.45 to the corporation.

Sec. 4. **TRANSITION.**

On the effective date of section 3, all powers and duties of the commissioner of children, families, and learning relating to the commission cease, except for the assistance described in section 124D.385, subdivision 3, clause (1), and the duty to provide pass-through grant funds that are appropriated by law for the benefit of the commission or the nonprofit corporation.

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

Presented to the governor April 9, 2002

Signed by the governor April 12, 2002, 1:35 p.m.

CHAPTER 335—S.F.No. 2457

An act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.

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

Section 1. Minnesota Statutes 2000, section 253B.05, subdivision 2, is amended to read:

Subd. 2. **PEACE OR HEALTH OFFICER AUTHORITY.** (a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or mentally retarded and in ~~imminent~~ danger of injuring self or others if not immediately ~~restrained~~ detained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. The peace or health officer shall make written application for admission of the person to the treatment facility. The application shall contain the peace or health officer's statement specifying the reasons for and circumstances under which the person was taken into

New language is indicated by underline, deletions by strikeout.