

## CHAPTER 757—H.F.No.1944

[Coded]

*An act relating to handicapped persons; establishing and prescribing duties of the Minnesota commission for the handicapped; transferring certain powers and duties to the commission; appropriating money; repealing Minnesota Statutes 1971, Sections 4.08 and 121.34.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [256.481] **COMMISSION FOR THE HANDICAPPED; HANDICAPPED PERSON; DEFINITION.** For the purposes of this act "handicapped person" means one who, because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of our society.

Sec. 2. [256.482] **MINNESOTA COMMISSION FOR THE HANDICAPPED.** Subdivision 1. **ESTABLISHMENT; MEMBERS.** There is hereby established the commission for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen commission members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. The commissioners of the departments of education, public welfare and manpower services, and the executive officer of the state board of health, shall serve ex officio, without a vote, on the commission, or shall designate a representative to the commission. In addition, there shall be ex officio representation, without vote, from the division of vocational rehabilitation of the department of education, from the division of mental retardation services and services for the blind section of the department of public welfare and from other divisions and sections which are directly concerned with services for handicapped persons. There shall be at least one member of the commission appointed from each of the state development regions.

Each member of the commission shall serve a six year term and until his successor is appointed and qualifies, provided that of the initial members appointed, ten shall serve for two years, ten for four years and ten for six years, as designated by the governor. The governor shall appoint a chairman of the commission from among the members appointed from the general public or handicapped persons or their parents or guardians. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

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Subd. 2. **EXECUTIVE DIRECTOR; STAFF.** The commission may select an executive director of the commission by a vote of a majority of all commission members. The executive director shall be in the unclassified service of the state and shall act as secretary to the commission and shall perform such other duties as the commission may require of him. The commission shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director. Salaries for the executive director and staff shall be established in the manner prescribed by Minnesota Statutes, Chapter 15A, and the executive director shall be reimbursed for all actual and necessary expenses incurred as a result of his commission responsibilities.

Subd. 3. **RECEIPT OF FUNDS.** Whenever any person, firm or corporation offers to the commission funds by the way of gift, grant or loan, for purposes of assisting the commission to carry out its powers and duties, the commission may accept such offer by majority vote and upon such acceptance the chairman shall receive such funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 4. **ORGANIZATION; COUNCILS AND COMMITTEES.** The commission shall organize itself in conformity with its responsibilities under this act and shall establish councils and committees which shall give detailed attention to the special needs of each category of handicapped persons. The members of such councils and committees shall be designated by the chairman with the approval of a majority of the commission and each council or committee shall have members from, and in approximately the same ratio as, the three groups represented on the commission. Councils established shall include a council on employment which shall carry out the duties and responsibilities formerly entrusted to the governor's commission on employment of handicapped persons, and a council on children which shall carry out the duties and responsibilities related to handicapped children formerly entrusted to the Minnesota advisory board on handicapped, gifted and exceptional children.

Subd. 5. **DUTIES AND POWERS.** The commission shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

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(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons.

Subd. 6. **MEETINGS; COMPENSATION.** The commission shall meet at least once every three months to conduct its business and give direction to the activities of the executive director and staff. Commission members shall serve without pay except that they may be reimbursed for actual and necessary expenses incurred in the discharge of their official duties.

Sec. 3. [256.483] **TRANSFER OF FUNCTIONS.** Subdivision 1. **COMMISSION AND BOARD ABOLISHED.** All the powers, duties and functions relating to handicapped persons and handicapped children heretofore imposed upon and vested in the governor's commission on employment of handicapped persons, established by Minnesota Statutes, Section 4.08, and the Minnesota advisory board on handicapped, gifted and exceptional children, established by Minnesota Statutes, Section 121.34, are hereby transferred to, imposed upon and vested in the commission for the handicapped. The governor's commission on employment of handicapped persons and the Minnesota advisory board on handicapped, gifted and exceptional children are hereby abolished.

Subd. 2. **POWERS CONTINUED.** The commission for the handicapped to which functions are assigned and transferred in subdivision 1 shall be deemed and held to constitute a continuation of the commission and board abolished in subdivision 1 as to matters within the jurisdiction of said board and commission and transferred to the commission for the handicapped, and not a new authority for the purpose of succession to all transferred rights, powers, duties and obligations of the former board and commission as constituted at the time of such assignment or transfer with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

Subd. 3. **PENDING PROCEEDINGS.** Any proceeding, court action, prosecution, or other business or matter relating to the

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handicapped which is undertaken or commenced prior to the effective date of this act by the board or commission abolished in subdivision 1 still pending at the time of said effective date, may be conducted and completed by the commission for the handicapped in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former board or commission prior to said transfer.

Subd. 4. **TRANSFER OF PROPERTY.** The heads of the board and commission abolished in subdivision 1 shall transfer and deliver to the commission for the handicapped all contracts, books, maps, plans, papers, records, and property of every description within their jurisdiction or control which relates to the handicapped. The commission for the handicapped is hereby authorized to take possession of said property.

Subd. 5. **TRANSFER OF FUNDS.** All unexpended funds appropriated to the board and commission abolished in subdivision 1 for the purposes of any of their functions, powers, or duties which are transferred by this act to the commission for the handicapped are hereby transferred to such commission.

Sec. 4. **APPROPRIATION.** There is appropriated to the commission for the handicapped from the general fund, the sum of \$97,000 for the purpose of administering the provisions of this act during the biennium beginning July 1, 1973 and ending June 30, 1975. Notwithstanding Minnesota Statutes, Section 16.17, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse prior to June 30, 1975.

Sec. 5. Minnesota Statutes 1971, Sections 4.08 and 121.34 are repealed.

Approved May 24, 1973.

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## CHAPTER 758—H.F.No.1945

[Coded in Part]

*An act relating to the Minnesota higher education facilities authority; amending Minnesota Statutes 1971, Sections 136A.26, 136A.27, 136A.29, 136A.32, Subdivision 3, and by adding a subdivision; 136A.34, Subdivision 4; 136A.40 and 136A.41.*

Be it enacted by the Legislature of the State of Minnesota:

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