

for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental political subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or political subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or political subdivision;

(3) after the sale, the rail bank corridor will continue to be sufficient to meet the purposes of subdivision 2; and

(4) the conveyance will not result in any right-of-way in the state rail bank being reduced to a width of less than 50 feet at any point.

Proceeds from a sale must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 4. **REPEALER.**

Minnesota Statutes 1998, section 32.01, subdivision 7, is repealed.

Sec. 5. **EFFECTIVE DATE.**

Sections 2 and 3 are effective the day following final enactment.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:18 p.m.

CHAPTER 155—H.F.No. 371

An act relating to local government; removing the limit on the amount a local government may contribute for historical work; permitting local governments to make contributions to public or private, nonprofit senior citizen centers or youth centers; amending Minnesota Statutes 1998, section 471.93; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Section 1. Minnesota Statutes 1998, section 471.93, is amended to read:

471.93 APPROPRIATIONS FOR HISTORICAL WORK BY MUNICIPALITIES.

In cities of the second, third or fourth class, and statutory cities at any regular or properly called special meeting of the council, it may appropriate money for the purpose

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

of collecting, preserving, storing, housing, printing, publishing, distributing and exhibiting data and material pertaining to the history of the city, for the purpose of commemorating the anniversary of any important and outstanding event in such history, and to preserve such history data and material for future generations. The amount appropriated shall not exceed \$2,000 in any one year.

Sec. 2. [471.935] APPROPRIATIONS FOR SENIOR, YOUTH CENTERS.

A statutory or home rule charter city, county, or town may appropriate money to support the facilities, programs, and services of a public or private, not-for-profit senior citizen center or youth center.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:20 p.m.

CHAPTER 156—H.F.No. 60

An act relating to health; allowing reimbursement for supplemental private duty nursing services provided by spouses of recipients under the community alternative care home and community-based waived services program; amending Minnesota Statutes 1998, section 256B.49, by adding a subdivision.

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

Section 1. Minnesota Statutes 1998, section 256B.49, is amended by adding a subdivision to read:

Subd. 10. PRIVATE DUTY NURSING SERVICES PROVIDED BY A SPOUSE. The commissioner shall seek to amend the community alternative care home and community-based waived services program to include payment for spouses providing private duty nursing care to a recipient who can direct his or her own care. For purposes of this subdivision, a recipient can direct his or her own care if the recipient can communicate:

- (1) orientation to person, place, and time;
- (2) an understanding of the recipient's plan of care, including medications and medication schedule;
- (3) needs; and
- (4) an understanding of safety issues, including how to access emergency assistance.

Private duty nursing may be provided by a spouse who is a licensed nurse employed by a Medicare certified home health agency, in cases where there is a lack of a sufficient number of qualified providers or private duty nurses and to prevent the hospitalization of the recipient. Private duty nursing services provided by a spouse cannot be used in lieu of nursing services covered and available under liable third-party payers including Medicare and medical assistance not paid by the waiver. The private duty nursing provided by

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