

mission determines that the final order or judgment adversely affects the public interest.

Approved May 26, 1965.

CHAPTER 835—S. F. No. 925

[Coded]

An act relating to rehabilitation services for the severely disabled through long term sheltered workshops; providing an appropriation therefor.

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

Section 1. **[121.71] Disabled persons; long term sheltered workshops; purpose.** The purpose of this act is to improve rehabilitation services for the severely disabled in Minnesota by providing for the development and continuation of long term sheltered workshops.

Sec. 2. **[121.711] Definition.** For the purposes of this act, a long term sheltered workshop means a facility where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely disabled individuals who, as a result of physical or mental disability, are unable to participate in competitive employment. A long term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist.

Sec. 3. **[121.712] Applicants for assistance.** Subdivision 1. Any city, village, borough, town, county, nonprofit corporation, or any combination thereof, may apply to the commissioner of education for assistance in establishing or operating, or both establishing and operating, a community long term sheltered workshop. Application for such assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

Subd. 2. In order to provide the necessary funds for a long

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term sheltered workshop, the governing body of any city, village, borough, town, or county may expend money which may be available for such purposes in the general fund, and may levy a tax of not to exceed in any one year the following amounts per capita of the population, based upon the last federal census: Cities of the first class, not to exceed ten cents per capita; cities of other than the first class, villages, boroughs, towns, and counties, not to exceed 30 cents per capita. The levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental unit, which are subject to any such limitation, to be reduced in any amount whatsoever. Any city, village, borough, town, county, or nonprofit corporation may accept gifts or grants from any source for the long term sheltered workshop. Any money appropriated, taxed, or received as a gift or grant may be used to match funds available on a matching basis.

Sec. 4. **[121.713] Community long term sheltered workshop boards.** Subdivision 1. Every city, village, borough, town, county, nonprofit corporation, or combination thereof establishing a community long term sheltered workshop shall appoint a long term sheltered workshop board of not less than nine members before becoming eligible for the assistance provided by this act. When any city, village, borough, town, or county singly establishes such a workshop, such board shall be appointed by the chief executive officer of the city, village, or borough, or the chairman of the governing board of the county or town. When any combination of cities, villages, boroughs, towns, counties, or nonprofit corporations establishes such a workshop the chief executive officers of the cities, villages, boroughs, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes such a workshop the corporation shall appoint the board of directors. Membership on a board shall include a disabled person and shall be representative of local health, education, and welfare departments, medical societies, county welfare boards, lay associations governed by the disabled, labor and business groups, and the general public. Nothing in this act shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to such board, so long as representation described above is preserved.

Subd. 2. The term of office of each member of the community long term sheltered workshop board shall be for four years, measured from the first day of the year of appointment, except as follows: Of the members first appointed, at least three shall be appointed for a term of two years, at least three for a term of three

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years, and at least three for a term of four years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

Subd. 3. Subject to the provisions of this act and the rules and regulations of the state board of education, each community long term sheltered workshop board shall:

(a) Review and evaluate the need for a long term sheltered workshop services program provided pursuant to this act and report thereon to the commissioner of education, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(b) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies, and other lawful sources and promote public support for municipal and county appropriations;

(c) Promote, arrange, and implement working agreements with other educational and social service agencies both public and private and any other allied agencies;

(d) Advise the administrator of the long term sheltered workshop program on the adoption and implementation of policies to stimulate effective community relations;

(e) Review the annual plan and budget and make recommendations thereon; and

(f) When so determined by the authority establishing the program, act as the administrator of the program.

Sec. 5. [121.714] Duties of the commissioner of education. Subdivision 1. The commissioner of education may make grants to assist cities, villages, boroughs, towns, counties, nonprofit corporations, or any combination thereof in the establishment, operation, and expansion of long term sheltered workshop programs. The commissioner may accept federal grants or aids and shall cooperate with federal agencies in any reasonable manner necessary to qualify for such federal grants or aids for long term sheltered workshops.

Subd. 2. At the beginning of each fiscal year, the commissioner of education shall allocate available funds to long term sheltered workshop programs for disbursement during the fiscal year in

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accordance with such approved plans or budgets. The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the various programs and if funds are not needed for the program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Subd. 3. The grant may not exceed an amount equal to 50 percent of the following approved anticipated expenditures for workshop costs:

- (a) Salaries;
- (b) Contract facilities and services;
- (c) Operation, maintenance, and service costs;
- (d) Vehicles for the primary use of transporting the disabled to and from long term sheltered workshops; and
- (e) Other expenditures specifically approved and authorized by the commissioner of education.

In the event that there are inadequate funds appropriated to meet the foregoing provisions in full, they shall be prorated proportionately.

Subd. 4. In addition to the powers already conferred on him by law, the commissioner of education shall, through the authority delegated to the state board of education, promulgate rules and regulations in regard to the following matters:

- (a) Eligibility of community long term sheltered workshop programs to receive state grants;
- (b) Standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;
- (c) Eligibility for service so that no person will be denied service on the basis of race, creed, or color;
- (d) Regulatory fees for consultation services;
- (e) Standards as to types and kinds of severely disabled persons eligible for such services; and
- (f) Such other rules and regulations as he deems necessary to carry out the purposes of this act.

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Subd. 5. The commissioner of education shall appoint a director of community long term sheltered workshop programs to assist him in carrying out the purposes of this act. The director so appointed shall serve within the division of vocational rehabilitation and special services of the department of education and shall be classified not lower than a division head and shall receive the pay of a division head. Qualifications for the director shall include, but not be limited to, advance training in economics and experience in the field of economics. The commissioner may employ such other qualified personnel as are necessary to carry out the provisions of this act.

Sec. 6. **[121.715] Application.** This act does not apply to a county containing a city of the first class. However, this act does apply to a city, village, borough, or town within a county containing a city of the first class.

Sec. 7. **Appropriation.** There is hereby appropriated from the general revenue fund the sum of \$15,000 to the state board of education for the biennium beginning July 1, 1965, to carry out the provisions of this act.

Approved May 26, 1965.

CHAPTER 836—S. F. No. 1005

An act relating to highways; amending Minnesota Statutes 1961, Section 160.11, Subdivision 2.

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

Section 1. Minnesota Statutes 1961, Section 160.11, Subdivision 2, is amended to read:

Subd. 2. **Highways; sale of road building materials by municipalities.** The county board, town board, or council of any city or village may engage in the processing of crushed rock or other road building material for use on public roads or streets within their respective jurisdictions; and *such road authorities, including the commissioner of highways,* may by agreement sell to any other ~~county board, town board, city or village council~~ road authority any *unprocessed or pit-run* sand, rock, crushed rock, gravel or other earth material suitable for road purposes, upon terms and conditions as may be mutually agreed upon by the parties.

Subd. 3. **Acquisition of road building materials by state.**

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