

Sec. 3. **AGENCY REPORT.**

By January 15, 1994, the commissioner of the pollution control agency must report to the environment and natural resources policy committees of the legislature on the feasibility of promulgating rules to establish health-based standards to control emissions of toxic air contaminants into the ambient air.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 and 2 are effective August 1, 1993, and apply to violations occurring on or after that date.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 12:12 p.m.

CHAPTER 366—S.F.No. 1642

An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1992, sections 115A.9651, as amended; 116J.70, subdivision 2a, as amended; 124C.62, subdivision 1, as amended; 148.181, subdivision 1, as amended; 256.9353, subdivision 1, as amended; 256B.0625, subdivision 32, as amended; 256B.0913, subdivision 5, as amended; 256D.02, subdivision 5, as amended; 256D.051, subdivision 6, as amended; 326.83, subdivision 6, as amended; 609.605, subdivision 1, as amended; 609.67, subdivision 1, as amended; 624.713, subdivision 1, as amended; Laws 1993, chapters 138, section 3; 145, section 5; 207, section 1, subdivision 1; 225, article 9, section 76; Senate File 1105, section 33; Senate File 1570, sections 2, subdivision 7; and 75, subdivision 1; and by adding a section; Senate File 1620, section 79, subdivision 6; House File 574, article 4, section 55; House File 1585, article 1, sections 3; 13, subdivision 1; and 35; and article 4, section 41.

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

Section 1. **CORRECTION 1.** Minnesota Statutes 1992, section 148.181, subdivision 1, as amended by Laws 1993, chapter 88, section 1, and Laws 1993, chapter 105, section 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** The board of nursing consists of 16 members appointed by the governor, each of whom must be a resident of this state. Eight members must be registered nurses, each of whom must have graduated from an approved school of nursing, must be licensed and currently registered as a registered nurse in this state, and must have had at least five years experience in nursing practice, nursing administration, or nursing education immediately preceding appointment. One of the eight must have had at least two years executive or teaching experience in a baccalaureate degree nursing program approved

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by the board under section 148.251 during the five years immediately preceding appointment, one of the eight must have had at least two years executive or teaching experience in an associate degree nursing program approved by the board under section 148.251 during the five years immediately preceding appointment, ~~and~~ one of the ~~five~~ eight must be practicing professional nursing in a nursing home at the time of appointment, ~~and~~ one of the eight must have had at least two years executive or teaching experience in a practical nursing program approved by the board under section 148.251 during the five years immediately preceding appointment, and one of the eight must have national certification as a registered nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist. Four of the eight must have had at least five years of experience in nursing practice or nursing administration immediately preceding appointment. Four members must be licensed practical nurses, each of whom must have graduated from an approved school of nursing, must be licensed and currently registered as a licensed practical nurse in this state, and must have had at least five years experience in nursing practice immediately preceding appointment. The remaining four members must be public members as defined by section 214.02.

A member may be reappointed but may not serve more than two full terms consecutively. The governor shall attempt to make appointments to the board that reflect the geography of the state. The board members who are nurses should as a whole reflect the broad mix of practice types and sites of nurses practicing in Minnesota.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. Any nurse on the board who during incumbency permanently ceases to be actively engaged in the practice of nursing or otherwise becomes disqualified for board membership is automatically removed, and the governor shall fill the vacancy. The provision of staff, administrative services, and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations are as provided in sections 148.171 to 148.285 and chapter 214. Each member of the board shall file with the secretary of state the constitutional oath of office before beginning the term of office.

Sec. 2. **CORRECTION 2.** 1993 S.F. No. 1570, if enacted, is amended by adding a section to read:

Sec. 95. Minnesota Statutes 1992, section 41A.09, is amended by adding a subdivision to read:

Subd. 8. PROMOTIONAL AND EDUCATIONAL MATERIALS; DESCRIPTION OF MULTIPLE SOURCES OF ETHANOL REQUIRED. Promotional or educational efforts related to ethanol that are financed wholly or partially with state funds and that promote or identify a particular crop or commodity used to produce ethanol must also include a description of the other potential sources of ethanol listed in subdivision 2.

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Sec. 3. **CORRECTION 3.** 1993 S.F. No. 1570, section 2, subdivision 7, if enacted, is amended to read:

Subd. 7. General Support

	6,624,000	6,916,000	
		Summary by Fund	
General		1,762,000	1,762,000
Environmental		4,854,000	5,146,000
Metro Landfill			
Contingency		8,000	8,000

(a) The following amounts are appropriated for Phase I of an environmental computer compliance management system:

General	400,000	400,000
Environmental	1,309,000	1,599,000

From the environmental fund, \$381,000 the first year and \$420,000 the second year are appropriated from the agency's indirect cost account; \$350,000 the first year is appropriated from the balance in the hazardous waste fee account; \$200,000 the first year is appropriated from the balance in the low level radiation fee account; \$790,000 the second year is appropriated from the unexpended balance in the motor vehicle transfer fee account; and \$378,000 the first year and \$389,000 are appropriated proportionately from all salary accounts in the environmental fund.

The project must be coordinated to access department of natural resources computer information. The commissioner must report on the project to the house ways and means and senate finance committee by July 1, 1995.

(b) \$150,000 is appropriated in each of fiscal years 1994 and 1995 to the commissioner of the pollution control agency from the motor vehicle transfer account in the environmental fund for the purpose of making grants for development of management alternatives for

shredder residue under ~~article 2,~~ section ~~29 90~~. The unencumbered balance remaining in the first year does not cancel but is available for the second year and any amount of this appropriation not used to make grants under ~~article 2,~~ section ~~29 90~~ reverts to the motor vehicle transfer account on June 30, 1995.

(c) \$140,000 is appropriated to the commissioner of the pollution control agency from the motor vehicle transfer account in the environmental fund for the purpose of studying management of shredder residue from motor vehicles, appliances, and other sources of recyclable steel and administering the grants authorized under ~~article 2,~~ section ~~29 90~~.

(d) None of the money appropriated in paragraphs (b) and (c) may be spent unless the legislative commission on waste management has approved a work program prepared by the commissioner of the pollution control agency.

Sec. 4. **CORRECTION 3.** 1993 S.F. No. 1570, section 75, subdivision 1, if enacted, is amended to read:

Subdivision 1. **SCOPE.** As used in ~~sections 64 and 65~~ this section and section 76, the terms defined in this section have the meanings given.

Sec. 5. **CORRECTION 5; VETERANS SERVICE OFFICE GRANT PROGRAM.** 1993 S.F. No. 1620, section 79, subdivision 6, if enacted, is amended to read:

Subd. 6. **GRANT AMOUNT.** The amount of each grant must be determined by the commissioner of veterans affairs, and may not exceed the lesser of:

(1) the amount specified in the grant application to be expended on the plan for enhancing the effectiveness of the county veterans service office; or

(2) the county's share of the total funds available under the program, determined in the following manner:

(i) if the county's veteran population is less than 1,000, the county's grant share shall be \$2,000;

(ii) if the county's veteran population is 1,000 or more but less than 3,000, the county's grant share shall be \$4,000;

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(iii) if the county's veteran population is 3,000 or more but less than 10,000, the county's grant share shall be \$6,000; or

(iv) if the county's veteran population is 10,000 or more, the county's grant share shall be \$8,000.

In any year, only one-half of the counties in each of the four veteran population categories (i) to (iv) ~~shall~~ may be awarded grants. Grants shall be awarded on a first-come first-served basis to counties submitting applications which meet the commissioner's criteria as established in the rules. Any county not receiving a grant in any given year shall receive priority consideration for a grant the following year.

In any year, after a period of time to be determined by the commissioner, any amounts remaining from undistributed county grant shares may be reallocated to the other counties which have submitted qualifying application.

The veteran population of each county shall be determined by the figure supplied by the United States Department of Veterans Affairs, as adopted by the commissioner.

Sec. 6. **CORRECTION 10; MANUFACTURED HOME PARKS.** 1993 S.F. No. 1105, section 33, if enacted, is amended to read:

Sec. 33. MANUFACTURED HOME PARK ZONING STUDY.

A municipality, as defined in Minnesota Statutes, section 462.352, subdivision 2, may not adopt an ordinance after May 22, 1993 and before August 1, 1994, that establishes setback requirements for manufactured homes in a manufactured home park if the ordinance would have the effect of prohibiting replacing a home in a park with a home ~~approved by the department of housing and urban development~~ manufactured to the manufactured home building code as defined in Minnesota Statutes, section 327.31, subdivision 3.

Setback requirements adopted by ordinance by a municipality after April 1, 1991, are suspended and have no effect until August 1, 1994, if the setback requirements have the effect of prohibiting replacing a manufactured home in a manufactured home park with a home ~~approved by the department of housing and urban development~~ manufactured to the manufactured home building code as defined in Minnesota Statutes, section 327.31, subdivision 3.

Sec. 7. **CORRECTION 13; AIRCRAFT PRIMER.** Minnesota Statutes 1992, section 115A.9651, as amended by 1993 H.F. No. 287, section 25, is amended to read:

115A.9651 TOXICS IN PRODUCTS; ENFORCEMENT.

After July 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

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Until July 1, 1997, this section does not apply to electrodeposition primer coating or primer coating used on aircraft, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromine acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

This section does not apply to art supplies.

This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Sec. 8. **CORRECTION 16; ZONING; FIREARMS DEALERS.** 1993 H.F. No. 1585, article 1, section 3, if enacted, is amended to read:

Sec. 3. **[471.635] ZONING ORDINANCES.**

Notwithstanding section 471.633, a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section, a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections 471.633 and 471.634.

Sec. 9. **CORRECTION 16; DRIVE-BY SHOOTING; VEHICLE FORFEITURE.** 1993 H.F. No. 1585, article 1, section 13, subdivision 1, if enacted, is amended to read:

Sec. 13. **[609.5318] FORFEITURE OF VEHICLES USED IN DRIVE-BY SHOOTINGS.**

Subdivision 1. **MOTOR VEHICLES SUBJECT TO FORFEITURE.** A motor vehicle is subject to forfeiture under this section if the prosecutor establishes by clear and convincing evidence that the vehicle was used in a violation of section 609.66, subdivision 1e. The prosecutor need not establish that any individual was convicted of the violation, but a conviction of the owner for a violation of section 609.66, subdivision 1e, creates a presumption that the device vehicle was used in the violation.

Sec. 10. **CORRECTION 16; MACHINE GUNS AND SHORT-BARRELED SHOTGUNS.** Minnesota Statutes 1992, section 609.67, subdivision 1, as amended by H.F. No. 1585, article 1, section 19, if enacted, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in

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a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

(d) "Trigger activator" means a removable manual or power driven trigger activating device constructed and designed so that, when attached to a firearm, the rate at which the trigger may be pulled increases and the rate of fire of the firearm increases to that of a machine gun.

(e) "Machine gun conversion kit" means any part or combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled, but does not include a spare or replacement part for a machine gun that is possessed lawfully under section 609.67, subdivision 4 3.

Sec. 11. CORRECTION 16; PERSONS INELIGIBLE TO POSSESS PISTOLS OR CERTAIN SEMIAUTOMATIC WEAPONS. Minnesota Statutes 1992, section 624.713, subdivision 1, as amended by 1993 H.F. No. 1585, article 1, section 27, if enacted, is amended to read:

Subdivision 1. INELIGIBLE PERSONS. The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility,

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unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; or

(h) a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224; subdivision 3, or a similar law of another state.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 12. **CORRECTION 16; EFFECTIVE DATE OF ARTICLE 1.** 1993 H.F. No. 1585, article 1, section 35, if enacted, is amended to read:

Sec. 35. **EFFECTIVE DATE.**

Sections 4 to 25 and 27 to 34 are effective August 1, 1993, and apply to crimes committed on or after that date. Section ~~25~~ 26 is effective the day following final enactment.

Section 3 is effective the day following final enactment and only applies to zoning of future sites of business locations where firearms are sold by a firearms dealer.

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Sec. 13. **CORRECTION 16; TRESPASS.** Minnesota Statutes 1992, section 609.605, subdivision 1, as amended by 1993 H.F. No. 1585, article 4, section 32, if enacted, is amended to read:

Subdivision 1. **MISDEMEANOR.** (a) The following terms have the meanings given them for purposes of this section.

(i) "Premises" means real property and any appurtenant building or structure.

(ii) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.011, subdivision 8.

(iii) "Construction site" means the site of the construction, alteration, painting, or repair of a building or structure.

(iv) "Owner or lawful possessor," as used in clause (8), means the person on whose behalf a building or dwelling is being constructed, altered, painted, or repaired and the general contractor or subcontractor engaged in that work.

(v) "Posted," as used in clause (8), means the placement of a sign at least 11 inches square in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, and additional signs in at least two conspicuous places for each ten acres being protected. The sign must carry an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land on which the construction site is located or by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

(vi) "Business licensee," as used in paragraph (b), clause ~~(8)~~ (9), includes a representative of a building trades labor or management organization.

(vii) "Building" has the meaning given in section 609.581, subdivision 2.

(b) A person is guilty of a misdemeanor if the person intentionally:

(1) permits domestic animals or fowls under the actor's control to go on the land of another within a city;

(2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;

(3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;

(4) occupies or enters the dwelling or locked or posted building of another,

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without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;

(5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;

(6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;

(7) returns to the property of another with the intent to harass, abuse, or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(8) returns to the property of another within 30 days after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent; or

(9) enters the locked or posted construction site of another without the consent of the owner or lawful possessor, unless the person is a business licensee.

Sec. 14. CORRECTION 16; EFFECTIVE DATE OF ARTICLE 4. 1993 H.F. No. 1585, article 4, section 41, if enacted, is amended to read:

Sec. 41. EFFECTIVE DATE.

(a) Sections 1 to 9, and 11 to 39 are effective August 1, 1993, and apply to crimes committed on or after that date. Section 40 is effective retroactive to April 30, 1992, and applies to ~~eases pending on or after that date~~ violations occurring on or after June 1, 1993.

(b) Section 10 is effective August 1, 1993, and applies to crimes committed on or after that date, but previous convictions occurring before that date may serve as the basis for enhancing penalties under section 10.

Sec. 15. CORRECTION 17; RETIREMENT. 1993 H.F. No. 574, article 4, section 55, if enacted, is amended to read:

Sec. 55. EFFECTIVE DATE.

Sections 1 to 18, 20, 22 to 24, 27 to 29, 31 to 33, 37, 38, 40 to 44, 47 to 50, and 53 are effective July 1, 1993. Section 30 is effective January 1, 1993. Sections 19, 21, 25, 26, 34, 35, 36, 39, 45, 46, 51, and 54 are effective retroactively to October 16, 1992. Section 52 is effective May 1, 1994.

Sec. 16. CORRECTION 19; HENNEPIN COUNTY FOSTER CARE REVIEW.

1993 H.F. No. 1245, section 39, if enacted, takes effect the day after final enactment of this act.

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Sec. 17. **CORRECTION 6; RESIDENTIAL ROOFERS.** Minnesota Statutes 1992, section 116J.70, subdivision 2a, as amended by 1993 H.F. No. 948, section 1, if enacted, is amended to read:

Subd. 2a. **LICENSE; EXCEPTIONS.** "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

- (a) abstracters regulated pursuant to chapter 386;
- (b) accountants regulated pursuant to chapter 326;
- (c) adjusters regulated pursuant to chapter 72B;
- (d) architects regulated pursuant to chapter 326;
- (e) assessors regulated pursuant to chapter 270;
- (f) attorneys regulated pursuant to chapter 481;
- (g) auctioneers regulated pursuant to chapter 330;
- (h) barbers regulated pursuant to chapter 154;
- (i) beauticians regulated pursuant to chapter 155A;
- (j) boiler operators regulated pursuant to chapter 183;
- (k) chiropractors regulated pursuant to chapter 148;
- (l) collection agencies regulated pursuant to chapter 332;
- (m) cosmetologists regulated pursuant to chapter 155A;
- (n) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (o) detectives regulated pursuant to chapter 326;
- (p) electricians regulated pursuant to chapter 326;
- (q) embalmers regulated pursuant to chapter 149;

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- (r) engineers regulated pursuant to chapter 326;
- (s) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (t) certified interior designers regulated pursuant to chapter 326;
- (u) midwives regulated pursuant to chapter 148;
- (v) morticians regulated pursuant to chapter 149;
- (w) nursing home administrators regulated pursuant to chapter 144A;
- (x) optometrists regulated pursuant to chapter 148;
- (y) osteopathic physicians regulated pursuant to chapter 147;
- (z) pharmacists regulated pursuant to chapter 151;
- (aa) physical therapists regulated pursuant to chapter 148;
- (bb) physicians and surgeons regulated pursuant to chapter 147;
- (cc) plumbers regulated pursuant to chapter 326;
- (dd) podiatrists regulated pursuant to chapter 153;
- (ee) practical nurses regulated pursuant to chapter 148;
- (ff) professional fund raisers regulated pursuant to chapter 309;
- (gg) psychologists regulated pursuant to chapter 148;
- (hh) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (ii) registered nurses regulated pursuant to chapter 148;
- (jj) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (kk) steamfitters regulated pursuant to chapter 326;
- (ll) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (mm) veterinarians regulated pursuant to chapter 156;
- (nn) water conditioning contractors and installers regulated pursuant to chapter 326;
- (oo) water well contractors regulated pursuant to chapter 156A;
- (pp) water and waste treatment operators regulated pursuant to chapter 115;

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- (qq) motor carriers regulated pursuant to chapter 221;
- (rr) professional corporations regulated pursuant to chapter 319A;
- (ss) real estate appraisers regulated pursuant to chapter 82B;
- (tt) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 18. **CORRECTION 6; RESIDENTIAL ROOFERS.** Minnesota Statutes 1992, section 326.83, subdivision 6, as amended by 1993 H.F. No. 948, section 3, if enacted, is amended to read:

Subd. 6. **PUBLIC MEMBER.** "Public member" means a person who is not, and never was, a residential building contractor, residential remodeler, residential roofer, or specialty contractor or the spouse of such person, or a person who has no, or never has had a, material financial interest in acting as a residential building contractor, residential remodeler, or specialty contractor or a directly related activity.

Sec. 19. **CORRECTION 6; RESIDENTIAL ROOFERS.** Laws 1993, chapter 145, section 5, if enacted, is amended to read:

Sec. 5. **[326.842] ROOFERS.**

Roofers are subject to all of the requirements of sections 326.83 to 326.98 and 326.991, except the recovery fund in section 326.975.

Sec. 20. **CORRECTION 7; DEFINITION OF FAMILIES: RESIDENTIAL LEAD PAINT DISPOSAL EFFECTIVE DATE.** Minnesota Statutes 1992, section 256D.02, subdivision 5, as amended by Laws 1993, chapter 225, article 6, section 27, if enacted, is amended to read:

Subd. 5. "Family" means the applicant or recipient and the following persons who reside with the applicant or recipient:

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- (1) the applicant's spouse;
- (2) any minor child of whom the applicant is a parent, stepparent, or legal custodian, and that child's minor siblings, including half-siblings and stepsiblings;
- (3) the other parent of the applicant's minor child or children together with that parent's minor children, and, if that parent is a minor, his or her parents, stepparents, legal guardians, and minor siblings; and
- (4) if the applicant or recipient is a minor, the minor's parents, stepparents, or legal guardians, and any other minor children for whom those parents, stepparents, or legal guardians are financially responsible.

For the period July 1, 1993, to June 30, 1995, a minor child who is temporarily absent from the applicant's or recipient's home due to placement in foster care paid for from state or local funds, but who is expected to return within six months of the month of departure, is considered to be residing with the applicant or recipient.

A "family" must contain at least one minor child and at least one of that child's natural or adoptive parents, stepparents, or legal custodians.

Sec. 21. **CORRECTION 7.** Laws 1993, chapter 225, article 9, section 76, if enacted, is amended to read:

Sec. 76. EFFECTIVE DATE.

Sections 1, ~~13 to 17~~, 24 to 51, 71, 74, and 75, subdivision 1, are effective the day following final enactment. Section 60 is effective July 1, 1995.

Sec. 22. **CORRECTION 12; STATUTORY REFERENCES.** Minnesota Statutes 1992, section 256D.051, subdivision 6, as amended by 1993 S.F. No. 1496, article 6, section 32, is amended to read:

Subd. 6. **SERVICE COSTS.** The commissioner shall reimburse 92 percent of county agency expenditures for providing work readiness services including direct participation expenses and administrative costs, except as provided in section 256.017. State work readiness funds shall be used only to pay the county agency's and work readiness service provider's actual costs of providing participant support services, direct program services, and program administrative costs for persons who participate in work readiness services. Beginning July 1, 1991, the average annual reimbursable cost for providing work readiness services to a recipient for whom an individualized employability development plan is not completed must not exceed \$60 for the work readiness services, and \$223 for necessary recipient support services such as transportation or child care needed to participate in work readiness services. If an individualized employability development plan has been completed, the average annual reimbursable cost for providing work readiness services must not exceed \$283, except that the total annual average reimbursable cost shall not exceed \$804 for recipients who par-

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ticipate in a pilot project work experience program under section ~~56~~ 55, for all services and costs necessary to implement the plan, including the costs of training, employment search assistance, placement, work experience, on-the-job training, other appropriate activities, the administrative and program costs incurred in providing these services, and necessary recipient support services such as tools, clothing, and transportation needed to participate in work readiness services. Beginning July 1, 1991, the state will reimburse counties, up to the limit of state appropriations, according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision on or after January 1, 1991. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Sec. 23. **CORRECTION 12; STATUTORY REFERENCE.** Minnesota Statutes 1992, section 256B.0913, subdivision 5, as amended by 1993 S.F. No. 1496, article 5, section 63, is amended to read:

Subd. 5. **SERVICES COVERED UNDER ALTERNATIVE CARE.** (a) Alternative care funding may be used for payment of costs of:

- (1) adult foster care;
- (2) adult day care;
- (3) home health aide;
- (4) homemaker services;
- (5) personal care;
- (6) case management;
- (7) respite care;
- (8) assisted living;
- (9) residential care services;
- (10) care-related supplies and equipment;
- (11) meals delivered to the home;
- (12) transportation;
- (13) skilled nursing;
- (14) chore services;
- (15) companion services;
- (16) nutrition services; and
- (17) training for direct informal caregivers.

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(b) The county agency must ensure that the funds are used only to supplement and not supplant services available through other public assistance or services programs. (c) Unless specified in statute, the service standards for alternative care services shall be the same as the service standards defined in the elderly waiver. Persons or agencies must be employed by or under a contract with the county agency or the public health nursing agency of the local board of health in order to receive funding under the alternative care program.

(d) The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board. The adult foster care daily rate shall be negotiated between the county agency and the foster care provider. The rate established under this section shall not exceed 75 percent of the state average monthly nursing home payment for the case mix classification to which the individual receiving foster care is assigned, and it must allow for other alternative care services to be authorized by the case manager.

(e) Personal care services may be provided by a personal care provider organization. A county agency may contract with a relative of the client to provide personal care services, but must ensure nursing supervision. Covered personal care services defined in section 256B.0627, subdivision 4, must meet applicable standards in Minnesota Rules, part 9505.0335.

(f) Costs for supplies and equipment that exceed \$150 per item per month must have prior approval from the commissioner. A county may use alternative care funds to purchase supplies and equipment from a non-Medicaid certified vendor if the cost for the items is less than that of a Medicaid vendor.

(g) For purposes of this section, residential care services are services which are provided to individuals living in residential care homes. Residential care homes are currently licensed as board and lodging establishments and are registered with the department of health as providing special services. Residential care services are defined as "supportive services" and "health-related services." "Supportive services" means the provision of up to 24-hour supervision and oversight. Supportive services includes: (1) transportation, when provided by the residential care center only; (2) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature; (3) assisting clients in setting up meetings and appointments; (4) assisting clients in setting up medical and social services; (5) providing assistance with personal laundry, such as carrying the client's laundry to the laundry room. Assistance with personal laundry does not include any laundry, such as bed linen, that is included in the room and board rate. Health-related services are limited to minimal assistance with dressing, grooming, and bathing and providing reminders to residents to take medications that are self-administered or providing storage for medications, if requested. Individuals receiving residential care services cannot receive both personal care services and residential care services.

(h) For the purposes of this section, "assisted living" refers to supportive

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services provided by a single vendor to clients who reside in the same apartment building of three or more units. Assisted living services are defined as up to 24-hour supervision, and oversight, supportive services as defined in clause (1), individualized home care aide tasks as defined in clause (2), and individualized home management tasks as defined in clause (3) provided to residents of a residential center living in their units or apartments with a full kitchen and bathroom. A full kitchen includes a stove, oven, refrigerator, food preparation counter space, and a kitchen utensil storage compartment. Assisted living services must be provided by the management of the residential center or by providers under contract with the management or with the county.

(1) Supportive services include:

- (i) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature;
- (ii) assisting clients in setting up meetings and appointments; and
- (iii) providing transportation, when provided by the residential center only.

Individuals receiving assisted living services will not receive both assisted living services and homemaking or personal care services. Individualized means services are chosen and designed specifically for each resident's needs, rather than provided or offered to all residents regardless of their illnesses, disabilities, or physical conditions.

(2) Home care aide tasks means:

- (i) preparing modified diets, such as diabetic or low sodium diets;
- (ii) reminding residents to take regularly scheduled medications or to perform exercises;
- (iii) household chores in the presence of technically sophisticated medical equipment or episodes of acute illness or infectious disease;
- (iv) household chores when the resident's care requires the prevention of exposure to infectious disease or containment of infectious disease; and
- (v) assisting with dressing, oral hygiene, hair care, grooming, and bathing, if the resident is ambulatory, and if the resident has no serious acute illness or infectious disease. Oral hygiene means care of teeth, gums, and oral prosthetic devices.

(3) Home management tasks means:

- (i) housekeeping;
- (ii) laundry;
- (iii) preparation of regular snacks and meals; and

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(iv) shopping.

A person's eligibility to reside in the building must not be contingent on the person's acceptance or use of the assisted living services. Assisted living services as defined in this section shall not be authorized in boarding and lodging establishments licensed according to sections 157.01 to 157.031.

Reimbursement for assisted living services and residential care services shall be made by the lead agency to the vendor as a monthly rate negotiated with the county agency. The rate shall not exceed the nonfederal share of the greater of either the statewide or any of the geographic groups' weighted average monthly medical assistance nursing facility payment rate of the case mix resident class to which the 180-day eligible client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, except for alternative care assisted living projects established under ~~chapter Laws 1988, chapter 689, article 2, section 256,~~ whose rates may not exceed 65 percent of either the statewide or any of the geographic groups' weighted average monthly medical assistance nursing facility payment rate of the case mix resident class to which the 180-day eligible client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059. The rate may not cover rent and direct food costs.

(i) For purposes of this section, companion services are defined as nonmedical care, supervision and oversight, provided to a functionally impaired adult. Companions may assist the individual with such tasks as meal preparation, laundry and shopping, but do not perform these activities as discrete services. The provision of companion services does not entail hands-on medical care. Providers may also perform light housekeeping tasks which are incidental to the care and supervision of the recipient. This service must be approved by the case manager as part of the care plan. Companion services must be provided by individuals or nonprofit organizations who are under contract with the local agency to provide the service. Any person related to the waiver recipient by blood, marriage or adoption cannot be reimbursed under this service. Persons providing companion services will be monitored by the case manager.

(j) For purposes of this section, training for direct informal caregivers is defined as a classroom or home course of instruction which may include: transfer and lifting skills, nutrition, personal and physical cares, home safety in a home environment, stress reduction and management, behavioral management, long-term care decision making, care coordination and family dynamics. The training is provided to an informal unpaid caregiver of a 180-day eligible client which enables the caregiver to deliver care in a home setting with high levels of quality. The training must be approved by the case manager as part of the individual care plan. Individuals, agencies, and educational facilities which provide caregiver training and education will be monitored by the case manager.

Sec. 24. **CORRECTION 14; NURSERY STOCK EXEMPT SALES.** Laws 1993, chapter 138, section 3, is amended to read:

Sec. 3. **[18.525] EXEMPT SALES.**

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An organization does not need to obtain a nursery stock dealer certificate before offering certified nursery stock for sale or distribution if the organization:

- (1) is a nonprofit charitable, educational, or religious organization;
- (2) conducts sales or distributions of certified nursery stock on ~~ten~~ 14 or fewer days in a calendar year; and
- (3) uses the proceeds from its certified nursery stock sales or distributions for charitable, educational, or religious purposes.

Sec. 25. **CORRECTION 20; P.E.R.A., RAMSEY COUNTY, CONTRIBUTIONS FOR AUTHORIZED LEAVES OF ABSENCE.** Laws 1993, chapter 207, section 1, subdivision 1, is amended to read:

Subdivision 1. **ELECTION AUTHORIZATION.** Notwithstanding the one-year time limitation for payments for a period of an authorized leave of absence without pay under Minnesota Statutes, section 353.01, subdivision 16, paragraph (c), an employee of Ramsey county who was born on October 13, 1941, may elect to make a payment in lieu of salary deductions for periods of authorized leave of absence without pay occurring from September 10, 1990, to October 29, 1990, and from February 12, 1991, to ~~June 2~~ August 31, 1991.

Sec. 26. **CORRECTION 21; MINNESOTACARE.** Minnesota Statutes 1992, section 256.9353, subdivision 1, as amended by 1993 H.F. No. 1178, article 9, section 3, if enacted, is amended to read:

Subdivision 1. **COVERED HEALTH SERVICES.** "Covered health services" means the health services reimbursed under chapter 256B, with the exception of inpatient hospital services, special education services, private duty nursing services, adult dental care services other than preventive services, orthodontic services, medical transportation services, personal care assistant and case management services, hospice care services, nursing home or intermediate care facilities services, inpatient mental health services, and chemical dependency services. Outpatient mental health services covered under the health right plan are limited to diagnostic assessments, psychological testing, explanation of findings, medication management by a physician, day treatment, partial hospitalization, and individual, family, and group psychotherapy. Covered health services shall be expanded as provided in this section.

Sec. 27. **CORRECTION 22; CHILD WELFARE TARGETED CASE MANAGEMENT.** Minnesota Statutes 1992, section 256B.0625, subdivision 32, as added to section 256B.0625 by 1993 S.F. No. 1496, article 3, section 23, if enacted, is amended to read:

Subd. 32. **CHILD WELFARE TARGETED CASE MANAGEMENT.** Medical assistance, subject to federal approval, covers child welfare targeted case management services as defined in section 256B.094 to children under age 21 who have been assessed and determined in accordance with section ~~256F.10~~ 256F.095 to be:

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(1) at risk of placement or in placement as defined in section 257.071, subdivision 1;

(2) at risk of maltreatment or experiencing maltreatment as defined in section 626.556, subdivision 10e; or

(3) in need of protection or services as defined in section 260.015, subdivision 2a.

Sec. 28. **CORRECTION 25; MINNESOTACARE.** Minnesota Statutes 1992, section 124C.62, subdivision 1, as amended by 1993 H.F. No. 1178, article 11, section 1, if enacted, is amended to read:

Subdivision 1. **SUMMER INTERNSHIPS.** The commissioner of ~~education~~ health, through a contract with a nonprofit organization as required by subdivision 4, shall award grants to hospitals and clinics to establish a summer health care intern program. The purpose of the program is to expose interested high school pupils to various careers within the health care profession.

Sec. 29. **CORRECTION 25; REVISOR INSTRUCTION.** The revisor shall recodify Minnesota Statutes 1992, section 124C.62, as corrected by correction 25, into Minnesota Statutes, chapter 144.

Sec. 30. **CORRECTION 26; LOCAL APPROVAL.** Section 17 of S.F. 429 is effective on approval by the Hibbing city council and compliance with Minnesota Statutes, section 645.021.

Sec. 31. **EFFECTIVE DATE.**

If not otherwise provided, the sections of this act that amend provisions of law passed during the 1993 session of the legislature take effect at the same time that the provisions that they amend take effect.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 5:46 p.m.

CHAPTER 367—H.F.No. 1225

An act relating to agriculture; providing for the continued use of unregistered pesticides; modifying procedures for the return of empty pesticide containers and unused portions of pesticides; changing the amounts of the ACCRA surcharges; authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; making changes in the laws on pesticides and agricultural chemicals; changing provisions regarding the pricing of certain dairy products; repealing the hazardous substance labeling act; requiring studies; maintaining an agriculture education specialist; transferring certain funds; appropriating money; amending Minnesota Statutes 1992, sections 18B.01, by adding subdi-

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