

Signed by the governor February 17, 1993, 3:25 p.m.

CHAPTER 4—H.F.No. 1

An act relating to legislative committees; providing for the designation of successor legislative committees; updating statutory references to names of committees; amending Minnesota Statutes 1992, sections 3.30, subdivision 2; 3.855, subdivision 1; 3.873, subdivision 2; 3.97, subdivision 2; 3.98, subdivision 1; 11A.041; 15.161; 16A.128, subdivision 2a; 16A.69, subdivision 2; 16B.335; 16B.41, subdivision 2; 18E.06; 115B.20, subdivision 6; 116P.05, subdivision 1; 124.078; 135A.05; 136.261, subdivision 1; 136.41, subdivision 8; 137.02, subdivision 3a; 144.878, subdivision 5; 144A.071, subdivision 5; 246.64, subdivision 3; 256.014, subdivision 3; 256.031, subdivision 3; 256.736, subdivisions 3a and 9; 256.9352, subdivision 3; 256B.0629, subdivision 3; 256B.0925, subdivision 3; 268.916; 355.50; and 473.846; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1992, section 268.081.

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

Section 1. [3.056] DESIGNATION OF SUCCESSOR COMMITTEE.

If a law assigns a power or duty to a named legislative committee or its chair, and the committee has been renamed or no longer exists, the speaker of the house of representatives or the senate committee on rules and administration shall designate the successor committee or chair for the law as provided in this section. If the committee has been renamed but retains jurisdiction of the subject of the power or duty, the speaker or senate committee shall designate the renamed committee as successor. If the committee has been renamed and jurisdiction of the subject of the power or duty has been transferred to another committee, the speaker or senate committee shall designate the committee with current jurisdiction as the successor. If the named committee no longer exists, the speaker or senate committee shall designate as successor the committee with the jurisdiction that most closely corresponds with the former jurisdiction of the named committee.

Sec. 2. Minnesota Statutes 1992, section 3.30, subdivision 2, is amended to read:

Subd. 2. **MEMBERS; DUTIES.** The majority leader of the senate or a designee, the chair of the senate committee on finance, and the chair of the senate division of finance responsible for overseeing the items being considered by the commission, the speaker of the house of representatives or a designee, the chair of the house committee on ~~appropriations~~ ways and means, and the chair of the finance division of the house ~~appropriations~~ committee responsible for overseeing the items being considered by the commissioner constitute the legislative advisory commission. The division chair of the finance committee in the senate and the division chair of the ~~appropriations~~ committee finance division in the

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house shall rotate according to the items being considered by the commission. If any of the members elect not to serve on the commission, the house of which they are members, if in session, shall select some other member for the vacancy. If the legislature is not in session, vacancies in the house membership of the commission shall be filled by the last speaker of the house or, if the speaker is not available, by the last chair of the house rules committee, and by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy. The commissioner of finance shall be secretary of the commission and keep a permanent record and minutes of its proceedings, which are public records. The commissioner of finance shall transmit, under section 3.195, a report to the next legislature of all actions of the commission. Members shall receive traveling and subsistence expenses incurred attending meetings of the commission. The commission shall meet from time to time upon the call of the governor or upon the call of the secretary at the request of two or more of its members. A recommendation of the commission must be made at a meeting of the commission unless a written recommendation is signed by all the members entitled to vote on the item, except that a recommendation under section 298.2213, subdivision 4, or 298.296, subdivision 1, need only be signed by a majority of the members entitled to vote on the item.

Sec. 3. Minnesota Statutes 1992, section 3.855, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The legislative commission on employee relations is created. The commission consists of six members of the senate and six members of the house of representatives. The senate members shall be the leader of the majority caucus of the senate, the leader of the minority caucus of the senate, the chair of the governmental operations and reform committee, the chair of the finance committee, the chair of the committee on taxes and tax laws, and an additional member designated by the leader of the minority caucus. The house members shall be the speaker, the leader of the minority caucus of the house, the chair of the governmental operations and gaming committee, the chair of the ~~appropriations~~ ways and means committee, the chair of the taxes committee, and an additional member designated by the leader of the minority caucus. If the membership of the house is evenly divided, the house members shall be selected under the rules of the house. A member of the commission may resign by providing notice to the chair. Upon resignation by a member of the:

(1) senate, a replacement shall be selected from among the members of the senate by the committee on rules;

(2) house, a replacement shall be selected from among the members of the house under house rules.

The commission shall elect officers for terms of two years. The chair of the commission shall alternate between a member of the senate and a member of the house.

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Sec. 4. Minnesota Statutes 1992, section 3.873, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP AND TERMS.** The commission consists of 16 members that reflect a proportionate representation from each party. Eight members from the house shall be appointed by the speaker of the house and eight members from the senate shall be appointed by the subcommittee on committees of the committee on rules and administration. The membership must include members of the following committees in the house and the senate: health and human services, family services, health care, governmental operations and gaming, governmental operations and reform, education, judiciary, and ~~appropriations~~ ways and means or finance. The commission must have representatives from both rural and metropolitan areas. The terms of the members are for two years beginning on January 1 of each odd-numbered year.

Sec. 5. Minnesota Statutes 1992, section 3.97, subdivision 2, is amended to read:

Subd. 2. The legislative audit commission is created. The commission consists of:

(1) the majority leader of the senate and the president of the senate or their designees;

(2) the chair of the senate committee on taxes or a designee who is a member of the committee;

(3) the chair of the senate committee on governmental operations and reform or a designee who is a member of the committee;

(4) the chair of the senate committee on finance or a designee who is a member of the committee;

(5) three members of the senate appointed by the senate minority leader;

(6) the speaker of the house and the chair of the house committee on rules or their designees;

(7) the chair of the house committee on taxes or a designee who is a member of the committee;

(8) the chair of the house committee on governmental operations and gaming or a designee who is a member of the committee;

(9) the chair of the house ~~appropriations~~ ways and means committee or a designee who is a member of the committee; and

(10) three members of the house appointed by the house minority leader.

The appointed members of the commission shall serve for a term commencing upon appointment and expiring at the opening of the next regular session of the

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legislature in the odd-numbered year and until a successor is appointed. A vacancy in the membership of the commission shall be filled for the unexpired term in a manner that will preserve the representation established by this subdivision.

The commission shall elect its chair and other officers as it may determine necessary. It shall meet at the call of the chair or the executive secretary. The members shall serve without compensation but be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153.

Sec. 6. Minnesota Statutes 1992, section 3.98, subdivision 1, is amended to read:

Subdivision 1. The head or chief administrative officer of each department or agency of the state government, including the supreme court, shall prepare a fiscal note at the request of the chair of the standing committee to which a bill has been referred, or the chair of the house appropriations ways and means committee, or the chair of the senate committee on finance.

For purposes of this subdivision, "supreme court" includes all agencies, committees, and commissions supervised or appointed by the state supreme court or the state court administrator.

Sec. 7. Minnesota Statutes 1992, section 11A.041, is amended to read:

11A.041 REPORT ON POSTRETIREMENT INVESTMENT FUND INVESTMENT PERFORMANCE AND ADJUSTMENT CALCULATION.

The state board of investment shall annually report to the legislative commission on pensions and retirement, the house of representatives governmental operations and gaming committee, and the senate governmental operations and reform committee on the investment performance investment activities, and postretirement adjustment calculations of the Minnesota postretirement investment fund established under section 11A.18. The annual report must be filed before January 1. The contents of the report must include the reporting requirements specified by the legislative commission on pensions and retirement as part of the standards adopted by the commission under section 3.85, subdivision 10. The report also may include any additional information that the state board of investment determines is appropriate.

Sec. 8. Minnesota Statutes 1992, section 15.161, is amended to read:

15.161 ACCEPTANCE OF FEDERAL LANDS OR BUILDINGS; CONSULTATION WITH LEGISLATIVE COMMITTEES.

The head of a state department or agency shall consult with the chair of the house appropriations ways and means committee and the chair of the senate finance committee before accepting any federal land or buildings thereon or any interest therein which is declared surplus by federal authorities and obtaining a

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recommendation thereon which shall be advisory only. Failure to obtain a recommendation thereon promptly shall be deemed a negative recommendation.

Sec. 9. Minnesota Statutes 1992, section 16A.128, subdivision 2a, is amended to read:

Subd. 2a. **PROCEDURE.** Other fees not fixed by law must be fixed by rule according to chapter 14. Before an agency submits notice to the State Register of intent to adopt rules that establish or adjust fees, the agency must send a copy of the notice and the proposed rules to the chairs of the house ~~appropriations~~ ways and means committee and senate finance committee.

Sec. 10. Minnesota Statutes 1992, section 16A.69, subdivision 2, is amended to read:

Subd. 2. **TRANSFER BETWEEN ACCOUNTS.** Upon the awarding of final contracts for the completion of a project for construction or other permanent improvement, or upon the abandonment of the project, the agency to whom the appropriation was made may transfer the unencumbered balance in the project account to another project enumerated in the same section of that appropriation act. The transfer must be made only to cover bids for the other project that were higher than was estimated when the appropriation for the other project was made and not to cover an expansion of the other project. The money transferred under this section is appropriated for the purposes for which transferred. For transfers by the state board of technical colleges, the total cost of both projects and the required local share for both projects are adjusted accordingly. The agency proposing a transfer shall report to the chair of the senate finance committee and the chair of the house ~~appropriations~~ ways and means committee before the transfer is made under this subdivision.

Sec. 11. Minnesota Statutes 1992, section 16B.335, is amended to read:

16B.335 REVIEW OF PLANS AND PROJECTS.

Subdivision 1. **CONSTRUCTION AND MAJOR REMODELING.** The commissioner, or any other agency to whom an appropriation is made to acquire or better public lands or buildings or other public improvements of a capital nature, must not prepare final plans and specifications for any construction, major remodeling, or land acquisition authorized by the appropriation until the agency that will use the project has presented the program plan and cost estimates for all elements necessary to complete the project to the chair of the senate finance committee and the chair of the house ~~appropriations~~ ways and means committee and the chairs have made their recommendations. "Construction or major remodeling" means construction of a new building or substantial alteration of the exterior dimensions or interior configuration of an existing building. The presentation must note any significant changes in the work that will be done, or in its cost, since the appropriation for the project was enacted. The program plans and estimates must be presented for review at least two weeks before a recommendation is needed. The recommendations are advi-

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sory only. Failure or refusal to make a recommendation is considered a negative recommendation.

Subd. 2. **OTHER PROJECTS.** All other capital projects except for those contained in agency operations budgets, including building improvements, small structures at experiment stations, asbestos removal, life safety, PCB removal, tuckpointing, roof repair, code compliance, landscaping, drainage, electrical and mechanical systems work, paving of streets, parking lots, and the like must not proceed until the agency undertaking the project has notified the chair of the senate finance committee and the chair of the house ~~appropriations~~ ways and means committee that the work is ready to begin.

Sec. 12. Minnesota Statutes 1992, section 16B.41, subdivision 2, is amended to read:

Subd. 2. **RESPONSIBILITIES.** The office has the following duties:

(a) The office must develop and establish a state information architecture to ensure that further state agency development and purchase of information systems equipment and software is directed in such a manner that individual agency information systems complement and do not needlessly duplicate or needlessly conflict with the systems of other agencies. In those instances where state agencies have need for the same or similar computer data, the commissioner shall ensure that the most efficient and cost-effective method of producing and storing data for or sharing data between those agencies is used. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The commissioner of administration must establish interim standards and guidelines by August 1, 1987. The office must establish permanent standards and guidelines by July 1, 1988. On January 1, 1988, and every six months thereafter, any state agency that has purchased information systems equipment or software in the past six months, or that is contemplating purchasing this equipment or software in the next six months, must report to the office and to the chairs of the house ~~appropriations~~ ways and means committee and the senate finance committee on how the purchases or proposed purchases comply with the applicable standards and guidelines.

(b) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's and the state's mission, requirements, and functions.

(c) The office must review and approve all agency requests for legislative appropriations for the development or purchase of information systems equipment or software. Requests may not be included in the governor's budget submitted to the legislature, unless the office has approved the request.

(d) Each biennium the office must rank in order of priority agency requests for new appropriations for development or purchase of information systems equipment or software. The office must submit this ranking to the legislature at

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the same time, or no later than 14 days after, the governor submits the budget message to the legislature.

(e) The office must define, review, and approve major purchases of information systems equipment to (1) ensure that the equipment follows the standards and guidelines of the state information architecture; (2) ensure that the equipment is consistent with the information management principles adopted by the information policy council; (3) evaluate whether or not the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and (4) ensure the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency. The commissioner of finance may not allot funds appropriated for major purchases of information systems equipment until the office reviews and approves the proposed purchase. A public institution of higher education must not purchase interconnective computer technology without the prior approval of the office.

(f) The office shall review the operation of information systems by state agencies and provide advice and assistance so that these systems are operated efficiently and continually meet the standards and guidelines established by the office.

Sec. 13. Minnesota Statutes 1992, section 18E.06, is amended to read:

18E.06 REPORT TO WATER COMMISSION.

By November 1, 1990, and each year thereafter, the agricultural chemical response compensation board and the commissioner shall submit to the house of representatives committee on ~~appropriations~~ ways and means, the senate committee on finance, and the legislative water commission a report detailing the activities and reimbursements for which money from the account has been spent during the previous year.

Sec. 14. Minnesota Statutes 1992, section 115B.20, subdivision 6, is amended to read:

Subd. 6. **REPORT TO LEGISLATURE.** Each year, the commissioner of agriculture and the agency shall submit to the senate finance committee, the house ~~appropriations~~ ways and means committee, and the legislative commission on waste management a report detailing the activities for which money from the account has been spent during the previous fiscal year.

Sec. 15. Minnesota Statutes 1992, section 116P.05, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** (a) A legislative commission on Minnesota resources of 16 members is created, consisting of the chairs of the house and senate committees on environment and natural resources or designees appointed for the terms of the chairs, the chairs of the house ~~appropriations~~ ways and

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means and senate finance committees or designees appointed for the terms of the chairs, six members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and six members of the house appointed by the speaker.

At least two members from the senate and two members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(b) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Members shall serve on the commission until their successors are appointed.

(d) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).

Sec. 16. Minnesota Statutes 1992, section 124.078, is amended to read:

124.078 PERMANENT SCHOOL FUND ADVISORY COMMITTEE.

A state permanent school fund advisory committee is established to advise the department of natural resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee shall consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the senate committee on finance and house committee on ~~appropriations~~ ways and means, the commissioner of education, one superintendent from a nonmetropolitan district, and one superintendent from a metropolitan area district. The school district superintendents shall be appointed by the commissioner of education.

The advisory committee shall review the policies of the department of natural resources on management of school trust fund lands and shall recommend necessary changes in policy and implementation in order to ensure provident utilization of the permanent school fund lands.

Sec. 17. Minnesota Statutes 1992, section 135A.05, is amended to read:

135A.05 TASK FORCE.

The executive director of the Minnesota higher education coordinating board shall administer a task force on average cost funding. The task force shall include representation from each of the public systems of post-secondary education, post-secondary students, the higher education finance division of the house ~~appropriations~~ education committee, the higher education division of the senate ~~finance~~ education committee, and the office of the commissioner of finance. The task force shall be convened and chaired by the executive director or a designee

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and staffed by the higher education coordinating board. The task force shall be convened at least annually. The task force shall review and make recommendations on the definition of instructional cost in all four systems, the method of calculating average cost for funding purposes, the method used to assign programs to the proper level of cost at each level of instruction, the adequacy of the accounting data for defining instructional cost in a uniform manner, and the biennial budget format to be used by the four systems in submitting their biennial budget requests. The task force shall submit a report on these matters to the legislature by December 1 of each odd-numbered year. The task force expires June 30, 1993.

Sec. 18. Minnesota Statutes 1992, section 136.261, subdivision 1, is amended to read:

Subdivision 1. **PURCHASE OF NEIGHBORING PROPERTY.** The state university board may purchase property adjacent to or in the vicinity of the campuses as necessary for the development of the universities. Before taking action, the board shall consult with the chairs of the senate finance committee and the house ~~appropriations~~ ways and means committee about the proposed action. The board shall explain the need to acquire property, specify the property to be acquired, and indicate the source and amount of money needed for the acquisition.

Sec. 19. Minnesota Statutes 1992, section 136.41, subdivision 8, is amended to read:

Subd. 8. The state university board or a successor may issue additional revenue bonds under sections 136.31 to 136.38 in an aggregate principal amount not exceeding \$40,000,000, subject to the resolutions authorizing its outstanding revenue bonds, and payable from the revenue appropriated to the fund established by section 136.35, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures to be used for dormitory, residence hall, student union, food service, and related parking purposes at the state universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house ~~appropriations~~ ways and means committee and the senate finance committee about the facilities to be financed by the bonds.

Sec. 20. Minnesota Statutes 1992, section 137.02, subdivision 3a, is amended to read:

Subd. 3a. **CONSULTATION REQUIRED.** Land must not be purchased and a building must not be purchased, constructed, or erected on land of the University of Minnesota until the regents have first consulted with the chair of the senate finance committee and the chair of the house ~~appropriations~~ ways and means committee and obtained their advisory recommendations.

Sec. 21. Minnesota Statutes 1992, section 144.878, subdivision 5, is amended to read:

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Subd. 5. LEAD ABATEMENT CONTRACTORS AND EMPLOYEES.

The commissioner shall adopt rules to license abatement contractors, to certify employees of lead abatement contractors who perform abatement, and to certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. The rules must include standards and procedures for on-the-job training for swab teams. All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services ~~committees~~ committee in the house of representatives and the health care committee in the senate, and to any legislative committee on licensing created by the legislature.

Sec. 22. Minnesota Statutes 1992, section 144A.071, subdivision 5, is amended to read:

Subd. 5. REPORT. The commissioner of the state planning agency, in consultation with the commissioners of health and human services, shall report to the senate health and human services care committee and the house health and ~~welfare~~ human services committee by January 15, 1986 and biennially thereafter regarding:

- (1) projections on the number of elderly Minnesota residents including medical assistance recipients;
- (2) the number of residents most at risk for nursing home placement;
- (3) the needs for long-term care and alternative home and noninstitutional services;
- (4) availability of and access to alternative services by geographic region; and
- (5) the necessity or desirability of continuing, modifying, or repealing the moratorium in relation to the availability and development of the continuum of long-term care services.

Sec. 23. Minnesota Statutes 1992, section 246.64, subdivision 3, is amended to read:

Subd. 3. RESPONSIBILITIES OF COMMISSIONER. The commissioner shall credit all receipts from billings for rates set in subdivision 1, except those credited according to subdivision 2, to the chemical dependency fund. This money must not be used for a regional treatment center activity that is not a chemical dependency service or an allocation of expenditures that are included

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in the base for computation of the rates under subdivision 1. The commissioner may expand chemical dependency services so long as expenditures are recovered by patient fees, transfer of funds, or supplementary appropriations. The commissioner may expand or reduce chemical dependency staff complement as long as expenditures are recovered by patient fees, transfer of funds, or supplementary appropriations. Notwithstanding chapters 176 and 268, the commissioner shall provide for the self-insurance of regional treatment center chemical dependency programs for the costs of unemployment compensation and workers' compensation claims. The commissioner shall provide a biennial report to the chairs of the senate ~~finance subcommittee on health and human services~~ division on health care and family services, the house of representatives ~~human services division of appropriations on health and housing finance~~, and the senate ~~health care committee~~ and house of representatives health and human services ~~committees~~ committee.

Sec. 24. Minnesota Statutes, 1992, section 256.014, subdivision 3, is amended to read:

Subd. 3. **REPORT.** The commissioner of human services shall report to the chair of the house ~~appropriations~~ ways and means committee and the chair of the senate finance committee on January 1 of each year detailing project expenditures to date, methods used to maximize county participation, and the fiscal impact on programs, counties, and clients.

Sec. 25. Minnesota Statutes 1992, section 256.031, subdivision 3, is amended to read:

Subd. 3. **AUTHORIZATION FOR THE DEMONSTRATION.** (a) The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, and the director of the higher education coordinating board, is authorized to proceed with the planning and designing of the Minnesota family investment plan and to implement the plan to test policies, methods, and cost impact on an experimental basis by using field trials. The commissioner, under the authority in section 256.01, subdivision 2, shall implement the plan according to sections 256.031 to 256.0361 and Public Law Numbers 101-202 and 101-239, section 8015, as amended. If major and unpredicted costs to the program occur, the commissioner may take corrective action consistent with Public Law Numbers 101-202 and 101-239, which may include termination of the program. Before taking such corrective action, the commissioner shall consult with the chairs of the senate ~~health and human~~ family services committee, the house health and human services committee, the health ~~care~~ and ~~human~~ family services division of the senate ~~finance committee~~ family services and health care committees and the human ~~resources services~~ division of the house ~~appropriations~~ health and human services committee, or, if the legislature is not in session, consult with the legislative advisory commission.

(b) The field trials shall be conducted as permitted under federal law, for as

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many years as necessary, and in different geographical settings, to provide reliable instruction about the desirability of expanding the program statewide.

(c) The commissioner shall select the counties which shall serve as field trial or comparison sites based on criteria which ensure reliable evaluation of the program.

(d) The commissioner is authorized to determine the number of families and characteristics of subgroups to be included in the evaluation.

(i) A family that applies for or is currently receiving financial assistance from aid to families with dependent children; family general assistance or work readiness; or food stamps may be tested for eligibility for aid to families with dependent children or family general assistance and may be assigned by the commissioner to a test or a comparison group for the purposes of evaluating the family investment plan. A family found not eligible for aid to families with dependent children or family general assistance will be tested for eligibility for the food stamp program. If found eligible for the food stamp program, the commissioner may randomly assign the family to a test group, comparison group, or neither group. Families assigned to a test group receive benefits and services through the family investment plan. Families assigned to a comparison group receive benefits and services through existing programs. A family may not select the group to which it is assigned. Once assigned to a group, an eligible family must remain in that group for the duration of the project.

(ii) To evaluate the effectiveness of the family investment plan, the commissioner may designate a subgroup of families from the test group who shall be exempt from section 256.035, subdivision 1, and shall not receive case management services under section 256.035, subdivision 6a. Families are eligible for services under section 256.736 to the same extent as families receiving AFDC.

Sec. 26. Minnesota Statutes 1992, section 256.736, subdivision 3a, is amended to read:

Subd. 3a. **PARTICIPATION.** (a) Except as provided under paragraphs (b) and (c), participation in employment and training services under this section is limited to the following recipients:

(1) caretakers who are required to participate in a job search under subdivision 14;

(2) custodial parents who are subject to the school attendance or case management participation requirements under subdivision 3b;

(3) caretakers whose participation in employment and training services began prior to May 1, 1990, if the caretaker's AFDC eligibility has not been interrupted for 30 days or more and the caretaker's employability development plan has not been completed;

(4) recipients who are members of a family in which the youngest child is within two years of being ineligible for AFDC due to age;

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(5) custodial parents under the age of 24 who: (i) have not completed a high school education and who, at the time of application for AFDC, were not enrolled in high school or in a high school equivalency program; or (ii) have had little or no work experience in the preceding year;

(6) recipients who have received AFDC for 36 or more months out of the last 60 months;

(7) recipients who are participants in the self-employment investment demonstration project under section 268.95; and

(8) recipients who participate in the new chance research and demonstration project under contract with the department of human services.

(b) If the commissioner determines that participation of persons listed in paragraph (a) in employment and training services is insufficient either to meet federal performance targets or to fully utilize funds appropriated under this section, the commissioner may, after notifying the chairs of the senate ~~and family services committee~~, the house health and human services committee, ~~the health and human family services division of the senate finance committee~~ family services and health care committees, and the ~~health and human services division of the house appropriations~~ health and human services committee, permit additional groups of recipients to participate until the next meeting of the legislative advisory commission, after which the additional groups may continue to enroll for participation unless the legislative advisory commission disapproves the continued enrollment. The commissioner shall allow participation of additional groups in the following order only as needed to meet performance targets or fully utilize funding for employment and training services under this section:

(1) recipients who have received 24 or more months of AFDC out of the previous 48 months; and

(2) recipients who have not completed a high school education or a high school equivalency program.

(c) To the extent of money appropriated specifically for this paragraph, the commissioner may permit AFDC caretakers who are not eligible for participation in employment and training services under the provisions of paragraph (a) or (b) to participate. Money must be allocated to county agencies based on the county's percentage of participants statewide in services under this section in the prior calendar year. Caretakers must be selected on a first-come, first-served basis from a waiting list of caretakers who volunteer to participate. The commissioner may, on a quarterly basis, reallocate unused allocations to county agencies that have sufficient volunteers. If funding under this paragraph is discontinued in future fiscal years, caretakers who began participating under this paragraph must be deemed eligible under paragraph (a), clause (3).

Sec. 27. Minnesota Statutes 1992, section 256.736, subdivision 9, is amended to read:

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Subd. 9. **CHANGES IN STATE PLAN AND RULES; WAIVERS.** The commissioner of human services shall make changes in the state plan and rules or seek any waivers or demonstration authority necessary to minimize barriers to participation in the employment and training services or to employment. Changes must be sought in at least the following areas: allowances, child care, work expenses, the amount and duration of earnings incentives, medical care coverage, limitations on the hours of employment, and administrative standards and procedures. The commissioner shall implement each change as soon as possible. Before implementing any demonstration project or a program that is a result of a waiver, the conditions under section 256.01, subdivision 1, clause (12), must be met, and the chair of the senate ~~health and human family~~ health and human family services committee and the chair of the house of representatives health and human services committee must be notified.

Sec. 28. Minnesota Statutes 1992, section 256.9352, subdivision 3, is amended to read:

Subd. 3. **FINANCIAL MANAGEMENT.** The commissioner shall manage spending for the health right plan in a manner that maintains a minimum reserve equal to five percent of the expected cost of state premium subsidies. The commissioner must make a quarterly assessment of the expected expenditures for the covered services for the remainder of the current fiscal year and for the following two fiscal years. The estimated expenditure shall be compared to an estimate of the revenues that will be deposited in the health care access fund. Based on this comparison, and after consulting with the chairs of the house ~~appropriations~~ ways and means committee and the senate finance committee, and the legislative commission on health care access, the commissioner shall make adjustments as necessary to ensure that expenditures remain within the limits of available revenues. The adjustments the commissioner may use must be implemented in this order: first, stop enrollment of single adults and households without children; second, upon 45 days' notice, stop coverage of single adults and households without children already enrolled in the health right plan; third, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income above 200 percent of the federal poverty guidelines; fourth, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income at or below 200 percent; and fifth, require applicants to be uninsured for at least six months prior to eligibility in the health right plan. If these measures are insufficient to limit the expenditures to the estimated amount of revenue, the commissioner may further limit enrollment or decrease premium subsidies.

If the commissioner determines that, despite adjustments made as authorized under this subdivision, estimated costs will exceed the forecasted amount of available revenues other than the reserve, the commissioner may, with the approval of the commissioner of finance, use all or part of the reserve to cover the costs of the program.

Sec. 29. Minnesota Statutes 1992, section 256B.0629, subdivision 3, is amended to read:

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Subd. 3. **ANNUAL REPORT.** The advisory committee shall present an annual report to the commissioner and the chairs of the health and ~~human services appropriations divisions~~ housing finance division of the house ~~appropriations health and human services committee~~ and the health care and family services division of the senate ~~finance committee~~ family services and health care committees by January 1 of each year on the findings and recommendations of the committee.

Sec. 30. Minnesota Statutes 1992, section 256B.0925, subdivision 3, is amended to read:

Subd. 3. **RULE WAIVER.** The commissioner is authorized to grant a waiver from portions of Minnesota Rules, parts 9525.0015 to 9525.0165. The commissioner shall report to the health and ~~human services committees~~ care committee of the senate and the health and human services committee of the house of representatives on any portion of the rule that the commissioner is requested to waive and the disposition of the request.

Sec. 31. Minnesota Statutes 1992, section 268.916, is amended to read:

268.916 REPORTS.

Each grantee shall submit an annual report to the commissioner on the format designated by the commissioner, including program information report data. By January 1 of each year, the commissioner shall prepare an annual report to the health and human services ~~committees~~ committee of the ~~legislature~~ house of representatives and the family services committee of the senate concerning the uses and impact of head start supplemental funding, including a summary of innovative programs and the results of innovative programs and an evaluation of the coordination of head start programs with employment and training services provided to AFDC recipients.

Sec. 32. Minnesota Statutes 1992, section 355.50, is amended to read:

355.50 STATE EMPLOYEES, APPROPRIATION.

With respect to state employees, each department and agency shall pay the amounts required by sections 355.41 to 355.60 from such accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing, for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. Such payments shall be charged as an administrative cost by such units of state government.

If the federal government increases the required contributions for social security, and as a result of the increase there are insufficient moneys in any such accounts or fund or source of revenue to make the payments to the contribution fund required by sections 355.41 to 355.60 by such departments or agencies, there is hereby appropriated to such department or agency from any moneys in

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the state treasury not otherwise appropriated such moneys as are required to meet such deficiencies. The amount of each payment made pursuant to these provisions shall be certified by the commissioner of employee relations to the commissioner of finance at such times as the commissioner of finance shall require. The amount certified as necessary to meet a deficiency caused by an increase in federal contribution requirements shall be reported to the senate committee on finance and the house committee on ~~appropriations~~ ways and means before the commissioner of finance transfers any money to meet the deficiency.

For those employees of the state or its instrumentalities who as eligible members in the state employees retirement association are employed by the state horticultural society, the disabled American veterans, department of Minnesota, veterans of foreign wars, department of Minnesota, the Minnesota crop improvement association, the Minnesota historical society, the armory building commission and the Minnesota-Wisconsin-Minneapolis-St. Paul survival plan project, these units of government shall also pay into the contribution fund contributions with respect to wages equal to the sum of taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by such agreement or modification constituted employment within the meaning of that act.

Sec. 33. Minnesota Statutes 1992, section 473.846, is amended to read:

473.846 REPORT TO LEGISLATURE.

By November 1, 1986, and each year thereafter, the agency and metropolitan council shall submit to the senate finance committee, the house ~~appropriations~~ ways and means committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement and contingency action funds has been spent during the previous fiscal year. The council may incorporate its report in the report required by section 473.149. In its 1988 report, the council shall make recommendations to the legislature on the future management and use of the metropolitan landfill abatement fund.

Sec. 34. **REPEALER.**

Minnesota Statutes 1992, section 268.081, is repealed.

Sec. 35. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor March 4, 1993

Signed by the governor March 5, 1993, 11:48 a.m.

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