

CHAPTER 82—S.F.No. 299

An act relating to vocational rehabilitation; changing references to visually disabled persons; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1994, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.10; 248.11; 268A.02, subdivision 2; 268A.03; and 268A.11, subdivisions 1 and 3; repealing Minnesota Statutes 1994, section 268A.12.

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

Section 1. Minnesota Statutes 1994, section 248.011, is amended to read:

248.011 REPORTING OF NEWLY BLINDED INDIVIDUAL.

Subdivision 1. **DUTY TO REPORT.** Whenever an ophthalmologist or optometrist makes an initial diagnosis of legal blindness as defined in section 256D.35, subdivision 4a, the ophthalmologist or optometrist shall advise the client that services are available through Minnesota state services for the blind ~~and visually handicapped~~. After obtaining client consent, the ophthalmologist or optometrist shall report the name of the legally blind client to Minnesota state services for the blind ~~and visually handicapped~~. The report must be filed with Minnesota state services for the blind ~~and visually handicapped~~ within 30 days following a diagnosis of legal blindness after obtaining client consent.

Subd. 2. **DUTIES OF MINNESOTA STATE SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED.** Upon receipt of the name of a legally blind individual, Minnesota state services for the blind ~~and visually handicapped~~ shall contact the newly blind individual within 30 days and provide a complete summary of available services to the blind individual, in media accessible to the individual.

Sec. 2. Minnesota Statutes 1994, section 248.07, subdivision 1, is amended to read:

Subdivision 1. **COOPERATION.** It shall be the duty of the commissioner of economic security, referred to in this section and sections 248.10 and 248.11 as the commissioner, to develop and administer programs serving the needs of blind and visually ~~handicapped~~ disabled persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a division that is a distinct organizational unit to be known as ~~the division~~ of state services for the blind ~~and visually handicapped~~, separate from the vocational rehabilitation unit and with its own activity budget, within the department of economic security to provide and coordinate services to the blind.

Sec. 3. Minnesota Statutes 1994, section 248.07, subdivision 2, is amended to read:

Subd. 2. **STATISTICS.** The commissioner shall collect statistics concern-

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ing blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information necessary to carry out the commissioner's duties and responsibilities with respect to blind and visually ~~handicapped~~ disabled persons.

Sec. 4. Minnesota Statutes 1994, section 248.07, subdivision 3, is amended to read:

Subd. 3. **SPECIAL ATTENTION.** The commissioner shall give special attention to the cases of ~~handicapped~~ disabled youth who are eligible to attend the Minnesota state academy for the blind, the Minnesota state academy for the deaf, or the public school classes for ~~handicapped~~ disabled children, but are not in attendance ~~thereat~~ there, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Sec. 5. Minnesota Statutes 1994, section 248.07, subdivision 4, is amended to read:

Subd. 4. **VOCATIONAL TRAINING.** The commissioner shall either provide or assist blind and visually ~~handicapped~~ disabled persons in obtaining vocational training and employment and shall aid such persons in obtaining services and benefits to which they may be entitled from public and private agencies. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in the opinion of the person would be suitable and practical in accordance with rules adopted by the commissioner under subdivision 14a.

Sec. 6. Minnesota Statutes 1994, section 248.07, subdivision 5, is amended to read:

Subd. 5. **AIDS.** The commissioner shall further be empowered to aid ~~the persons who are~~ blind or visually disabled: (1) by home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by any other practicable means of improving their social, economic, or educational condition; (4) by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually ~~handicapped~~ disabled persons that are difficult to obtain elsewhere; and (5) by promoting literacy and access to print materials through production for blind or visually disabled persons or others of alternative reading formats such as Braille, audio tapes, radio signals, newspaper reading services, and other services originating from the division's communication center. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision, as well as gifts to aid the blind, are subject to section 268.0121, subdivision 5.

Sec. 7. Minnesota Statutes 1994, section 248.07, subdivision 13, is amended to read:

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Subd. 13. **COMMUNITY REHABILITATION FACILITIES PROGRAMS.** From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner may make grants, upon such terms as the commissioner may determine, to public or nonprofit organizations for the establishment, maintenance or improvement of community rehabilitation facilities or sheltered workshops for the blind programs.

Sec. 8. Minnesota Statutes 1994, section 248.07, subdivision 14a, is amended to read:

Subd. 14a. **RULES.** The commissioner shall adopt rules to set standards for the provision of rehabilitative services to blind and visually ~~handicapped~~ disabled persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15 and include specific requirements for timely responses by the agency.

Sec. 9. Minnesota Statutes 1994, section 248.07, subdivision 16, is amended to read:

Subd. 16. **ADJUSTMENT-TO-BLINDNESS TRAINING.** (a) The commissioner of economic security shall enter into contracts or agreements to provide comprehensive adjustment-to-blindness training services to blind and visually ~~handicapped~~ disabled persons. Services available must include, but not be limited to, instruction in Braille reading and writing, the use of the long white cane for independent travel, home management and self management, typing and computer technology, career exploration, and seminars on positive adjustment to blindness. In entering into contracts or agreements to provide adjustment-to-blindness services, the commissioner shall, when in the best interests of the client, utilize services available from qualified nonprofit agencies or organizations who:

- (1) are administered by a governing board composed of a majority of individuals who are blind;
- (2) substantially involve individuals who are blind in policy direction and management; and
- (3) employ individuals who are blind at all levels of operation.

(b) This subdivision does not limit the commissioner's authority to enter into contracts or agreements for any service with other qualified agencies or organizations.

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Sec. 10. Minnesota Statutes 1994, section 248.10, is amended to read:

248.10 REHABILITATION ADVISORY COUNCIL FOR THE BLIND.

The commissioner shall establish a rehabilitation advisory council for the blind consistent with the federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended ~~through December 31, 1992~~. Advisory council members shall be compensated as provided in section 15.059, subdivision 3. Members of the council for the blind appointed before July 1, 1993, shall serve on the advisory council until the end of their appointed terms. The advisory council shall advise the commissioner about programs of the division of state services for the blind and visually ~~handicapped~~ disabled. The advisory council is limited to 15 members, a majority of whom must be blind or visually ~~handicapped~~ disabled.

Sec. 11. Minnesota Statutes 1994, section 248.11, is amended to read:

248.11 RECOUPMENT OF SERVICES AND EQUIPMENT.

Subdivision 1. **ERRONEOUS PAYMENTS.** If a recipient receives monetary assistance as a rehabilitation service from services for the blind ~~and visually handicapped~~ in excess of that to which the recipient is entitled by law, state services for the blind ~~and visually handicapped~~ shall, as soon as it discovers the amount of the erroneous payment, notify the recipient to return the same in accordance with rules adopted by the commissioner. Unless the recipient files an appeal under section 248.07, subdivision 15, within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, the determination of overpayment shall be considered final. If the recipient files a timely appeal, the determination shall not be considered final until the recipient's administrative appeal remedies are exhausted. State services for the blind ~~and visually handicapped~~ may recoup overpayments considered final under this subdivision by deducting the amount or a part of the overpayment from future monetary assistance payments to the recipient or by civil action in the name of the commissioner. Overpayments made more than three years prior to discovery of the error are not recoverable under this subdivision.

Subd. 2. **RECOVERY OF EQUIPMENT.** If a recipient retains equipment to which state services for the blind ~~and visually handicapped~~ has title after the recipient's right to possess the equipment has expired, state services for the blind ~~and visually handicapped~~ shall notify the recipient to return the same or execute a new lease to the equipment if the equipment is still necessary to the recipient's rehabilitation. Unless the recipient returns the equipment, executes and complies with a new lease to the equipment or appeals under section 248.07, subdivision 15 within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, state services for the blind ~~and visually handicapped~~ may institute a civil action to recover the equipment or the reasonable value of the equipment.

Sec. 12. Minnesota Statutes 1994, section 268A.02, subdivision 2, is amended to read:

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Subd. 2. **REHABILITATION ADVISORY COUNCIL.** The commissioner shall establish a state rehabilitation advisory council consistent with the federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended ~~through December 31, 1992~~. Members of the advisory council shall be compensated as provided in section 15.059, subdivision 3. Members of the consumer advisory council appointed prior to July 1, 1993, shall serve on the rehabilitation advisory council until the end of their appointed terms.

Sec. 13. Minnesota Statutes 1994, section 268A.03, is amended to read:

268A.03 POWERS AND DUTIES.

The commissioner shall:

(a) certify the rehabilitation facilities to offer extended employment programs, grant funds to the extended employment programs, and perform the duties as specified in section 268A.09;

(b) provide vocational rehabilitation services to persons with disabilities in accordance with the ~~state plan for vocational rehabilitation~~. ~~These services include but are not limited to: diagnostic and related services incidental to determination of eligibility for services to be provided; including medical diagnosis and vocational diagnosis; vocational counseling; training and instruction; including personal adjustment training; physical restoration, including corrective surgery; therapeutic treatment; hospitalization and prosthetic and orthotic devices; all of which shall be obtained from appropriate established agencies; transportation; occupational and business licenses or permits; customary tools and equipment; maintenance; books, supplies, and training materials; initial stocks and supplies; placement; on-the-job skill training and time-limited postemployment services leading to supported employment; acquisition of vending stands or other equipment; initial stocks and supplies for small business enterprises; supervision and management of small business enterprises; merchandising programs; or services rendered by severely disabled persons~~ federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended. Persons with a disability are entitled to free choice of vendor for any medical, dental, prosthetic, or orthotic services provided under this paragraph;

(c) expend funds and provide technical assistance for the establishment, improvement, maintenance, or extension of public and other nonprofit rehabilitation facilities or centers;

(d) maintain a contractual or regulatory relationship with the United States as authorized by the Social Security Act, as amended. Under this relationship, the state will undertake to make determinations referred to in those public laws with respect to all individuals in Minnesota, or with respect to a class or classes of individuals in this state that is designated in the agreement at the state's request. It is the purpose of this relationship to permit the citizens of this state to obtain all benefits available under federal law;

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(e) provide an in-service training program for division of rehabilitation services employees by paying for its direct costs with state and federal funds;

(f) conduct research and demonstration projects; provide training and instruction, including establishment and maintenance of research fellowships and traineeships, along with all necessary stipends and allowances; disseminate information to persons with a disability and the general public; and provide technical assistance relating to vocational rehabilitation and independent living;

(g) receive and disburse pursuant to law money and gifts available from governmental and private sources including, but not limited to, the federal Department of Education and the Social Security Administration, for the purpose of vocational rehabilitation or independent living;

(h) design all state plans for vocational rehabilitation or independent living services required as a condition to the receipt and disbursement of any money available from the federal government;

(i) cooperate with other public or private agencies or organizations for the purpose of vocational rehabilitation or independent living. Money received from school districts, governmental subdivisions, mental health centers or boards, and private nonprofit organizations is appropriated to the commissioner for conducting joint or cooperative vocational rehabilitation or independent living programs;

(j) enter into contractual arrangements with instrumentalities of federal, state, or local government and with private individuals, organizations, agencies, or facilities with respect to providing vocational rehabilitation or independent living services;

(k) take other actions required by state and federal legislation relating to vocational rehabilitation, independent living, and disability determination programs;

(l) hire staff and arrange services and facilities necessary to perform the duties and powers specified in this section; and

(m) adopt, amend, suspend, or repeal rules necessary to implement or make specific programs that the commissioner by sections 268A.01 to 268A.10 is empowered to administer; and

~~(n) contact any person with traumatic brain injury or spinal cord injury reported by the commissioner of health under section 144.664, subdivision 3, and notify the person, or the person's parent or guardian if the person is a minor or is mentally incompetent, of services available to the person, eligibility requirements and application procedures for public programs; and other information the commissioner believes may be helpful to the person to make appropriate use of available rehabilitation services.~~

Sec. 14. Minnesota Statutes 1994, section 268A.11, subdivision 1, is amended to read:

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Subdivision 1. **PURPOSES AND SERVICES OFFERED.** Independent living services are those services designed to materially improve opportunities for persons with disabilities to live and function more independently in their home, family, and community; and the services include:

- (1) intake counseling to determine the individual's needs for services;
- (2) referral and counseling services with respect to attendant care;
- (3) counseling and advocacy with respect to legal and economic rights and benefits;
- (4) independent living skills, training, and counseling;
- (5) housing and transportation referral and assistance;
- (6) surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;
- (7) peer counseling;
- (8) education and training necessary to living in the community and participating in community affairs;
- (9) individual and group social and recreational activities;
- (10) attendant care and training of personnel to provide the care; and
- (11) other necessary services which are not inconsistent with sections 62A.26 and 62E.06, subdivision 1. The purposes of independent living services and the services that are to be provided are those that are consistent with Code of Federal Regulations, title 34, parts 365 to 367.

Sec. 15. Minnesota Statutes 1994, section 268A.11, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATION.** No applicant center for independent living may receive funding under this section unless it has received certification from the division of rehabilitation services.

The division of rehabilitation services shall involve persons with a disability and other interested persons to consider performance evaluation criteria in order to formulate rules by which centers will be certified by July 1, 1986.

The division of rehabilitation services shall review the programs for of centers of for independent living receiving funds from this section to determine their adherence to standards adopted by rule and if the standards are substantially met, shall issue appropriate certifications.

Sec. 16. **RECREATION AND REINSTATEMENT OF REHABILITATION ADVISORY COUNCIL.**

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Notwithstanding Laws 1993, chapter 286, section 1, and Laws 1993, chapter 337, section 1, the rehabilitation advisory council established in Minnesota Statutes, section 268A.02, and the rehabilitation advisory council for the blind established in section 248.10 are recreated and reinstated.

Sec. 17. **REPEALER.**

Minnesota Statutes 1994, section 268A.12, is repealed.

Sec. 18. **EFFECTIVE DATE.**

Sections 1 to 17 are effective the day following final enactment.

Presented to the governor April 20, 1995

Signed by the governor April 21, 1995, 1:58 p.m.

CHAPTER 83—S.F.No. 1023

An act relating to public lands; notice requirements for sales of tax-forfeited lands; leasing of tax-forfeited lands; roads used by counties on tax-forfeited lands; amending Minnesota Statutes 1994, sections 282.02; and 282.04, subdivision 1, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1994, section 282.02, is amended to read:

282.02 LIST OF LANDS FOR SALE; NOTICE.

Immediately after classification and appraisal of the land, and after approval by the commissioner of natural resources when required pursuant to section 282.01, subdivision 3, the county board shall provide and file with the county auditor a list of parcels of land to be offered for sale. This list shall contain a description of the parcels of land and the appraised value thereof. The auditor shall publish a notice of the intended public sale of such parcels of land and a copy of the resolution of the county board fixing the terms of the sale, if other than for cash only, by publication once a week for two weeks in the official newspaper of the county, the last publication to be not less than ten days previous to the commencement of the sale.

The notice shall include the parcel's description and appraised value. The notice shall also indicate the amount of any special assessments which may be the subject of a reassessment or new assessment or which may result in the imposition of a fee or charge pursuant to sections 429.071, subdivision 4, 435.23, and 444.076. The county auditor shall also mail notice to the owners of land adjoining the parcel to be sold ~~and to the owners of platted or unplatted land whose boundaries are within 300 feet of the boundaries of a parcel offered~~

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