

609.76, 609.825, and chapter 152.

Sec. 9. **REPEALER.** Minnesota Statutes 1978, Section 609.32, is repealed.

Sec. 10. This act is effective August 1, 1979 and applies to all crimes committed on or after that date.

Approved May 29, 1979.

CHAPTER 256—H.F.No.268

An act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.

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

Section 1. Minnesota Statutes 1978, Chapter 259, is amended by adding a section to read:

[259.40] SUBSIDIZED ADOPTION PROGRAM. Subdivision 1. SUBSIDY PAYMENTS. The commissioner of public welfare may make subsidy payments as he deems necessary to families who adopt a child under state guardianship or a Minnesota resident from a licensed child placing agency after the adoptive placement of the child. The subsidy payments shall be based on the needs of the child.

Subd. 2. SUBSIDY AGREEMENT. The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When parents are found and approved for placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, there must be a written agreement between the parent or parents entering into the subsidized adoption and the placing agency, clearly setting forth the responsibilities of all parties and the duration and the terms of the subsidy agreement. The agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for medical, dental, and surgical expenses, psychiatric and psychological expenses, maintenance costs, and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement. The amount of the subsidy may in no case exceed that which would be allowable for the child under foster family care.

Subd. 3. ANNUAL AFFIDAVIT. When subsidies are for more than one year, the adoptive parents or guardian or conservator shall annually present an affidavit stating whether the adopted child remains under their care and whether the need for subsidy

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continues to exist. The commissioner may verify the affidavit. The subsidy agreement shall continue in accordance with its terms as long as the need for subsidy continues and the child remains the legal dependent of the adoptive parent or parents or guardian or conservator. Termination or modification of the subsidy agreement may be requested by the adoptive parents or subsequent guardian or conservator at any time.

Subd. 4. ELIGIBILITY CONDITIONS. The placing agency shall certify a child as eligible for a subsidy only if the following criteria are met:

(a) A placement agency has made reasonable efforts to place the child for adoption without subsidy, but has been unsuccessful; or

(b) The child's licensed foster parents desire to adopt the child and it is determined by the placing agency that:

(1) The adoption is in the best interest of the child; and,

(2) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without subsidy; and

(c) The child has been a ward of the commissioner, or licensed child placing agency.

Subd. 5. DETERMINATION OF RESIDENCY. A child who is a resident of any county in this state when eligibility for subsidy is certified shall remain eligible and receive the subsidy in accordance with the terms of the subsidy agreement, regardless of the domicile or residence of the adopting parents at the time of application for adoptive placement, legal decree of adoption, or thereafter.

Subd. 6. RIGHT OF APPEAL. The adoptive parents have the right to appeal to the commissioner pursuant to Minnesota Statutes, Section 256.045, when the commissioner denies, discontinues, or modifies the agreement.

Subd. 7. REIMBURSEMENT OF COSTS. Subject to rules of the commissioner, a placing agency shall receive a reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost of providing or purchasing adoption services for a child certified as eligible for a subsidy, including adoptive family recruitment, counseling, and special training when needed.

Subd. 8. INDIAN CHILDREN. The commissioner is encouraged to work with American Indian organizations to assist in the establishment of American Indian child adoption organizations able to be licensed as child placing agencies. Children certified as eligible for a subsidy under this section who are protected under the Federal Indian Child Welfare Act of 1978 should, whenever possible, be served by the tribal governing body, tribal courts, or a licensed Indian child placing agency.

Subd. 9. EFFECT ON OTHER AID. Subsidy payments received under this section shall not affect eligibility for any other financial payments to which a person may

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otherwise be entitled.

Subd. 10, RULES. The commissioner of public welfare shall promulgate temporary rules to implement this section no later than March 15, 1980.

Sec. 2. For the purposes of section 1, there is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1981, the sum of \$500,000.

Sec. 3. Minnesota Statutes 1978, Section 393.07, Subdivision 1a, is repealed.

Approved May 29, 1979.

CHAPTER 257—H.F.No.277

An act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.

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

Section 1. Minnesota Statutes 1978, Section 18.023, Subdivision 1, is amended to read:

18.023 SHADE TREE DISEASE CONTROL. Subdivision 1. **DEFINITIONS.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area with an approved disease control program.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means facilities, equipment or systems

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