



Draft
6/02/09

Miscellaneous Bills and Provisions 2009

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General Fund Balance Allocation Exempted at end of Fiscal Year 2009. Chapter 5, HF 886, Signed 3/2/09.

This Act amends the state's balanced budget requirements, which normally only apply to a two-year period and provides that a budget proposed by the Governor and enacted for fiscal years 2010 and 2011 must also provide for a balanced general fund budget in fiscal years 2012 and 2013.

Prior to enactment of this bill, a positive general fund balance forecasted for the current biennium would have been used to: (1) increase the state cash flow account to \$350 million; (2) increase the state budget reserve to \$653 million; (3) increase the education aid payment shift to 90 percent; and (4) eliminate the school district revenue recognition shift. This Act was effective March 3, 2009.

Independent School District #2887, McLeod West; Reorganization Operating Debt Bond Issue. Chapter 20, SF 811, Signed 4/16/09.

The McLeod West School District will be consolidating with three other districts. This Act allows McLeod West to issue general obligation bonds without an election, in an amount no greater than its reorganization operating debt. The bonds must be repaid within six years of issuance and the bonded debt remains payable by the taxable property located within the boundaries of the former McLeod West School District. This Act was effective April 17, 2009.

Type III School Bus Driver's Qualifications Modifications. Chapter 24, SF 33, Signed 4/23/09.

Section 1.

Amends M.S. 2008, section 171.02. subdivision 2b, **Exception for type III vehicle drivers.**

This Act makes a variety of changes in the requirements applicable to Type III school bus drivers that were enacted in 2008. It clarifies some requirements and increases others. It provides that the holder of a class A, B, C or D driver's license, without a school bus endorsement, may operate a Type III vehicle under the conditions specified in the law. The Act continues to require a policy that provides for annual training and certification of all Type III drivers and specifies that that policy must now require compliance with the provisions concerning reporting convictions of certain driving offenses to the employer within ten (10) days of the date of conviction. The Act requires that, except as provided below, the operator's employer must require preemployment drug and alcohol testing for applicants for Type III operator positions and specifies that current operators must comply with the employer's current policy. The testing for drivers employed primarily to operate Type III buses is the same as for other drivers.

The 2008 Act provided that an operator whose normal duties did not include operating a Type III vehicle could operate the vehicle and be exempt from several of the provisions of the law. The interpretation of the language regarding normal duties by the Department of Public Safety created problems for school districts. This Act provides that an employee of a school district who is not employed for the sole purpose of operating a Type III vehicle is exempt from the physical examination requirements and the preemployment drug and alcohol testing requirements. That employee will now, however, be subject to the background check, the annual driver's license verification and the 10-day reporting of convictions requirements from which he or she was previously exempt and will continue to be subject to the annual training and certification requirements, the student training requirements and the provisions providing that a person may not operate a Type III vehicle after conviction of certain disqualifying offenses. The documentation of meeting these requirements must be maintained for each Type III vehicle operator and must be available for inspection.

Note that Chapter 94 defines "annually" for purposes of the driver's license verification requirement to mean at least 380 days from the initial or previous evaluation and requires the verification to be done through the National Driver Register or the Minnesota Department of Public Safety. This act was effective April 24, 2009.

Environment, Natural Resources, Energy and Commerce Finance Omnibus. Chapter 37, HF 2123, Signed 5/7/09 with Line-Item Vetoes.

Article 1. Environment and Natural Resources Finance

Section 1. Summary of Appropriations.

The Permanent School trust fund will receive a \$200,000 appropriation each year for 2010 and 2011. This appropriation is to be used for securing maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.

Section 12.

Amends M.S. 2008, section 84.415, Utility Licenses, Permits. subdivision 5, **Fees; disposition.**

This provision allows for money received from licenses and permits issued under this section for use of the beds of navigable waters to be credited to the permanent school fund.

Section. 32.

Amends M.S. 2008, section 94.342, Classes of Land. subdivision 3, **Additional restrictions on riparian land.**

Changes allow for more flexibility when exchanging Class A lands, such as School Trust Fund lands for other Class A, state-owned lands.

Section 43.

Creates [115A.559] Composting Competitive Grant Program. subdivision 1, **Grant program established.**

The commissioner will make competitive grants to increase composting, reduce wastes entering disposal facilities and the costs associated with hauling waste. To achieve the purpose of the grant program, the commissioner must actively recruit potential applicants such as soil and water conservation districts and schools. Each grant must include an educational component on the methods and benefits of composting. If applications for grants exceed the available appropriations, grants must be made for projects that, in the commissioner's judgment, provide the highest return in public benefits. To be eligible to receive a grant, a project must be locally administered, have measurable outcomes and include at least one of the following elements:

- the development of erosion control methods that use compost;
- activities to encourage on-site composting by homeowners; or
- activities to encourage composting by schools or public institutions.

Article 2. Energy Finance

Section 12.

Bulk Installation of Solar Photovoltaic Panels on School Buildings; Feasibility Study and Report.

This Act provides that the Director of the Office of Energy Security, in consultation with the Commissioner of Education, schools, school districts and solar industry experts, must study the economic and technical feasibility of bulk installation of solar photovoltaic panels on school buildings in the state. The study must use a power-purchase agreement model in which a private company would pay for, install and own the solar photovoltaic

panels. The Act requires the Director of the Office of Energy Security to report to the Legislature, no later than January 15, 2010, the results of the feasibility study, including whether the proposed model would reduce carbon emissions and result in savings to school districts. This provision was effective May 8, 2009. This section was effective May 8, 2009

Article 4: Energy Efficiency.

Section 2.

Local government and school district building renovations.

Requires Office of Energy Security (OES) to coordinate the use of stimulus funds with an existing state program that provides for lease-purchase funding arrangements for energy efficiency projects in public buildings, including lighting upgrades and energy recommissioning. OES is to coordinate with the Department of Education to prioritize school district projects.

Section 3.

State government buildings.

Requires the Department of Administration to develop a plan to fund and implement projects using stimulus funds for energy efficiency projects in state buildings, including lighting upgrades and energy recommissioning.

Omnibus Public Safety Policy Bill. Chapter 59, HF 1301, Signed 5/11/09.

Article 1. Predatory Offenders and Sex Offenses.

Section 6.

Amends M.S. 2008, section 609.352. subdivision 2a, **Electronic solicitation of children.** This Act provides that a person eighteen years of age or older who uses the Internet or any other electronic device to engage in communication with a child, or someone the person reasonably believes is a child, relating to or describing sexual conduct, is guilty of a felony. This provision is effective August 1, 2009 and applies to crimes committed on or after that date.

Article 4. Corrections.

Section 3.

Amends M.S. 2008, section 122A.18. subdivision 8, **Background checks.** This Act allows the Board of Teaching and the Commissioner of Education to request a criminal history background check by retrieving criminal history data as defined in section 13.87.

Omnibus Economic Development Bill. Chapter 78, HF 2088, Signed 5/14/09 with Line-Item Vetoes.

Article 1. Jobs and Economic Development Appropriations.

This Act makes various changes to the unemployment insurance law provisions.

Article 5. Labor Standards and Wages; Licensing and Fees.

Section 2.

Amends M.S. 2008, section 177.27. subdivision 4, **Compliance orders.**

The Act also makes various changes in the laws relating to prevailing wage and compliance orders by the Department of Labor and Industry for repeated violations of those laws.

Section 3.

Amends M.S. 2008, section 177.30, **Keeping Records; Penalty.**

It also provides that for each employer subject to the prevailing wage law that is performing work on public works projects funded in whole or in part with state funds, that employer shall furnish under oath signed by an owner or officer of an employer to the contracting authority and the project owner every two weeks, a certified payroll report with respect to the wages and benefits paid to each employee during the preceding weeks specifying for each employee: name; identifying numbers; prevailing wage master job classification; hours worked each day; total hours; rate of pay; gross amount earned; each deduction for taxes; total deductions; net pay for week; dollars contributed per hour for each benefit, including name and address of the benefit administrator; benefit account number; and telephone number for health and welfare, vacation or holiday, apprenticeship training, pension and other benefit programs; and any other information the commissioner finds necessary and appropriate to enforce the prevailing wage laws.

Section 6.

Amends M.S. 2008, section 177.42. subdivision 6, **Prevailing wage rate.**

The Act also revises the definition of prevailing wage rate to mean the hourly basic rate of pay plus the contribution paid to or for the largest number of workers engaged in the same class of labor within the area for medical or hospital care, pensions on retirement or death, compensation for injury or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying the costs of apprenticeship or other similar programs or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state or local law to provide any of those benefits, the amount of: (1) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person under a fund, plan or program; and (2) the rate of cost to the contractor or subcontractor that may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out the financially responsible plan or program which was communicated in writing to the laborers and mechanics affected.

Section 8.

Amends M.S 2008, section 177.43. subdivision 3, **Contract requirements.**

The Act requires the contracting authority (i.e., school district) to incorporate into its proposals and all contracts the applicable wage determinations for the contract along with the contract language provided by the Commissioner of Labor and Industry to notify the contractor and all subcontractors of the applicability of the prevailing wage law. Failure to incorporate the determination or provided contract language into the contracts shall make the school district liable for making whole the contractor or subcontractor for any increases in the wages paid, including unemployment taxes and reasonable administrative costs based on the appropriate prevailing wage due to the laborers or mechanics working on the project.

Section 9.

Creates **[181.986] Required Equipment and Apparel.**

A public employer is prohibited from knowingly purchasing or acquiring, furnishing, or requiring an employee to purchase or acquire for wear or use while on duty, any of the following items if the item is not manufactured in the United States of America: (1) any uniform or other item of wearing apparel over which an employee has no discretion in selecting except for selecting the proper size; or (2) safety equipment or protective accessories. In addition, preference must be given to purchases from manufacturers who pay an average annual income, including wages and benefits, equal to at least 150 percent of the federal poverty guideline. The Act further provides that notwithstanding these earlier provisions, a public employer may purchase or require, furnish, or require an employee to purchase or acquire items listed above manufactured outside of the United States if similar items are not manufactured or available for purchase in the United States. For purposes of this law, public employer includes a school district. This section is effective January 1, 2010, or upon expiration of valid contracts for such equipment and apparel entered into by public employers prior to June 1, 2009, whichever is later.

Omnibus Health and Human Services Bill. Chapter 79, SF 1362, Signed 5/14/09 with Line-Item Vetoes.

Article 2. MFIP/ Child Care/ Adult Supports/ Fraud Prevention.

Section 3.

Amends M.S. 2008, section 119B.21. subdivision 5, **Child care services grants.**

Beginning July 1, 2009, Child Care Service grants under this subdivision shall be increasingly awarded for activities that improve provider quality, specifically including the following activities:

1. creating new licensed child care facilities and expanding existing facilities, including, but not limited to, supplies, equipment, facility renovation and remodeling;
2. improving licensed child care facility programs;

3. staff training and development services including, but not limited to, in-service training, curriculum development, accreditation, certification, consulting, resource centers, program and resource materials, supporting effective teacher-child interactions, child-focused teaching and content-driven classroom instruction;
4. new programs or projects for the creation, expansion, or improvement of programs that serve ethnic immigrant and refugee communities.

Section 4.

Amends M.S. 2008, section 119B.21. subdivision 10, **Family child care technical assistance grants. Subpart 3.**

This provision expands applicable grant fund uses expanded to include toys, materials and equipment to improve the learning environment. In addition, beginning July 1, 2009, grants under this subdivision shall be increasingly awarded for activities that improve provider quality, specifically including the following activities:

1. facility improvements, including, but not limited to, improvements to meet licensing requirements;
2. toys, materials and equipment to improve the learning environment; and
3. staff training and development.

Section 5.

Amends M.S. 2008, section 119B.23. subdivision 2, **Provider eligibility.**

This provision requires that School Readiness Service Agreement (SRSA) funds be prioritized to go to providers who had agreements prior to June 30, 2009 and have complied with all requirements of the SRSA agreement. If sufficient funds are available, the commissioner shall make applications available to additional providers.

Paragraph (a), subpart (4). Changes requirement from service to at least one child subsidized through the child care assistance program to instead require that SRSA providers shall have obtained a level 3 or 4 star rating under the voluntary Parent Aware quality rating system.

Paragraph (c). An eligible provider who would like to enter into an SRSA with the commissioner shall submit an SRSA application. To determine whether to enter into an SRSA with a provider, the commissioner shall evaluate the following factors: (1) the provider's Parent Aware rating score; (2) the provider's current or planned social service and employment linkages; (3) the geographic distribution needed for SRSA providers; (4) the inclusion of a variety of child care delivery models; and (5) other related factors determined by the commissioner.

Section 7.

Amends M.S. 2008, section 119B.23. subdivision 4, **Requirements of providers.**

School Readiness Service Agreements (SRSA) providers must be rated using Parent Aware rating. Providers who have been previously selected for SRSAs must begin the process to obtain a rating using Parent Aware according to timelines established by the commissioner. If the initial Parent Aware rating is less than three stars, the provider must submit a plan to improve the rating. If a 3 or 4 star rating is not obtained within established timelines, the commissioner may consider continuation of the agreement, depending upon the progress made and other factors. Providers who apply and are

selected for a new SRSA agreement on or after July 1, 2009, must have a level 3 or 4 star rating under the voluntary Parent Aware quality rating system at the time the SRSA agreement is signed.

Section 20.

Amends M.S. 2008, section 256J.561. subdivision 2, **Participation requirements.**

Eligibility for Minnesota Family Investment Program (MFIP) requires minor caregivers and caregivers who are less than age 20 who have not completed high school or obtained a GED must develop an education plan that meets the requirements in section 256J.54.

Article 5. Health Care.

Section 36.

Amends M.S. 2008, section 256B.0625. subdivision 26, **Special education services.**

Paragraph (f) requires commissioner to develop a cost-based payment structure for payment of these services and to reimburse claims submitted based on an interim rate and shall settle at a final rate once the department has determined it. The commissioner shall notify the school district of the final rate. The school district has 60 days to appeal the final rate. To appeal the final rate, the school district shall file a written appeal request to the commissioner within 60 days of the date the final rate determination was mailed. The appeal request shall specify (1) the disputed items and (2) the name and address of the person to contact regarding the appeal.

Section 59.

Amends M.S. 2008, section 256L.05. subdivision 1, **Application assistance and information availability. Paragraph (b)** MinnesotaCare application assistance must be available for applicants choosing to file an online application. in school districts, public and private elementary schools in which 25 percent or more of the students receive free or reduced price lunches, Head Start program sites, child care centers, early childhood education and preschool program sites and libraries.

Section 60.

Amends M.S. 2008, section 256L.05 by adding subdivision 1c, **Open enrollment and streamlined application and enrollment.** The Commissioner of Human Services and local agencies, working in partnership must develop a streamlined and efficient application and enrollment process for medical assistance and MinnesotaCare enrollees that meets the criteria specified in this subdivision. The Commissioners of Human Services and Education shall provide recommendations to the legislature by January 15, 2010, on the creation of an open enrollment process for medical assistance and MinnesotaCare that is coordinated with the public education system. The Commissioner of Human Services in coordination with the Commissioner of Education shall then implement an open enrollment process by August 1, 2010, to be effective beginning with the 2010-2011 school year. This section is effective July 1, 2010, or upon federal approval, which must be requested by the commissioner, whichever is later.

Article 7. Chemical and Mental Health.

Section 25. Autism Spectrum Disorder Task Force created.

This task force will include four legislators, one general primary care pediatrician appointed by the Minnesota chapter of the American Academy of Pediatrics; one family practice physician appointed by the Minnesota Academy of Family Physicians; one neuropsychologist appointed by the Minnesota Psychological Association; one member appointed by the directors of public school student support services; one member appointed by the Somali American Autism Foundation; one member appointed by the ARC of Minnesota; one member appointed by the Autism Society of Minnesota; one member appointed by the Parent Advocacy Coalition for Educational Rights; and one member appointed by the Minnesota Council of Health Plans.

If federal or state funding is available, the Commissioners of Education, Employment and Economic Development, Health, and Human Services shall provide assistance to the task force. The task force shall develop recommendations and report on a several topics and shall coordinate with existing efforts at the Departments of Education, Health, Human Services, and Employment and Economic Development related to ASD. By January 15 of each year, the task force shall provide a report regarding its findings and the action taken, including draft legislation if necessary, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services. Appointments must be made by September 1, 2009. This section expires June 30, 2011.

Article 9. State-County Results, Accountability and Service Delivery Reform Act.

Section 37.

Amends M.S. 2008, section 157.16. subdivision 3, **Establishment fees; definitions.** Fee increases for the second inspection each year for elementary and secondary education facility school lunch programs when required by the Richard B. Russell National School Lunch Act, other food service and beverage service facility fee increases.

National Guard and Reserve Members Pay Differential Conditions Clarification. Chapter 84, SF 1794, Signed 5/16/09.

Section 1.

Amends M.S. 2008, section 471.975. **May Pay Differential of Reserve on Active Duty.** Amended to include extracurricular activities in the member's salary as a school district employee. This payment may be made only to a person whose daily base rate of active duty pay is less than the person's daily rate of pay as an active school district employee.

This section is effective May 17, 2009 (the day following final enactment) and applies to members of the National Guard and other reserve components of the United States armed forces serving in active military service on or after that date.

Omnibus Bonding Bill. Chapter 93, HF 855, Signed 5/16/09 with Line-Item Vetoes.

Article 2. Disaster Relief.

Section 5. Education.

Appropriates \$173,000 for the loss of pupil units related to the floods of April 2009. \$127,000 for disaster enrollment impact aid, \$15,000 for disaster relief facility grants, \$13,000 for disaster relief operating grants and \$18,000 for pupil transportation grants.

Article 4. St. Charles School District Relief.

Section 1. Declining Pupil Aid; St. Charles School District.

Provides up to \$242,000 to the St. Charles school district for declining pupil aid associated with the April 2009 fire at a local processing plant.

Omnibus Agriculture and Veterans Affairs Bill. Chapter 94, HF 1122, Signed 5/16/09 with Line-Item Vetoes.

Article 1. Agriculture.

Section 3. Department of Agriculture.

Subdivision 5. Administration and Financial Assistance.

Allocates \$60,000 the first year is for a transfer to the University of Minnesota Extension Service for farm-to-school grants to school districts in Minneapolis, Moorhead, White Earth and Willmar.

Section 101. Federal Stimulus Funding.

The Commissioner of Agriculture shall apply for funding available to the state through the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, for areas under the purview of the commissioner including but not limited to agriculture and rural development, bioenergy, food safety, farm-to-school and related nutrition programs and the development of local and regional food systems.

Article 3. Veterans Affairs.

Section 14.

Amends M.S. 2008, section 197.455. subdivision 1, **Application.**

This Act amends the Veterans Preference statute that is applicable to school districts and other political subdivisions of the state. This Act provides that when a veteran is dismissed from a state or local government position of employment after July 1, 2009, the veteran has the irrevocable option of using the procedures described in the Veterans Preference sections or the procedures provided in the collective bargaining agreement

applicable to the person, but not both. If the veteran elects to use the hearing procedures in the Veterans Preference sections, the matters governed by those sections must not be considered grievances under a collective bargaining agreement and if a veteran elects to appeal the dispute through those sections, the veteran is precluded from making an appeal under the grievance procedure of the collective bargain agreement. This provision is effective July 1, 2009.

Omnibus Higher Education Appropriations. Chapter 95, SF 2083, Signed 5/16/09 with Line-Item Vetoes.

Article 2. Related Higher Education Provisions.

Section 15.

Amends M.S. 2008, section 136A.127. Achieve Scholarship Program. subdivision 2, **Definition; qualifying program.** Adds language that indicates if a qualifying program includes a foreign language requirement, the foreign language requirement is waived for a student whose first language is not English and who attains English language proficiency. This section is effective May 18, 2009 and applies to students who graduate on or after January 1, 2009.

Section 18.

Amends M.S. 2008, section 136A.127. Achieve Scholarship Program. Adds subdivision 9b. **Additional award for online course completion.**

An eligible student who has completed at least one online course while in high school or in a home-school setting under section 120A.22 may receive an additional award of up to \$150 to be used in conjunction with the Achieve Scholarship award. The online course must be offered by a provider certified by the Minnesota Department of Education or by an eligible postsecondary institution as defined by law. If the official high school transcript is not sufficient to document the completion of the online course, the student may be required to submit further documentation. The additional award is available to new applicants for terms of enrollment beginning on or after July 1, 2009.

Section 24.

Amends M.S. 2008, section 136A.87. **Planning Information for Postsecondary Education.** The Act also provides that the Office of Higher Education shall make available to all residents beginning in seventh grade through adulthood information about planning and preparing for postsecondary opportunities. Information must be provided to all seventh grade students and their parents annually by September 30th about planning for postsecondary education.

Section 40. Teacher Education Report.

The Minnesota Office of Higher Education and Minnesota Department of Education must report to the legislature on best practices in innovative teacher education programs and teacher education research. The report must include, at a minimum, information on: (1)

teacher education preparation program curricula that will prepare prospective teachers to teach an increasingly diverse student population; (2) opportunities for mid-career professionals employed in professions in which there is a shortage of teachers to pursue a teaching career; and (3) enhancing the ability of teachers to use technology in the classroom. The report must be submitted by June 15, 2010.

Omnibus State Government Appropriations. Chapter 101, SF 2082, Signed 5/16/09.

Article 1. State Government Appropriations.

Sections 21 through 24 include appropriations to the Teacher Retirement Association, St. Paul Teachers Retirement Fund and Duluth Teachers Retirement Fund for FY 2010 and FY 2011.

Article 2. State Government Operations.

Section 2.

Amends M.S. 2008, section 3.732. Settlement of Claims. subdivision 1, **Definitions.** \$3,548,000 in fiscal year 2010; \$3,546,000 in fiscal year 2011; and \$10,054,000 in each fiscal year 2012 through 2019 to make payments under a lease-purchase agreement for replacement of the state's accounting and procurement systems. Includes annual appropriations for a new state accounting and procurement system. The Department of Education will probably be covered by these new systems.

Sections 24 through 39.

Establish procedures for investigation of and liability for making false or fraudulent claims against the state or a political subdivision. These provisions are effective July 1, 2010.

Section 92.

Amends M.S. 2008, section 471.345. Uniform Municipal Contracting Law. subdivision 15, **Cooperative purchasing.**

This Act also amends the Uniform Municipal Contracting law to provide that municipalities, including school districts, may contract for purchase of supplies, materials, or equipment by utilizing contracts that are available through the state's cooperative purchasing venture. For a contract estimated to exceed \$25,000, a municipality must consider the availability, price and quality of supplies, materials or equipment available through the state's cooperative purchasing venture before purchasing from another source. This section is effective July 1, 2009.

Cardiopulmonary Resuscitation and Automated External Defibrillator Instruction Requirement for School Districts. Chapter 107, SF 567, Signed 5/19/09.

Section 1.

Creates [120B.236] Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction.

School districts are encouraged to include cardiopulmonary resuscitation and automatic external defibrillator instruction as part of their curriculum. Schools offering cardiopulmonary resuscitation or automatic external defibrillator instruction must use training that has been developed by the American Heart Association or the American Red Cross and or using nationally recognized, evidence-based guidelines for cardiopulmonary resuscitation and incorporates psychomotor skills to support the instruction. This Act is effective August 1, 2009.

School Background Check Requirements Modified Relating to Disciplinary Actions. Chapter 115, HF 523, Signed 5/19/09.

Subdivision 1 (a). Investigation of disciplinary actions taken against prospective teachers. This Act amends the current background check requirements and provides that at the time a school board or other hiring authority conducts the criminal history background check required under the law on an individual offered employment as a teacher, the school board or other hiring authority must contact the Board of Teaching to determine whether the board has taken any disciplinary action against the teacher (not just disciplinary action based on sexual misconduct or attempted sexual misconduct between teacher and student). The Act provides that the Board of Teaching must provide access to public data that it maintains that relates to the substance of any disciplinary action taken against a teacher. The Act also allows the school board or other hiring authority to require the individual to provide information in the employment application regarding all current and previous disciplinary actions taken against the individual's teaching license in Minnesota and other states.

Subdivision 1 (b). Clarifies that disciplinary action does not include an action based on court-ordered child support or maintenance payment arrearages or delinquent state taxes. This Act is effective May 20, 2009.

Federal Stimulus Energy Programs Funding Direction and Appropriations. Chapter 138, SF 657, Signed 5/21/09.

Article 2. Energy Efficiency.

Section 7. Local Government and School District Renovations.

This Act provides legislative direction for the use of federal stimulus money for energy programs. The Act directs the Commissioner of Commerce to award grants to local units of government to enhance energy efficiency and reduce energy use. The Act also directs the commissioner to award grants to local governments and school districts to make energy efficiency improvements in existing local government and school district facilities. \$8.75 million is allocated from the state energy program and \$4.25 million from energy efficiency / conservation block grants to school districts and local government agencies for energy efficiency improvements in existing facilities. The use of the stimulus funds must be coordinated with the local public building enhanced energy efficiency program under Minnesota Statutes, Section 216C.43 or other available financing programs. It states that the commissioner shall give priority to lighting upgrades, energy-efficient windows, energy recommissioning and other cost-effective energy products that are ready for immediate implementation. It provides that the commissioner may require a local government or school district, as a condition of receiving a grant, to commit to implement future activities, including but not limited to staff training, that are designed to create additional energy or operating savings to the local government. The Act requires the commissioner to coordinate with the Department of Education to prioritize school district projects for funding.

Article 3. Renewable Energy.

Section 5. School District and Local Government Renewable Energy Grant Program.

The Act also establishes a school district and local government renewable energy grant program. It provides that the commissioner shall award grants to units of local government to finance the purchase and installation of a renewable energy system or a geothermal heating and cooling system. The Act establishes procedures for applying for renewable energy grants and for the award of grants to be administered by the Minnesota Department of Commerce. The Act provides that a school district must integrate information about the renewable energy system for which the grant is received in its educational program. The Act then specifies the maximum grant amounts for different types of renewable energy programs. The Act also includes various other provisions relating to these programs and the grants that may be available.

This Act was effective May 22, 2009.

Human Services Licensing Bill; Data Practices, Disqualifications, Background Study, SIDS, Respiratory Therapists Licensure and Technical Provisions Modifications. Chapter 142, SF 1447, Signed 5/21/09.

Article 1. Data Practices.

Section 1.

Amends M.S. 2008, section 13.43. Adds subdivision 17, **Continuity of operations.**

This Act makes changes to the personnel data provisions of the Data Practices Act and provides that personal home contact information may be used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity. An employee's personal home contact information may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation of either government entity. Otherwise, that data will remain private. This provision is effective August 1, 2009.

Local Governmental Unit Mandates Removed, Extended and Modified and Requirements Changed for a Qualified Newspaper. Chapter 152, HF 1849, Signed 5/22/09.

Section 5.

Amends M.S. 2008, section 331A.02. subdivision 1, **Qualification.**

This Act amends the requirements for a newspaper to qualify as a legal newspaper and reduces the number of copies that must be regularly delivered to paying subscribers by a qualified newspaper from 500 to 400 copies.

Section 21.

Amends M.S. 2008, section 471.661. **Out-of-State Travel.**

Current law requires the governing body of each school district to have on record a policy that controls travel outside the state of Minnesota for elected school district officials. This Act eliminates the requirement that that policy must be reviewed annually by the school board. This Act is effective August 1, 2009.

Omnibus Retirement Provisions Modifications. Chapter 169, SF No. 191, Signed 5/22/09.

Article 1. Minnesota Post Retirement Investment Fund Dissolution Accommodation.

This Act makes various changes in the state pension laws and has various effective dates. This Act makes various statutory changes necessary to conform with the dissolution of the Minnesota Postretirement Investment Fund. The Act makes various administrative and other changes to PERA, TRA and other state public pension plan provisions. Further inquiries regarding these changes should be directed to the applicable retirement system. The Act does not include the amendments to TRA which would have increased employer and employee contributions to stabilize the fund and to increase benefits by increasing the statutory multiplier. The Act amends the St. Paul Teachers Retirement Fund Association postretirement adjustments by replacing the current 2% automatic postretirement adjustment with a federal bureau of labor statistics CPI based adjustment, capped at 5% per year.

Omnibus Cultural and Outdoor Resources Finance Bill. Chapter 172, HF 1231, Signed 5/22/09 with a Line-Item Veto.

Article 2. Clean Water Fund.

Section 4. Pollution Control Agency Appropriations.

The PCA will receive \$150,000 the first year and \$196,000 the second year for grants to the Red River Watershed Management Board to enhance and expand existing river watch activities in the Red River of the North. The Red River Watershed Management Board shall provide a report that includes formal evaluation results from the river watch program to the Commissioners of Education and the Pollution Control Agency and to the legislative natural resources finance and policy committees and K-12 finance and policy committees by February 15, 2011.

Article 4. Arts and Cultural Heritage Fund.

Section 2. Arts and Cultural Heritage Appropriations.

Subdivision 3, Minnesota Department of Education.

MDE will receive a total of \$8,500,000 over the biennium for grants allocated using existing formulas under Minnesota Statutes, section 134.355, to the 12 Minnesota Regional Library Systems to provide educational opportunities in the arts, history, literary arts and cultural heritage of Minnesota. No more than 2.5 percent of funds may be used for administration by regional library systems. These funds may be used to sponsor programs provided by regional libraries or to provide grants to local arts and cultural heritage programs for programs in partnership with regional libraries.

Subdivision 8, Perpich Center For Arts Education.

The Perpich Center will receive a total of 1,000,000 over the biennium for arts, arts education and arts access and to preserve Minnesota's history and cultural heritage.

Section 3. Indian Language Preservation.

The Indian Affairs Council will receive a total of \$1,250,000 to preserve Dakota and Ojibwe Indian languages and to foster educational programs in Dakota and Ojibwe languages.

Section 4. Subdivision 2, Dakota and Ojibwe Immersion Programs.

The Indian Affairs Council will receive \$250,000 for a two-year grant to Niigaane Ojibwe Immersion School and Wicoie Nandagikendan Urban Immersion Project to develop and expand K-12 curriculum.

County Human Services Mandates Modified. Chapter, 174, HF 1276, Signed 5/21/09.

Section 9.

Amends M.S. 2008, section 256.962. subdivision 6, **School districts and charter schools.**

This Act provides that at the beginning of each school year, a school district or charter school shall provide information to each student on the availability of health care coverage through the Minnesota Health Care Program. The Act eliminates the requirement that the district provide a child who is eligible for free and reduced price lunch with information on how to obtain both an application for the Minnesota Health Care Programs and application assistance. The Act also eliminates the requirement that each district designate an enrollment specialist to provide application assistance and follow up services for families who have indicated an interest in receiving information or an application for the Minnesota Health Care Program. The Act does provide that a school district or charter school shall ensure that applications and information on application assistance are available at early childhood education sites and public schools located within the district's jurisdiction. If a school district or charter school maintains a district Website, the school district or charter school shall provide on its Website a link to information on how to obtain an application and application assistance. This provision is effective August 1, 2009.

Section 10.

Amends M.S. 2008, section 260B.171. subdivision 3, **Disposition order; copy to school.** The Act provides that when a juvenile who has been adjudicated as delinquent is enrolled in school, the juvenile's probation officer shall ensure that either a mailed notice or an electronic copy of the court's disposition order is transmitted to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school. This provision is effective August 1, 2009.

Section 11.

Amends M.S. 2008, section 471.61. Subdivision 1, **Officers, employees.**

The Act amends the law allowing political subdivisions to provide health insurance and specifies that notwithstanding any law to the contrary, a political subdivision may provide health benefits to its employees, dependents, and any class or classes of officers, employees or dependents through negotiated contributions to self-funded multiemployer health and welfare funds. This section was effective May 23, 2009 and applies to contributions made on or after that date and is intended as a clarification of existing law.

Child Care Programs, Program Integrity and Adult Supports Including General Assistance Medical Care and Group Residential Housing Amended. Chapter 175, HF 1728, Signed 5/22/09.

Article 2. Program Integrity.

Section 4.

Creates Inventory of Early Childhood Services. Subdivision 1, **Creation.**

The State Advisory Council on Early Childhood Education and Care under Minnesota Statutes, section 124D.141, shall create an inventory of early childhood services. The council is encouraged to seek and use federal and private funds for this inventory. To the degree that resources are available, this inventory shall accomplish the following:

1. identify programs and initiatives funded by state, federal, or private dollars;
2. provide brief descriptions and any existing evaluations of programs under which services are received;
3. provide budget allocations toward the outcome areas; and
4. include subsections describing specific:
 - geographic regions served by the program;
 - number of children eligible;
 - number of children enrolled and
 - age, ethnicity and race, and family income demographics of children enrolled.

Federal Stimulus Oversight Funding Allocated for Certain State Agencies, Fiscal Stabilization Account Established and Money Appropriated. Chapter 177, HF 2251, Signed 5/21/09.

Section 8. Deer River School Closing.

Independent School District No. 317, Deer River, is eligible for sparsity revenue calculated under Minnesota Statutes, section 126C.10, subdivision 8a, for fiscal years 2010 and later if the board has adopted the required written resolution at any time prior to the start of the 2009-2010 school year.