

1.1 A bill for an act

1.2 relating to human services; redesigning service delivery; amending Minnesota
1.3 Statutes 2010, sections 256.01, by adding a subdivision; 256.045, subdivision
1.4 4a; 402A.10, subdivision 4; Minnesota Statutes 2011 Supplement, sections
1.5 402A.10, subdivision 5; 402A.15; 402A.18; 402A.20; proposing coding for new
1.6 law in Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2011
1.7 Supplement, sections 402A.30; 402A.45.

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

1.9 Section 1. Minnesota Statutes 2010, section 256.01, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 14c. **American Indian child welfare, social, and human services project;**
1.12 **White Earth Band of Ojibwe Indians.** (a) The commissioner of human services shall
1.13 enter into a contractual agreement as authorized under subdivision 2, paragraph (a),
1.14 clause (7), with the White Earth Band of Ojibwe Indians for the tribe to provide all
1.15 human services and public assistance programs that are under the supervision of the
1.16 commissioner to tribal members who reside on the reservation. Grants may be issued to
1.17 the White Earth Band of Ojibwe Indians to support the project. The commissioner may
1.18 waive existing rules to support this project. The commissioner shall seek any federal
1.19 approvals necessary to carry out the project as well as seek and use any funds available to
1.20 the commissioner, including use of federal funds, foundation funds, existing grant funds,
1.21 and other funds. The commissioner is authorized to advance state funds as necessary to
1.22 operate the projects. Federal reimbursement applicable to the projects is appropriated to
1.23 the commissioner for purposes of the project.

2.1 (b) The commissioner shall redirect all funds provided to Mahnomen County for
2.2 these services, including administrative expenses, to the White Earth Band of Ojibwe
2.3 Indians.

2.4 (c) The commissioner, in consultation with the tribe, is authorized to determine
2.5 the process by which programs not currently provided by the White Earth Band will be
2.6 transferred to the tribe and which programs will be transferred to the tribe. In the case of
2.7 a dispute, a two-thirds vote of the tribal council to transfer a program to the tribe shall
2.8 overrule the decision of the commissioner.

2.9 (d) When the commissioner approves transfer of programs and the tribe assumes
2.10 responsibility under this section, Mahnomen County is relieved of responsibility for
2.11 providing program services to tribal members who live on the reservation while the tribal
2.12 project is in effect and funded.

2.13 (e) The tribe must comply with all reporting and record keeping requirements under
2.14 state and federal laws and rules.

2.15 Sec. 2. Minnesota Statutes 2010, section 256.045, subdivision 4a, is amended to read:

2.16 Subd. 4a. **Case management appeals.** (a) Any recipient of case management
2.17 services pursuant to section 256B.0625 or 256B.092, or personal care assistance services
2.18 under section 256B.0625, who contests the county agency's action, reduction, suspension,
2.19 denial, or termination of services, or failure to act in the provision of those services,
2.20 other than a failure to act with reasonable promptness or a suspension, reduction, denial,
2.21 or termination of services, must submit a written request for a ~~conciliation~~ conference
2.22 with the recipient's case worker and the county social service director or designee to the
2.23 county agency. The county agency shall inform the commissioner of the receipt of a
2.24 request when it is submitted and shall schedule a ~~conciliation~~ conference within 10 days of
2.25 receipt of the recipient's written request. The county agency shall notify the recipient, the
2.26 commissioner, and all interested persons of the time, date, and location of the ~~conciliation~~
2.27 conference. ~~The commissioner may assist the county by providing mediation services or~~
2.28 ~~by identifying other resources that may assist in the mediation between the parties. Within~~
2.29 ~~30~~ 15 days of the conference, the county agency shall ~~conduct the conciliation conference~~
2.30 ~~and~~ inform the recipient in writing of the action the county agency is going to take and
2.31 when that action will be taken and notify the recipient of the right to a hearing under this
2.32 subdivision. ~~The conciliation conference shall be conducted in a manner consistent with~~
2.33 ~~the commissioner's instructions.~~

2.34 (b) If the county fails to conduct the ~~conciliation~~ conference and issue its report
2.35 within 30 days, or, at any time up to 90 days after the ~~conciliation~~ conference is held,

3.1 a recipient may submit to the commissioner a written request for a hearing before a
3.2 state human services referee to determine whether case management services have been
3.3 provided in accordance with applicable laws and rules or whether the county agency has
3.4 assured that the services identified in the recipient's individual service plan have been
3.5 delivered in accordance with the laws and rules governing the provision of those services.
3.6 The state human services referee shall recommend an order to the commissioner, who
3.7 shall, in accordance with the procedure in subdivision 5, issue a final order within 60 days
3.8 of the receipt of the request for a hearing, unless the commissioner refuses to accept the
3.9 recommended order, in which event a final order shall issue within 90 days of the receipt
3.10 of that request. The order may direct the county agency to take those actions necessary to
3.11 comply with applicable laws or rules. The commissioner may issue a temporary order
3.12 prohibiting the demission of a recipient of case management services from a residential
3.13 or day habilitation program licensed under chapter 245A, while a county agency review
3.14 process or an appeal brought by a recipient under this subdivision is pending, or for the
3.15 period of time necessary for the county agency to implement the commissioner's order.
3.16 The commissioner shall not issue a final order staying the demission of a recipient of
3.17 case management services from a residential or day habilitation program licensed under
3.18 chapter 245A.

3.19 (c) Any recipient of case management services under section 256B.0625 or
3.20 256B.092, or personal care assistance services under section 256B.0625, must be informed
3.21 in writing at the time of application and at the time of any change in services of the
3.22 recipient's right to submit a written request to the county agency for a conference with
3.23 the case manager and the county social service director.

3.24 Sec. 3. Minnesota Statutes 2010, section 402A.10, subdivision 4, is amended to read:

3.25 Subd. 4. **Essential human services or essential services.** "Essential human
3.26 services" or "essential services" means assistance and services to recipients or potential
3.27 recipients of public welfare and other services delivered by counties or tribes that are
3.28 mandated in federal and state law that are to be available in all counties of the state.

3.29 Sec. 4. Minnesota Statutes 2009 Supplement, section 402A.10, subdivision 5, is
3.30 amended to read:

3.31 Subd. 5. **Service delivery authority.** "Service delivery authority" means a single
3.32 county, or group consortium of counties operating by execution of a joint powers
3.33 agreement under section 471.59 or other contractual agreement, that has voluntarily chosen
3.34 by resolution of the county board of commissioners to participate in the redesign under

4.1 this chapter or has been assigned by the commissioner pursuant to section 402A.18. A
 4.2 "service delivery authority" includes an Indian tribe or group of tribes that have voluntarily
 4.3 chosen by resolution of tribal government to participate in redesign under this chapter.

4.4 Sec. 5. Minnesota Statutes 2009 Supplement, section 402A.15, is amended to read:

4.5 **402A.15 STEERING COMMITTEE ON PERFORMANCE AND OUTCOME**
 4.6 **REFORMS.**

4.7 Subdivision 1. **Duties.** (a) The Steering Committee on Performance and Outcome
 4.8 Reforms shall develop a uniform process to establish and review performance and outcome
 4.9 standards for all essential human services based on the current level of resources available,
 4.10 and ~~to shall~~ develop appropriate reporting measures and a uniform accountability process
 4.11 for responding to a county's or ~~human~~ service delivery authority's failure to make adequate
 4.12 progress on achieving performance measures. The accountability process shall focus on
 4.13 the performance measures rather than inflexible implementation requirements.

4.14 (b) The steering committee shall:

4.15 (1) by November 1, 2009, establish an agreed-upon list of essential services;

4.16 (2) by February 15, 2010, develop and recommend to the legislature a uniform,
 4.17 graduated process, in addition to the remedies identified in section 402A.18, for responding
 4.18 to a county's failure to make adequate progress on achieving performance measures; and

4.19 (3) by December 15, 2012, for each essential service, make recommendations
 4.20 to the legislature regarding ~~(1)~~ (i) performance measures and goals based on those
 4.21 measures for each essential service, ~~(2)~~ and (ii) a system for reporting on the performance
 4.22 measures and goals, ~~and (3) appropriate resources, including funding, needed to achieve~~
 4.23 ~~those performance measures and goals. The resource recommendations shall take into~~
 4.24 ~~consideration program demand and the unique differences of local areas in geography and~~
 4.25 ~~the populations served. Priority shall be given to services with the greatest variation in~~
 4.26 ~~availability and greatest administrative demands.~~ By January 15 of each year starting
 4.27 January 15, 2011, the steering committee shall report its recommendations to the governor
 4.28 and legislative committees with jurisdiction over health and human services. As part of its
 4.29 report, the steering committee shall, as appropriate, recommend statutory provisions, rules
 4.30 and requirements, and reports that should be repealed or eliminated.

4.31 (c) As far as possible, the performance measures, reporting system, and funding
 4.32 shall be consistent across program areas. The development of performance measures shall
 4.33 consider the manner in which data will be collected and performance will be reported.
 4.34 The steering committee shall consider state and local administrative costs related to
 4.35 collecting data and reporting outcomes when developing performance measures. ~~The~~

5.1 ~~steering committee shall correlate the performance measures and goals to available levels~~
5.2 ~~of resources, including state and local funding.~~ The steering committee shall also identify
5.3 and incorporate federal performance measures in its recommendations for those program
5.4 areas where federal funding is contingent on meeting federal performance standards. The
5.5 steering committee shall take into consideration that the goal of implementing changes
5.6 to program monitoring and reporting the progress toward achieving outcomes is to
5.7 significantly minimize the cost of administrative requirements and to allow funds freed
5.8 by reduced administrative expenditures to be used to provide additional services, allow
5.9 flexibility in service design and management, and focus energies on achieving program
5.10 and client outcomes.

5.11 (d) In making its recommendations, the steering committee shall consider input from
5.12 the council established in section 402A.20. ~~The steering committee shall review the~~
5.13 ~~measurable goals established in a memorandum of understanding entered into under~~
5.14 ~~section 402A.30, subdivision 2, paragraph (b), and consider whether they may be applied~~
5.15 ~~as statewide performance outcomes.~~

5.16 (e) The steering committee shall form work groups that include persons who provide
5.17 or receive essential services and representatives of organizations who advocate on behalf
5.18 of those persons.

5.19 (f) By December 15, 2009, the steering committee shall establish a three-year
5.20 schedule for completion of its work. The schedule shall be published on the Department of
5.21 Human Services Web site and reported to the legislative committees with jurisdiction over
5.22 health and human services. In addition, the commissioner shall post quarterly updates on
5.23 the progress of the steering committee on the Department of Human Services Web site.

5.24 Subd. 2. **Composition.** (a) The steering committee shall include:

5.25 (1) the commissioner of human services, or designee, and two additional
5.26 representatives of the department;

5.27 (2) two county commissioners, representative of rural and urban counties, selected
5.28 by the Association of Minnesota Counties;

5.29 (3) two county directors of human services, representative of rural and urban
5.30 counties, selected by the Minnesota Association of County Social Service Administrators;
5.31 and

5.32 (4) three clients or client advocates representing different populations receiving
5.33 services from the Department of Human Services, who are appointed by the commissioner.

5.34 (b) The commissioner, or designee, and a county commissioner shall serve as
5.35 cochairs of the committee. The committee shall be convened within 60 days of May
5.36 15, 2009.

6.1 (c) State agency staff shall serve as informational resources and staff to the steering
6.2 committee. Statewide county associations may assemble county program data as required.

6.3 ~~(d) To promote information sharing and coordination between the steering committee
6.4 and council, one of the county representatives from paragraph (a), clause (2), and one of the
6.5 county representatives from paragraph (a), clause (3), must also serve as a representative
6.6 on the council under section 402A.20, subdivision 1, paragraph (b), clause (5) or (6).~~

6.7 Sec. 6. Minnesota Statutes 2009 Supplement, section 402A.18, is amended to read:

6.8 **402A.18 COMMISSIONER POWER TO REMEDY FAILURE TO MEET**
6.9 **PERFORMANCE OUTCOMES.**

6.10 Subdivision 1. **Underperforming county; specific service.** If the commissioner
6.11 determines that a county or service delivery authority is deficient in achieving minimum
6.12 performance outcomes for a specific essential service, the commissioner may impose the
6.13 following remedies and adjust state and federal program allocations accordingly:

6.14 (1) voluntary incorporation of the administration and operation of the specific
6.15 essential service with an existing service delivery authority or another county. A
6.16 service delivery authority or county incorporating an underperforming county shall
6.17 not be financially liable for the costs associated with remedying performance outcome
6.18 deficiencies;

6.19 (2) mandatory incorporation of the administration and operation of the specific
6.20 essential service with an existing service delivery authority or another county. A
6.21 service delivery authority or county incorporating an underperforming county shall
6.22 not be financially liable for the costs associated with remedying performance outcome
6.23 deficiencies; or

6.24 (3) transfer of authority for program administration and operation of the specific
6.25 essential service to the commissioner.

6.26 Subd. 2. **Underperforming county; more than one-half of service services.** If
6.27 the commissioner determines that a county or service delivery authority is deficient in
6.28 achieving minimum performance outcomes for more than one-half of the defined essential
6.29 service services, the commissioner may impose the following remedies:

6.30 (1) voluntary incorporation of the administration and operation of ~~the specific~~
6.31 essential service services with an existing service delivery authority or another county.
6.32 A service delivery authority or county incorporating an underperforming county shall
6.33 not be financially liable for the costs associated with remedying performance outcome
6.34 deficiencies;

7.1 (2) mandatory incorporation of the administration and operation of ~~the specific~~
 7.2 essential ~~service~~ services with an existing service delivery authority or another county.
 7.3 A service delivery authority or county incorporating an underperforming county shall
 7.4 not be financially liable for the costs associated with remedying performance outcome
 7.5 deficiencies; or

7.6 (3) transfer of authority for program administration and operation of ~~the specific~~
 7.7 essential ~~service~~ services to the commissioner.

7.8 Subd. 2a. **Financial responsibility of underperforming county.** A county subject
 7.9 to remedies under subdivision 1 or 2 shall provide to the entity assuming administration of
 7.10 the essential service or essential services the amount of nonfederal and nonstate funding
 7.11 needed to remedy performance outcome deficiencies.

7.12 Subd. 3. **Conditions prior to imposing remedies.** Before the commissioner may
 7.13 impose the remedies authorized under this section, the following conditions must be met:

7.14 (1) the county or service delivery authority determined by the commissioner
 7.15 to be deficient in achieving minimum performance outcomes has the opportunity, in
 7.16 coordination with the council, to develop a program outcome improvement plan. The
 7.17 program outcome improvement plan must be developed no later than six months from the
 7.18 date of the deficiency determination; and

7.19 (2) the council has conducted an assessment of the program outcome improvement
 7.20 plan to determine if the county or service delivery authority has made satisfactory
 7.21 progress toward performance outcomes and has made a recommendation about remedies
 7.22 to the commissioner. The ~~review~~ assessment and recommendation must be made to the
 7.23 commissioner within 12 months from the date of the deficiency determination.

7.24 Sec. 7. Minnesota Statutes 2009 Supplement, section 402A.20, is amended to read:

7.25 **402A.20 COUNCIL.**

7.26 Subdivision 1. **Council.** (a) The State-County Results, Accountability, and Service
 7.27 Delivery Redesign Council is established. Appointed council members must be appointed
 7.28 by their respective agencies, associations, or governmental units by November 1, 2009.
 7.29 The council shall be cochaired by the commissioner of human services, or designee, and a
 7.30 county representative from paragraph (b), clause (4) or (5), appointed by the Association
 7.31 of Minnesota Counties. Recommendations of the council must be approved by a majority
 7.32 of the voting council members. The provisions of section 15.059 do not apply to this
 7.33 council, and this council does not expire.

7.34 (b) The council must consist of the following members:

8.1 (1) two legislators appointed by the speaker of the house, one from the minority
8.2 and one from the majority;

8.3 (2) two legislators appointed by the Senate Rules Committee, one from the majority
8.4 and one from the minority;

8.5 (3) the commissioner of human services, or designee, and three employees from
8.6 the department;

8.7 (4) two county commissioners appointed by the Association of Minnesota Counties;

8.8 (5) two county representatives appointed by the Minnesota Association of County
8.9 Social Service Administrators;

8.10 (6) one representative appointed by AFSCME as a nonvoting member; and

8.11 (7) one representative appointed by the Teamsters as a nonvoting member.

8.12 (c) Administrative support to the council may be provided by the Association of
8.13 Minnesota Counties and affiliates.

8.14 (d) Member agencies and associations are responsible for initial and subsequent
8.15 appointments to the council.

8.16 Subd. 2. **Council duties.** The council shall:

8.17 (1) provide review of the service delivery redesign process, including proposed
8.18 memoranda of understanding to establish a service delivery authority to conduct and
8.19 administer experimental projects to test new methods and procedures of delivering
8.20 services;

8.21 ~~(2) certify, in accordance with section 402A.30, subdivision 4, the formation of~~
8.22 ~~a service delivery authority, including the memorandum of understanding in section~~
8.23 ~~402A.30, subdivision 2, paragraph (b);~~

8.24 ~~(3) ensure the consistency of the memorandum of understanding entered into~~
8.25 ~~under section 402A.30, subdivision 2, paragraph (b), with the performance standards~~
8.26 ~~recommended by the steering committee and enacted by the legislature;~~

8.27 ~~(4)~~ (2) ensure the consistency of the memorandum of understanding, to the extent
8.28 appropriate, ~~or~~ with other memorandum of understanding entered into by other service
8.29 delivery authorities;

8.30 (3) review and make recommendations on applications from a service delivery
8.31 authority for waivers of statutory or rule program requirements that are needed for
8.32 flexibility to determine the most cost-effective means of achieving specified measurable
8.33 goals in a redesign of human services delivery;

8.34 ~~(5)~~ (4) establish a process to take public input on the ~~service delivery framework~~
8.35 ~~specified in the memorandum of understanding in section 402A.30, subdivision 2,~~

9.1 ~~paragraph (b)~~ scope of essential services over which a service delivery authority has
 9.2 jurisdiction;

9.3 ~~(6)~~ (5) form work groups as necessary to carry out the duties of the council under the
 9.4 redesign;

9.5 ~~(7)~~ (6) serve as a forum for resolving conflicts among participating counties and
 9.6 tribes or between participating counties or tribes and the commissioner of human services,
 9.7 provided nothing in this section is intended to create a formal binding legal process;

9.8 ~~(8)~~ (7) engage in the program improvement process established in section 402A.18,
 9.9 subdivision 3; and

9.10 ~~(9)~~ (8) identify and recommend incentives for counties and tribes to participate in
 9.11 ~~human services~~ service delivery authorities.

9.12 Subd. 3. **Program evaluation.** By December 15, 2014, the council shall request
 9.13 consideration by the legislative auditor for a reevaluation under section 3.971, subdivision
 9.14 7, of those aspects of the program evaluation of human services administration reported
 9.15 in January 2007 affected by this chapter.

9.16 Sec. 8. **[402A.35] DESIGNATION OF SERVICE DELIVERY AUTHORITY.**

9.17 Subdivision 1. **Requirements for establishing a service delivery authority.**

9.18 (a) A county, tribe, or consortium of counties is eligible to establish a service delivery
 9.19 authority if:

9.20 (1) the county, tribe, or consortium of counties are:

9.21 (i) a single county with a population of 55,000 or more;

9.22 (ii) a consortium of counties with a total combined population of 55,000 or more;

9.23 (iii) a consortium of four or more counties in reasonable geographic proximity

9.24 without regard to population; or

9.25 (iv) one or more tribes with a total combined population of 25, 000 or more.

9.26 The council may recommend that the commissioner of human services exempt a
 9.27 single county, tribe, or multicounty consortium from the minimum population standard
 9.28 if the county, tribe, or group of counties can demonstrate that it can otherwise meet the
 9.29 requirements of this chapter.

9.30 (b) A service delivery authority shall:

9.31 (1) comply with current state and federal law, including any existing federal or state
 9.32 performance measures and performance measures under section 402A.15 when they are
 9.33 enacted into law, except where waivers are approved by the commissioner. Nothing
 9.34 in this subdivision requires the establishment of performance measures under section

10.1 402A.15 prior to a service delivery authority participating in the service delivery redesign
10.2 under this chapter;

10.3 (2) define the scope of essential services over which the service delivery authority
10.4 has jurisdiction;

10.5 (3) designate a single administrative structure to oversee the delivery of those
10.6 services included in a proposal for a redesigned service or services and identify a single
10.7 administrative agent for purposes of contact and communication with the department;

10.8 (4) identify the waivers from statutory or rule program requirements that are needed
10.9 to ensure greater local control and flexibility to determine the most cost effective means of
10.10 achieving specified measurable goals that the participating service delivery authority is
10.11 expected to achieve;

10.12 (5) set forth a reasonable level of targeted reductions in overhead and administrative
10.13 costs for each service delivery authority participating in the service delivery redesign; and

10.14 (6) set forth the terms under which a county or tribe may withdraw from participation.

10.15 (c) Once a county, a tribe, or consortium of counties establishes a service delivery
10.16 authority, no county or tribe that is a member of the service delivery authority may
10.17 participate as a member of any other service delivery authority. The service delivery
10.18 authority may allow an additional county, tribe, or counties to join the service delivery
10.19 authority subject to the approval of the council and the commissioner.

10.20 (d) Nothing in this chapter precludes local governments from utilizing sections
10.21 465.81 and 465.82 to establish procedures for local governments to merge, with the
10.22 consent of the voters. Nothing in this chapter limits the authority of a county board
10.23 or tribal council to enter into contractual agreements for services not covered by the
10.24 provisions of a memorandum of understanding establishing a service delivery authority
10.25 with other agencies or with other units of government.

10.26 Subd. 1a. **Relief from statutory requirements.** (a) Unless otherwise identified in
10.27 the memorandum of understanding, any county, tribe, or consortium of counties forming a
10.28 service delivery authority, is exempt from the provisions of sections 245.465; 245.4835;
10.29 245.4874; 245.492, subdivision 2; 245.4932; 256F.13; 256J.626, subdivision 2, paragraph
10.30 (b); and 256M.30.

10.31 (b) This subdivision does not prevent any county, tribe, or consortium of counties
10.32 forming a service delivery authority from requesting additional waivers from statutory and
10.33 rule requirements to ensure greater local control and flexibility.

10.34 Subd. 2. **Duties.** The service delivery authority shall:

11.1 (1) within the scope of essential services set forth in the memorandum of
11.2 understanding establishing the authority, carry out the responsibilities required of local
11.3 agencies under chapter 393 and human services boards under chapter 402;

11.4 (2) manage the public resources devoted to human services and other public services
11.5 delivered or purchased by the counties or tribes that are subsidized or regulated by the
11.6 Department of Human Services under chapters 245 to 261;

11.7 (3) employ staff to assist in carrying out its duties;

11.8 (4) develop and maintain a continuity of operations plan to ensure the continued
11.9 operation or resumption of essential human services functions in the event of any business
11.10 interruption according to local, state, and federal emergency planning requirements;

11.11 (5) receive and expend funds received for the redesign process under the
11.12 memorandum of understanding;

11.13 (6) plan and deliver services directly or through contract with other governmental,
11.14 tribal, or nongovernmental providers;

11.15 (7) rent, purchase, sell, and otherwise dispose of real and personal property as
11.16 necessary to carry out the redesign; and

11.17 (8) carry out any other service designated as a responsibility of a county.

11.18 **Subd. 3. Process for establishing a service delivery authority.** (a) The county,
11.19 tribe, or consortium of counties meeting the requirements of section 402A.30 and
11.20 proposing to establish a service delivery authority shall present to the council:

11.21 (1) in conjunction with the commissioner, a proposed memorandum of understanding
11.22 meeting the requirements of subdivision 1, paragraph (b), and outlining:

11.23 (i) the details of the proposal;

11.24 (ii) the state, tribal, and local resources, which may include but are not limited to
11.25 funding, administrative and technology support, and other requirements necessary for
11.26 the service delivery authority; and

11.27 (iii) the relief available to the service delivery authority if the resource commitments
11.28 identified in item (ii) are not met; and

11.29 (2) a board resolution from the board of commissioners of each participating county
11.30 stating the county's intent to participate, or in the case of a tribe, a resolution from tribal
11.31 government stating the tribe's intent in participate.

11.32 (b) After the council has considered and recommended approval of a proposed
11.33 memorandum of understanding, the commissioner may finalize and execute the
11.34 memorandum of understanding.

11.35 **Subd. 4. Commissioner authority to seek waivers.** The commissioner may use the
11.36 authority under section 256.01, subdivision 2, paragraph (1), to grant waivers identified as

12.1 part of a proposed service delivery authority under subdivision 1, paragraph (b), clause
12.2 (4), except that waivers granted under this section must be approved by the council under
12.3 section 402A.20 rather than the Legislative Advisory Committee.

12.4 Sec. 9. **REPEALER.**

12.5 Minnesota Statutes 2010, sections 402A.30; and 402A.45, are repealed.