

Sec. 5. EFFECTIVE DATE.

Sections 1 and 3 are effective the day following final enactment. Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), sections 2 and 4 are effective without local approval on the day following final enactment.

Approved June 1, 1981

CHAPTER 355 — H.F.No. 3

An act relating to public welfare; amending the community social services act; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; defining the county of financial responsibility for participants in long term sheltered workshops; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256D.18, Subdivisions 2 and 3; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, and 5 and by adding a subdivision; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivisions 4 and 11; and 261.27.

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

Section 1. Minnesota Statutes 1980, Section 256D.18, Subdivision 2, is amended to read:

Subd. 2. "County of financial responsibility" means (a) the county in which an individual resides; or (b) if an individual is a patient in a hospital or nursing home, as defined in sections 144.50, or 144A.01, or if an individual participates in a long-term sheltered workshop as defined in chapter 129A, or is placed in a county as a result of a correctional program or a treatment plan for health, rehabilitation, foster care, child care or training, at the time of making application, and immediately prior thereto resided in another county, then that other county.

Sec. 2. Minnesota Statutes 1980, Section 256D.18, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of subdivision 2, the county of financial responsibility shall not change as a result of successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training; nor as a result of placement in any

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correctional program; nor as a result of participation in a sheltered workshop as defined in chapter 129A.

Sec. 3. Minnesota Statutes 1980, Section 256E.03, Subdivision 2, is amended to read:

Subd. 2. "Community social services" means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services authorized by sections 245.61 to 245.691, 245.83 to 245.87, 252.21 to 252.27, subdivision 1, 254A.07, 254A.08, 254A.12, 254A.14, 260.251, subdivision 1a, 261.27 and 393.07, subdivision 1; provided or arranged for by county boards to fulfill the responsibilities prescribed in section 12 to the following groups of persons:

(a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;

(b) Persons who are under the guardianship of the commissioner of public welfare as dependent and neglected wards;

(c) Adults who are in need of protection and vulnerable as defined in section 626.557;

(d) Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(e) Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;

(f) Mentally retarded persons as defined in section 252A.02, subdivision 2 who are unable to provide for their own needs or to independently engage in ordinary community activities;

(g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs; and

(h) Other groups of persons who, in the judgment of the county board, are in need of social services.

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Sec. 4. Minnesota Statutes 1980, Section 256E.04, Subdivision 1, is amended to read:

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Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; and

(c) A statement of the relationship of the state social services plan to ~~comprehensive social, economic, physical, and environmental plans adopted by the regional development commissions and the metropolitan council, including the rationale for any differences;~~ and

(d) An evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category summary and analysis of all county biennial community social services plans.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Sec. 5. Minnesota Statutes 1980, Section 256E.05, Subdivision 2, is amended to read:

Subd. 2. **PLAN APPROVAL.** Within ~~30~~ 45 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 5 4, the commissioner shall certify whether the plan fulfills the purposes and requirements of section 256E.09, state and federal law and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

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Sec. 6. Minnesota Statutes 1980, Section 256E.05, Subdivision 3, is amended to read:

Subd. 3. **ADDITIONAL DUTIES.** The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise the portions of all applicable department rules as appropriate to accommodate sections 256E.01 to 256E.12 which mandate counties to provide specific community social services or programs, unless the law requires the commissioner to mandate a service or program; in addition to notice required pursuant to section 15.0411, the commissioner shall give to the chairman of each county board timely advance notice and fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services ~~programs~~ delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social ~~service programs~~ services and recommendations for changes needed to fully implement state social service policies; and

(f) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 7. Minnesota Statutes 1980, Section 256E.06, Subdivision 1, is amended to read:

Subdivision 1. **FORMULA.** The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year ~~1980~~ 1982 and thereafter:

(a) An amount equal to \$65.50 times One-third shall be distributed on the basis of the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in the calendar year 1979 two years prior to the year for which funds are being distributed as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare; and

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(b) Plus an amount equal to \$3.05 times One-third shall be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$26.75 times One-third shall be distributed on the basis of the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the State demographer.

(2) In calendar year 1981:

(a) An amount equal to \$69 times the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in calendar year 1979 as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare;

(b) Plus an amount equal to \$3.20 times the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$28.25 times the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

If the legislature appropriates for any biennium a greater or lesser amount than the amount determined according to this formula, the amount due to the counties based on the formula in clauses (a) to (c) shall be increased or decreased accordingly. The local effort required by subdivisions 4 and 5 and any reductions required by subdivisions 6 to 9 of section 256E.05, subdivision 2 shall be calculated on the basis of the amounts actually appropriated from year to year.

Sec. 8. Minnesota Statutes 1980, Section 256E.06, Subdivision 2, is amended to read:

Subd. 2. **MINIMUM FUNDING LEVEL; STATE AIDS.** No county shall receive less in state aids for community social services under subdivision 1 in calendar years 1980 and 1981 1982 and 1983 than 106 percent and 112 percent respectively of the amount of state money it received in calendar year 1978 for moneys earned in calendar year 1978 as authorized by Laws 1977, Chapter 453, Section 2 and as authorized by the 1979 regular session of the seventy-first legislature for the following activities: community mental health centers pursuant to sections 245.61 to 245.691 and 254A.07, except money authorized for programs serving native Americans pursuant to section 254A.031; developmental achievement centers pursuant to sections 252.21 to 252.261; day care services pursuant to sections 245.83 to 245.87, except money authorized in the official worksheets of the senate and house conferees for migrant labor day care; money authorized in the official worksheets of the senate and house conferees for detoxification programs pursuant to section

254A.08 and for half-way houses for chemically dependent persons; and money authorized for affected employees pursuant to section 254A.12 and for services to youth and other underserved populations pursuant to section 254A.14.

For purposes of this subdivision, 50 percent of the county administrative cost reimbursement authorized by Laws 1977, Chapter 453, Section 2, which was earned in calendar year 1978 is considered community social service money. of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of 1983, the state money the county received in 1982 shall be the community social service grant plus the state money it received for state fiscal year 1982 as authorized by the health, welfare, and corrections appropriations act for the biennium ending June 30, 1983 for the following activities: cost of care for mentally retarded, epileptic or emotionally handicapped children pursuant to section 252.27, subdivision 1; community mental health pilot program pursuant to section 245.72 and community-based residential programs for mentally ill persons.

The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. ~~For the first year following July 1, 1979, no county shall receive more than 130 percent of the amount received in 1978. If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.~~

If the amount allocated to any county pursuant to subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation shall be raised to its minimum share through an equal percentage reduction applied to all other county allocations.

Sec. 9. Minnesota Statutes 1980, Section 256E.06, Subdivision 5, is amended to read:

Subd. 5. **COMMUNITY SOCIAL SERVICE LEVY.** ~~In calendar year 1979 for taxes payable 1980, each county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 4 for community social service programs. In calendar year 1980 for taxes payable 1981~~ In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services at least equal to the amount determined in subdivision 4 subdivisions 1 and 2. Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be used by counties to match federal money.

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Sec. 10. Minnesota Statutes 1980, Section 256E.07, Subdivision 2, is amended to read:

Subd. 2. **TITLE XX TRAINING FUNDS.** The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. ~~In allocating~~ The commissioner may retain up to 15 percent of the title XX training money for administration, providing training to county and department staff, and statewide training projects. The commissioner shall allocate training money received from the federal government pursuant to title XX of the social security act, the commissioner shall, insofar as federal regulations allow, give preference to training or retraining county personnel in the administration of community social services to each county according to the following formula:

(a) 50 percent on the basis of the formula for the allocation of title XX funds described in section 256E.07, subdivision 1, clauses (a) and (b);

(b) 50 percent in accordance with the county's proportionate share of the total of all counties' federal earnings in federal fiscal year 1980.

Each county shall certify to the commissioner the amount of title XX training money, by category of allowable federal regulation, that it needs during the federal fiscal year. The certification shall demonstrate that the county has given priority to the training and retraining of personnel who administer services included in the comprehensive annual services program plan published by the commissioner.

If the total amount of money needed by a county is less than the money available, the commissioner shall reallocate the remainder using the same formula to those counties needing additional money. Any federal title XX training money unused after this reallocation shall be retained by the commissioner for statewide projects so that all available federal money is used within the federal fiscal year. The final allocation at the end of the federal fiscal year shall be according to the same formula.

A county may authorize the commissioner to use a portion of a county's allocation to pay for training activities specific to that county or to enter into specific contractual agreements on behalf of the county.

Sec. 11. Minnesota Statutes 1980, Section 256E.07, is amended by adding a subdivision to read:

Subd. 3. **PRIORITIES.** If any proposed federal block grant program affecting title XX funds becomes operative, the state shall, within the limits set by federal law, adopt the following priority when allocating funds: provide that in each calendar year 1982 and 1983, each county shall, for the purposes of providing the same or similar services, receive priority for an allocation of title XX funds that is equal to or greater than the amount received by the county in 1981.

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Sec. 12. Minnesota Statutes 1980, Section 256E.08, Subdivision 1, is amended to read:

Subdivision 1. **RESPONSIBILITIES.** The county board of each county shall be responsible for administration, planning and funding of community social services ~~programs~~. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan for ~~development and coordination of community social services programs~~ and shall update the plan biennially. Upon final approval of the ~~plan by the county board or boards, the plan shall be submitted to the commissioner.~~ The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services ~~programs~~.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for safety, health or well-being by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.

Sec. 13. Minnesota Statutes 1980, Section 256E.08, Subdivision 7, is amended to read:

Subd. 7. **COUNTY OF FINANCIAL RESPONSIBILITY.** Except for detoxification services, the county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral or approval of referral for services to another county by the county of financial responsibility. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reaching the age of 18, the county which initiated the treatment is the county of financial responsibility. When there is a dispute as to the county of financial responsibility, the county providing or arranging for services shall pay for them pending final determination of the county of residence. Disputes concerning the county of financial responsibility shall be settled in the manner prescribed in section 256D.18, subdivision 4. When the county board providing the care or service is not the county of the minor's legal residence, it has a claim for recovery of costs upon the county where the minor has residence. The county of financial responsibility for detoxification services is the county where the client is when the need for services is identified.

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Sec. 14. Minnesota Statutes 1980, Section 256E.08, Subdivision 9, is amended to read:

Subd. 9. **REDUCTION IN SERVICES PROHIBITED.** In calendar years ~~year 1980 and 1981~~ 1983 the county board shall not reduce the funding provided in calendar year ~~1979~~ 1982 for the following ~~services~~ service: child care, mental health, chemical dependency, and mental retardation services, including developmental achievement centers cost of care for mentally retarded, epileptic or emotionally handicapped children.

Sec. 15. Minnesota Statutes 1980, Section 256E.09, Subdivision 1, is amended to read:

Subdivision 1. **PLAN PROPOSAL.** Commencing in 1980, and every two years thereafter, the county board shall, ~~on or before May 1 of that year,~~ publish and make available upon request to all residents of the county a proposed biennial community social services plan.

Sec. 16. Minnesota Statutes 1980, Section 256E.09, Subdivision 3, is amended to read:

Subd. 3. **PLAN CONTENT.** The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) A statement describing how the county will fulfill its responsibilities identified in section 12 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

(e) The amount of money proposed to be allocated to each service;

(f) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

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(g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(h) Methods whereby community social service programs will be monitored and evaluated by the county.

Sec. 17. Minnesota Statutes 1980, Section 256E.09, is amended by adding a subdivision to read:

Subd. 6. PLAN AMENDMENT. After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit its amendment to the commissioner. He shall certify whether the amendment fulfills the purpose and requirements of law and the rules of the state agency.

Sec. 18. Minnesota Statutes 1980, Section 256E.10, is amended to read:

256E.10 PROGRAM EVALUATION.

Subdivision 1. COUNTY EVALUATION. Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than January 15 March 1 of each year and shall include:

(a) The number and type of recipients of each service; and

(b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

Subd. 2. STATEWIDE EVALUATION. At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.

At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

Sec. 19. Minnesota Statutes 1980, Section 256E.12, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically

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mentally ill persons. The commissioner shall promulgate temporary and permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, ~~1981~~ 1983 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, ~~1981~~ 1983.

Sec. 20. Minnesota Statutes 1980, Section 245.64, is amended to read:

245.64 FUNDS ALLOCATED.

In preparing the biennial plan prescribed in section ~~256E.05~~ 256E.09, the county board shall allocate available funds to the mental health programs in accordance with such approved plans and budgets. The county board may, from time to time during the year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The county board may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Sec. 21. Minnesota Statutes 1980, Section 245.66, is amended to read:

245.66 COMMUNITY MENTAL HEALTH CENTER BOARDS.

Every city, town, combination thereof or nonprofit corporation establishing a community mental health ~~services program~~ center under contract with a county board or human service board shall, before it may come within the provisions of sections 245.61 to 245.69 and receive funds from the county board or human service board, establish a community mental health center board. ~~When a combination of six or less political subdivisions establish a program, the board shall consist of at least nine members, but not more than twelve members, at the option of the selection committee. When seven or more political subdivisions establish a program the board shall consist of at least nine members, but not more than fifteen members, at the option of the selecting committee. When any city, county or town singly establishes a program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing body of the county or town. When the county contracts with a non profit corporation to operate the program, the corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine. When any combination of the political subdivisions herein enumerated estab-~~

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lishes a community mental health services program, the chief executive officer of each participating city and the chairman of the governing body of each participating county or town shall appoint two members to a selecting committee, which shall select the members of the board. Membership of The community mental health center boards shall ~~may~~ include at least one county commissioner ~~representative~~ representatives from each participating county and shall also be representative of local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. Nothing shall prevent a county of community mental health board from purchasing services from an agency outside the boundaries of the Minnesota economic development region Each community mental health center board shall be responsible for the governing of its center and shall be responsible for the performance of the center under any contracts entered into with a county board of commissioners or human services board. This governing shall include determination of the services to be provided by the community mental health center, establishment of the annual budget, appointment of the center director, and establishment of personnel standards and compensation for employees of the center.

Sec. 22. Minnesota Statutes 1980, Section 245.84, Subdivision 2, is amended to read:

Subd. 2. Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish an ~~experimental~~ a program to make grants to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate ~~temporary~~ rules to govern the ~~experimental~~ program in accordance with this subdivision. No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the procedures for applying for sliding fee program grants. No later than June 1 of each odd-numbered year, each county wishing to participate in the sliding fee program shall apply to the commissioner for a grant. No later than July 1 of that year, the commissioner shall allocate to all counties that apply and agree to comply with the provisions of sections 245.84 to 245.87 grants in the amounts determined by rule. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and make recommendations regarding making this program an integral part of the child care services administered by the counties. The experimental program shall expire no later than June 30, 1981 of each odd-numbered year of the effectiveness of the program.

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In addition to payments from parents, contributions to the cost of the program shall be made by grantees as follows: 5 percent in the first grant year, 15 percent in the second and subsequent grant year years.

The county board shall establish the income range for eligibility of families eligible for the sliding fee program, which shall be those having not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes families having income above the maximum allowable for Title XX fully subsidized child care but less than 70 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare; and (b) the maximum income range includes families having income above the maximum allowable for title XX fully subsidized child care but less than 90 percent of the state median income for a family of four adjusted for family size as that median appears in the then current title XX comprehensive annual services program plan issued by the state department of public welfare. Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.

In setting the sliding fee schedule, the commissioner shall exclude from the amount of income ~~specified in clause (a) of the preceding paragraph for determining used to determine~~ eligibility under the income range established by the county board an amount for federal and state income and social security taxes attributable to that ~~portion of income level~~ according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.

In each case where the grantee charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

The commissioner shall promulgate temporary and permanent rules in accordance with section 15.0412 to implement this section. No more than seven percent of any grant shall be used for the grantee's administration expenses.

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Sec. 23. Minnesota Statutes 1980, Section 245.84, Subdivision 5, is amended to read:

Subd. 5. The county shall biennially develop a plan for the distribution of funds for child care services as part of the community social services plan prescribed in section ~~256E.05~~ 256E.09. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

Sec. 24. Minnesota Statutes 1980, Section 252.21, is amended to read:

252.21 COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS CENTER SERVICES FOR THE MENTALLY RETARDED AND CEREBRAL PALSID.

In order to assist ~~in the establishment of developmental achievement centers for the mentally retarded and cerebral palsied~~ county boards in carrying out responsibilities for the provision of daytime developmental achievement center services for eligible persons, the county board or boards are hereby authorized ~~and directed~~ to make grants, within the limits of the money appropriated, to developmental achievement centers for the services to mentally retarded and cerebral palsied persons. In order to fulfill its responsibilities to the mentally retarded and cerebral palsied as required by section 12, a county board may, beginning January 1, 1983, contract with developmental achievement centers or other providers.

Sec. 25. Minnesota Statutes 1980, Section 252.24, Subdivision 1, is amended to read:

Subdivision 1. **SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.** The county board shall ~~select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose~~ administer developmental achievement services. The county board shall ensure that transportation is provided for persons who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center location and program which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime activities developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2.

Sec. 26. Minnesota Statutes 1980, Section 252.24, Subdivision 3, is amended to read:

Changes or additions are indicated by underline, deletions by strikeout.

Subd. 3. **PAYMENT PROCEDURE.** The board at the beginning of each year, shall allocate available funds to money for developmental achievement center programs services for disbursement during the year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if it determines that any amount of funds are not needed for any particular center to which they were allocated, it may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Sec. 27. Minnesota Statutes 1980, Section 252.24, Subdivision 4, is amended to read:

Subd. 4. **FEES.** The county board of directors of a developmental achievement center may, with the approval of the county board and the commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded or cerebral palsied person, his guardian or family to pay such a fee establish a schedule of fees for daytime developmental achievement services as provided in section 256E.08, subdivision 6. No mentally retarded or cerebral palsied person shall be denied participation in the activities of such a center daytime developmental achievement services because of an inability to pay such a fee.

Sec. 28. Minnesota Statutes 1980, Section 252.27, Subdivision 1, is amended to read:

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section ~~256D.18~~ 256E.08, subdivision 7. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. ~~The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated.~~ For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Sec. 29. Minnesota Statutes 1980, Section 252.27, Subdivision 2, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of \$125 ten percent of the cost of care per month. Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. ~~The commissioner~~ county board may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Sec. 30. Minnesota Statutes 1980, Section 254A.03, Subdivision 1, is amended to read:

Subdivision 1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs

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shall annually set their program goals and priorities and allocate funds in accordance with the comprehensive state plan;

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, ~~for the provision of comprehensive program services using federal funds, and state funds as authorized to pay for costs of state administration, including evaluation, statewide programs and services, research and demonstration projects, and American Indian programs;~~

(i) solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

(j) with respect to alcohol and other drug abuse programs serving the American Indian community, establish guidelines for the employment of personnel with considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the American Indian community.

Sec. 31. Minnesota Statutes 1980, Section 254A.05, Subdivision 1, is amended to read:

Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants of ~~federal money to county boards under section 254A.07~~ and contracts which use federal funds, and state funds as authorized under section 254A.03, subdivision 1, clause (h), and for American Indian chemical dependency programs authorized by section 254A.031.

Sec. 32. Minnesota Statutes 1980, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The county boards may make grants for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the American Indian community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided

directly by county boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs. With the approval of the county board, the state authority may make grants or contracts for research or demonstration projects specific to needs within that county.

Sec. 33. Minnesota Statutes 1980, Section 254A.08, Subdivision 1, is amended to read:

Subdivision 1. Every county board shall provide a detoxification ~~pro-~~gram services for drug dependent persons. The board may utilize existing treatment programs and other agencies to meet this responsibility.

Sec. 34. **REPEALERS.**

Minnesota Statutes 1980, Sections 245.67; 245.68; 252.26; 256E.06, Subdivisions 4 and 11; and 261.27 are repealed. Minnesota Statutes 1980, Section 245.72 is repealed effective January 1, 1983.

Sec. 35. **EFFECTIVE DATE.**

Sections 1 to 21, 23 to 27, and 29 to 34 are effective January 1, 1982. Section 22 is effective the day following final enactment. In 1981, the commissioner shall send notice of the availability of sliding fee program grants as soon as possible following the effective date. For counties applying for grants in 1981 under section 20 that have not received grants under Laws 1979, Chapter 307, the application deadline is June 8; the counties shall apply as soon as possible after the effective date of section 22 and the commissioner shall make grants in 1981 under section 22 no later than July 1. Section 28 is effective January 1, 1983.

Approved June 1, 1981

CHAPTER 356 — H.F.No. 1443

An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; creating a department of energy, planning and development; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning

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