

A bill for an act
relating to human services; modifying several MFIP and child care provisions;
amending Minnesota Statutes 2006, sections 119B.09, subdivision 1; 119B.12,
by adding a subdivision; 256J.24, subdivision 5; 256J.425, subdivisions 3, 4;
256J.49, subdivision 13; 256J.53, subdivision 2; repealing Minnesota Statutes
2006, sections 256B.0631; 256J.24, subdivision 6; 256J.37, subdivisions 3a, 3b.

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

Section 1. Minnesota Statutes 2006, section 119B.09, subdivision 1, is amended to read:

Subdivision 1. **General eligibility requirements for all applicants for child care assistance.** (a) Child care services must be available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

~~(1) have household income less than or equal to 250 percent of the federal poverty guidelines~~ 75 percent of the state median income, adjusted for family size, and meet the requirements of section 119B.05; or receive MFIP assistance; and are participating in employment and training services under chapter 256J or 256K; ~~or~~

~~(2) have household income less than or equal to 175 percent of the federal poverty guidelines, adjusted for family size, at program entry and less than 250 percent of the federal poverty guidelines, adjusted for family size, at program exit.~~

(b) Child care services must be made available as in-kind services.

(c) All applicants for child care assistance and families currently receiving child care assistance must be assisted and required to cooperate in establishment of paternity and enforcement of child support obligations for all children in the family as a condition of program eligibility. For purposes of this section, a family is considered to meet the

2.1 requirement for cooperation when the family complies with the requirements of section
2.2 256.741.

2.3 Sec. 2. Minnesota Statutes 2006, section 119B.12, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 3. **Co-payment fee for families with annual incomes that exceed the**
2.6 **federal poverty level.** The monthly family co-payment fee for families with annual
2.7 incomes greater than the federal poverty level, adjusted for family size, is determined
2.8 as follows.

2.9 (a) The family's annual gross income is converted into a percentage of state median
2.10 income (SMI) for a family of four, adjusted for family size, by dividing the family's annual
2.11 gross income by 100 percent of the SMI for a family of four, adjusted for family size. The
2.12 percentage must be carried out to the nearest 100th of a percent.

2.13 (b) If the family's annual gross income is less than or equal to 75 percent of the
2.14 SMI for a family of four, adjusted for family size, the family's monthly co-payment fee
2.15 is the fixed percentage established for the family's income range in clauses (1) to (60),
2.16 multiplied by the highest possible income within that income range, divided by 12, and
2.17 rounded to the nearest whole dollar.

2.18 (1) less than 35.01 percent of SMI – 2.20%

2.19 (2) 35.01 to 42.00 percent of SMI – 2.70%

2.20 (3) 42.01 to 43.00 percent of SMI – 3.75%

2.21 (4) 43.01 to 44.00 percent of SMI – 4.00%

2.22 (5) 44.01 to 45.00 percent of SMI – 4.25%

2.23 (6) 45.01 to 46.00 percent of SMI – 4.50%

2.24 (7) 46.01 to 47.00 percent of SMI – 4.75%

2.25 (8) 47.01 to 48.00 percent of SMI – 5.00%

2.26 (9) 48.01 to 49.00 percent of SMI – 5.25%

2.27 (10) 49.01 to 50.00 percent of SMI – 5.50%

2.28 (11) 50.01 to 50.50 percent of SMI – 5.75%

2.29 (12) 50.51 to 51.00 percent of SMI – 6.00%

2.30 (13) 51.01 to 51.50 percent of SMI – 6.25%

2.31 (14) 51.51 to 52.00 percent of SMI – 6.50%

2.32 (15) 52.01 to 52.50 percent of SMI – 6.75%

2.33 (16) 52.51 to 53.00 percent of SMI – 7.00%

2.34 (17) 53.01 to 53.50 percent of SMI – 7.25%

2.35 (18) 53.51 to 54.00 percent of SMI – 7.50%

3.1	<u>(19) 54.01 to 54.50 percent of SMI – 7.75%</u>
3.2	<u>(20) 54.51 to 55.00 percent of SMI – 8.00%</u>
3.3	<u>(21) 55.01 to 55.50 percent of SMI – 8.30%</u>
3.4	<u>(22) 55.51 to 56.00 percent of SMI – 8.60%</u>
3.5	<u>(23) 56.01 to 56.50 percent of SMI – 8.90%</u>
3.6	<u>(24) 56.51 to 57.00 percent of SMI – 9.20%</u>
3.7	<u>(25) 57.01 to 57.50 percent of SMI – 9.50%</u>
3.8	<u>(26) 57.51 to 58.00 percent of SMI – 9.80%</u>
3.9	<u>(27) 58.01 to 58.50 percent of SMI – 10.10%</u>
3.10	<u>(28) 58.51 to 59.00 percent of SMI – 10.40%</u>
3.11	<u>(29) 59.01 to 59.50 percent of SMI – 10.70%</u>
3.12	<u>(30) 59.51 to 60.00 percent of SMI – 11.00%</u>
3.13	<u>(31) 60.01 to 60.50 percent of SMI – 11.30%</u>
3.14	<u>(32) 60.51 to 61.00 percent of SMI – 11.60%</u>
3.15	<u>(33) 61.01 to 61.50 percent of SMI – 11.90%</u>
3.16	<u>(34) 61.51 to 62.00 percent of SMI – 12.20%</u>
3.17	<u>(35) 62.01 to 62.50 percent of SMI – 12.50%</u>
3.18	<u>(36) 62.51 to 63.00 percent of SMI – 12.80%</u>
3.19	<u>(37) 63.01 to 63.50 percent of SMI – 13.10%</u>
3.20	<u>(38) 63.51 to 64.00 percent of SMI – 13.40%</u>
3.21	<u>(39) 64.01 to 64.50 percent of SMI – 13.70%</u>
3.22	<u>(40) 64.51 to 65.00 percent of SMI – 14.00%</u>
3.23	<u>(41) 65.01 to 65.50 percent of SMI – 14.30%</u>
3.24	<u>(42) 65.51 to 66.00 percent of SMI – 14.60%</u>
3.25	<u>(43) 66.01 to 66.50 percent of SMI – 14.90%</u>
3.26	<u>(44) 66.51 to 67.00 percent of SMI – 15.20%</u>
3.27	<u>(45) 67.01 to 67.50 percent of SMI – 15.50%</u>
3.28	<u>(46) 67.51 to 68.00 percent of SMI – 15.80%</u>
3.29	<u>(47) 68.01 to 68.50 percent of SMI – 16.10%</u>
3.30	<u>(48) 68.51 to 69.00 percent of SMI – 16.40%</u>
3.31	<u>(49) 69.01 to 69.50 percent of SMI – 16.70%</u>
3.32	<u>(50) 69.51 to 70.00 percent of SMI – 17.00%</u>
3.33	<u>(51) 70.01 to 70.50 percent of SMI – 17.30%</u>
3.34	<u>(52) 70.51 to 71.00 percent of SMI – 17.60%</u>
3.35	<u>(53) 71.01 to 71.50 percent of SMI – 17.90%</u>
3.36	<u>(54) 71.51 to 72.00 percent of SMI – 18.20%</u>

- 4.1 (55) 72.01 to 72.50 percent of SMI – 18.50%
- 4.2 (56) 72.51 to 73.00 percent of SMI – 18.80%
- 4.3 (57) 73.01 to 73.50 percent of SMI – 19.10%
- 4.4 (58) 73.51 to 74.00 percent of SMI – 19.40%
- 4.5 (59) 74.01 to 74.50 percent of SMI – 19.70%
- 4.6 (60) 74.51 to 75.00 percent of SMI – 20.00%

4.7 Sec. 3. Minnesota Statutes 2006, section 256J.24, subdivision 5, is amended to read:

4.8 Subd. 5. **MFIP transitional standard.** (a) The MFIP transitional standard is based

4.9 on the number of persons in the assistance unit eligible for both food and cash assistance

4.10 unless the restrictions in subdivision 6 on the birth of a child apply. The following table

4.11 represents the transitional standards effective October 1, 2004.

4.12	Number of Eligible	Transitional		
4.13	People	Standard	Cash Portion	Food Portion
4.14	1	\$379:	\$250	\$129
4.15	2	\$675:	\$437	\$238
4.16	3	\$876:	\$532	\$344
4.17	4	\$1,036:	\$621	\$415
4.18	5	\$1,180:	\$697	\$483
4.19	6	\$1,350:	\$773	\$577
4.20	7	\$1,472:	\$850	\$622
4.21	8	\$1,623:	\$916	\$707
4.22	9	\$1,772:	\$980	\$792
4.23	10	\$1,915:	\$1,035	\$880
4.24	over 10	add \$142:	\$53	\$89

4.25 per additional member.

4.26 The commissioner shall annually publish in the State Register the transitional

4.27 standard for an assistance unit sizes 1 to 10 including a breakdown of the cash and food

4.28 portions.

4.29 (b) The commissioner shall increase the existing transitional standard by ten percent

4.30 effective July 1, 2007, to be distributed in the cash portion of the grant.

4.31 Sec. 4. Minnesota Statutes 2006, section 256J.425, subdivision 3, is amended to read:

4.32 Subd. 3. **Hard-to-employ participants.** An assistance unit subject to the time

4.33 limit in section 256J.42, subdivision 1, is eligible to receive months of assistance under

4.34 a hardship extension if the participant who reached the time limit belongs to any of the

4.35 following groups:

(1) a person who is diagnosed by a licensed physician, psychological practitioner, or other qualified professional, as developmentally disabled or mentally ill, and that condition prevents the person from obtaining or retaining unsubsidized employment;

(2) a person who:

(i) has been assessed by a vocational specialist or the county agency to be unemployable for purposes of this subdivision; or

(ii) has an IQ below 80 who has been assessed by a vocational specialist or a county agency to be employable, but not at a level that makes the participant eligible for an extension under subdivision 4. The determination of IQ level must be made by a qualified professional. In the case of a non-English-speaking person: (A) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; (B) the county may accept reports that identify an IQ range as opposed to a specific score; (C) these reports must include a statement of confidence in the results;

(3) a person who is determined by a qualified professional to be learning disabled, and the disability severely limits the person's ability to obtain, perform, or maintain suitable employment. For purposes of the initial approval of a learning disability extension, the determination must have been made or confirmed within the previous 12 months. In the case of a non-English-speaking person: (i) the determination must be made by a qualified professional with experience conducting culturally appropriate assessments, whenever possible; and (ii) these reports must include a statement of confidence in the results. If a rehabilitation plan for a participant extended as learning disabled is developed or approved by the county agency, the plan must be incorporated into the employment plan. However, a rehabilitation plan does not replace the requirement to develop and comply with an employment plan under section 256J.521; ~~or~~

(4) a person who has been granted a family violence waiver, and who is complying with an employment plan under section 256J.521, subdivision 3; or

(5) a participant who falls under section 256J.561, subdivision 2, paragraph (d), who is complying with an employment plan tailored to recognize the special circumstances of the caregivers and family, including limitations due to illness or disability, and caregiving needs.

Sec. 5. Minnesota Statutes 2006, section 256J.425, subdivision 4, is amended to read:

Subd. 4. **Employed participants.** (a) An assistance unit subject to the time limit under section 256J.42, subdivision 1, is eligible to receive assistance under a hardship extension if the participant who reached the time limit belongs to:

(1) a one-parent assistance unit in which the participant is participating in work activities for at least 30 hours per week, ~~of which an average of at least 25 hours per week every month are spent participating in employment;~~

(2) a two-parent assistance unit in which the participants are participating in work activities for at least 55 hours per week, ~~of which an average of at least 45 hours per week every month are spent participating in employment;~~ or

(3) an assistance unit in which a participant is participating in employment for fewer hours than those specified in clause (1) or (2), and the participant submits verification from a qualified professional, in a form acceptable to the commissioner, stating that the number of hours the participant may work is limited due to illness or disability, as long as the participant is participating in employment for at least the number of hours specified by the qualified professional. The participant must be following the treatment recommendations of the qualified professional providing the verification. The commissioner shall develop a form to be completed and signed by the qualified professional, documenting the diagnosis and any additional information necessary to document the functional limitations of the participant that limit work hours. If the participant is part of a two-parent assistance unit, the other parent must be treated as a one-parent assistance unit for purposes of meeting the work requirements under this subdivision.

~~(b) For purposes of this section, employment means:~~

~~(1) unsubsidized employment under section 256J.49, subdivision 13, clause (1);~~

~~(2) subsidized employment under section 256J.49, subdivision 13, clause (2);~~

~~(3) on-the-job training under section 256J.49, subdivision 13, clause (2);~~

~~(4) an apprenticeship under section 256J.49, subdivision 13, clause (1);~~

~~(5) supported work under section 256J.49, subdivision 13, clause (2);~~

~~(6) a combination of clauses (1) to (5); or~~

~~(7) child care under section 256J.49, subdivision 13, clause (7), if it is in combination with paid employment.~~

~~(c)~~ If a participant is complying with a child protection plan under chapter 260C, the number of hours required under the child protection plan count toward the number of hours required under this subdivision.

~~(d)~~ (c) The county shall provide the opportunity for subsidized employment to participants needing that type of employment within available appropriations.

~~(e)~~ (d) To be eligible for a hardship extension for employed participants under this subdivision, a participant must be in compliance for at least ten out of the 12 months the participant received MFIP immediately preceding the participant's 61st month on assistance. If ten or fewer months of eligibility for TANF assistance remain at the time the

participant from another state applies for assistance, the participant must be in compliance every month.

~~(f)~~ (e) The employment plan developed under section 256J.521, subdivision 2, for participants under this subdivision must contain at least the minimum number of hours specified in paragraph (a) for the purpose of meeting the requirements for an extension under this subdivision. The job counselor and the participant must sign the employment plan to indicate agreement between the job counselor and the participant on the contents of the plan.

~~(g)~~ (f) Participants who fail to meet the requirements in paragraph (a), without good cause under section 256J.57, shall be sanctioned or permanently disqualified under subdivision 6. Good cause may only be granted for that portion of the month for which the good cause reason applies. Participants must meet all remaining requirements in the approved employment plan or be subject to sanction or permanent disqualification.

~~(h)~~ (g) If the noncompliance with an employment plan is due to the involuntary loss of employment, the participant is exempt from the hourly employment requirement under this subdivision for one month. Participants must meet all remaining requirements in the approved employment plan or be subject to sanction or permanent disqualification. This exemption is available to each participant two times in a 12-month period.

Sec. 6. Minnesota Statutes 2006, section 256J.49, subdivision 13, is amended to read:

Subd. 13. **Work activity.** "Work activity" means any activity in a participant's approved employment plan that leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

(1) unsubsidized employment, including work study and paid apprenticeships or internships;

(2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69, on-the-job training as specified in section 256J.66, the self-employment investment demonstration program (SEID) as specified in section 256J.65, paid work experience, and supported work when a wage subsidy is provided;

(3) unpaid work experience, including community service, volunteer work, the community work experience program as specified in section 256J.67, unpaid apprenticeships or internships, and supported work when a wage subsidy is not provided. Unpaid work performed in return for cash assistance is prohibited and does not count as a work activity, unless the participant voluntarily agrees, in writing, to engage in

unpaid work in return for cash assistance. The participant may terminate the unpaid work arrangement, in writing, at any time;

(4) job search including job readiness assistance, job clubs, job placement, job-related counseling, and job retention services;

(5) job readiness education, including English as a second language (ESL) or functional work literacy classes as limited by the provisions of section 256J.531, subdivision 2, general educational development (GED) course work, high school completion, and adult basic education as limited by the provisions of section 256J.531, subdivision 1;

(6) job skills training directly related to employment, including education and training that can reasonably be expected to lead to employment, as limited by the provisions of section 256J.53;

(7) providing child care services to a participant who is working in a community service program;

(8) activities included in the employment plan that is developed under section 256J.521, subdivision 3; and

(9) preemployment activities including chemical and mental health assessments, treatment, and services; learning disabilities services; child protective services; family stabilization services; or other programs designed to enhance employability.

Sec. 7. Minnesota Statutes 2006, section 256J.53, subdivision 2, is amended to read:

Subd. 2. **Approval of postsecondary education or training.** ~~(a) In order for a postsecondary education or training program to be an approved activity in an employment plan, the participant must be working in unsubsidized employment at least 20 hours per week.~~

~~(b)~~ Participants seeking approval of a postsecondary education or training plan must provide documentation that:

(1) the employment goal can only be met with the additional education or training;

(2) there are suitable employment opportunities that require the specific education or training in the area in which the participant resides or is willing to reside;

(3) the education or training will result in significantly higher wages for the participant than the participant could earn without the education or training;

(4) the participant can meet the requirements for admission into the program; and

(5) there is a reasonable expectation that the participant will complete the training program based on such factors as the participant's MFIP assessment, previous education, training, and work history; current motivation; and changes in previous circumstances.

9.1 ~~(c) The hourly unsubsidized employment requirement does not apply for intensive~~
9.2 ~~education or training programs lasting 12 weeks or less when full-time attendance is~~
9.3 ~~required.~~

9.4 ~~(d)~~ (b) Participants with an approved employment plan in place on July 1, 2003,
9.5 which includes more than 12 months of postsecondary education or training shall be
9.6 allowed to complete that plan provided that hourly requirements in section 256J.55,
9.7 subdivision 1, and conditions specified in paragraph (b), and subdivisions 3 and 5 are met.
9.8 A participant whose case is subsequently closed for three months or less for reasons other
9.9 than noncompliance with program requirements and who returns to MFIP shall be allowed
9.10 to complete that plan provided that hourly requirements in section 256J.55, subdivision 1,
9.11 and conditions specified in paragraph (b) and subdivisions 3 and 5 are met.

9.12 Sec. 8. **REPEALER.**

9.13 Minnesota Statutes 2006, sections 256B.0631; 256J.24, subdivision 6; and 256J.37,
9.14 subdivisions 3a and 3b, are repealed.