
 CHAPTER 331—S.F.No.1334

An act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1976, Section 246.51, is amended to read:

246.51 MENTALLY RETARDED, EPILEPTIC AND EMOTIONALLY HANDICAPPED CHILDREN; PAYMENT FOR CARE AND TREATMENT; DETERMINATION. The commissioner shall make ~~such~~ investigation as ~~he~~ deems necessary ~~and to~~ determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If ~~the commissioner finds that~~ the patient is unable to pay the full cost of care ~~he~~ the commissioner shall make a determination as to the ability of the relatives to pay ~~provided;~~ However, ~~that~~ in no case shall the relatives, unless they reside outside the state, be ordered to pay more for ~~each patient~~ than ten percent of the cost of care for each patient ~~but~~ not to exceed \$60 \$125 per month ~~but~~. Voluntary payments in excess thereof of \$125 per month may be accepted by the commissioner. ~~In the case of nonresident parents of children receiving care in state hospitals in Minnesota;~~ The commissioner may require payment of the full per capita cost of caring care in state hospitals for such patients children whose parents or guardians do not reside in Minnesota. No parent shall be liable for the cost of care given a patient at a state hospital after ~~such~~ the patient has reached the age of 18 years. ~~Such~~ The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as ~~hereinafter~~ provided in section 246.55. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept ~~thereof~~ of it. Responsibility under this section shall not apply to those relatives earning having gross earnings of less than \$4,000 \$11,000 per year.

Sec. 2. Minnesota Statutes 1976, Section 252.27, Subdivision 1, is amended to read:

252.27 COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION. Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is caared for in 24 hour care outside the home and outside the ~~several~~ state institutions, in a facility approved licensed by the commissioner of public welfare, the cost of such care shall be paid by the county in which such child has settlement for poor relief purposes; of financial responsibility determined pursuant to section 256D.18. If the child does child's parents or guardians do not have a settlement reside in this state, such the cost shall be paid by the county in which ~~he~~ the child is found. The county paying the costs of such care and treatment shall, subject to uniform regulations established rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of such the costs from funds made available for this purpose by the legislature; ~~provided; however, that such.~~ Reimbursement shall cease

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~~upon when~~ the mentally retarded, epileptic or emotionally handicapped child ~~reaching 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 is in need of requires 24 hour treatment or supervision.

Sec. 3. Minnesota Statutes 1976, Section 252.27, Subdivision 2, is amended to read:

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. Reimbursement by the parents and child Parents shall be responsible made to reimburse the county making such any payments; ~~on the same basis as if the child were in a state institution for the mentally retarded, epileptic or emotionally handicapped, as provided in sections 246.51 to 246.52 except that this provision is not applicable to mentally retarded, epileptic, or emotionally handicapped children 18 years of age and older for care and treatment. The commissioner 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 246.55.~~

Sec. 4. The commissioner is authorized to promulgate an emergency rule to implement sections 1 to 3.

Sec. 5. This act is effective July 1, 1977.

Approved May 27, 1977. .

CHAPTER 332—S.F.No.1489

[Coded in Part]

An act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding a section; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

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

Section 1. **STATE GOVERNMENT; SEMI-STATE ACTIVITIES; APPROPRIATIONS.** The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1977", "1978", and "1979", wherever used in this act, mean that the appropriation or

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