

grain. Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used. All arrow heads used for big game hunting shall be kept sharp.

Approved March 22, 1982

CHAPTER 553 — H.F.No. 1690

An act relating to public welfare; establishing foster care maintenance payments by the state; requiring the commissioner of public welfare to promulgate rules which establish a state goal for the reduction of the number of children in residential facilities for more than 24 months; requiring the commissioner of public welfare to comply with the requirements of Title IV-E of the federal Social Security Act in order to obtain adoption assistance funds for eligible children; expanding the eligibility for medical assistance to include children receiving foster care maintenance payments or adoption assistance under Title IV-E of the federal Social Security Act; authorizing the transfer of funds; amending Minnesota Statutes 1980, Sections 256.82; 257.071, by adding a subdivision; and 259.40, Subdivisions 2, 3, and 10; Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended.

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

Section 1. Minnesota Statutes 1980, Section 256.82, is amended to read:

Subdivision 1. MONTHLY PAYMENTS. Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to 70 percent of the difference between the total estimated cost and the federal funds so available for payments made after December 31, 1979 and before January 1, 1981, and 85 percent of the difference for payments made after December 31, 1980. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Subd. 2. FOSTER CARE MAINTENANCE PAYMENTS. Notwithstanding subdivision 1, for the purposes of foster care maintenance payments under Title IV-E of the federal Social Security Act, 42 U.S.C. Sections 670 to 676, during the biennium ending June 30, 1983, the county paying the maintenance costs shall be reimbursed for the costs from those federal funds available for that purpose together with an amount of state funds equal to a percentage of the difference between the total cost and the federal funds made available for payment. This percentage shall not exceed the percentage specified in subdivi-

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sion 1 for the aid to families with dependent children program. In the event that the state appropriation for this purpose is less than the state percentage set in subdivision 1, the reimbursement shall be rateably reduced to the county.

Sec. 2. Minnesota Statutes 1980, Section 257.071, is amended by adding a subdivision to read:

Subd. 5. RULES; CHILDREN IN RESIDENTIAL FACILITIES. The commissioner of public welfare shall promulgate all rules necessary to carry out the provisions of Public Law 96-272 as regards the establishment of a state goal for the reduction of the number of children in residential facilities beyond 24 months.

Sec. 3. Minnesota Statutes 1980, Section 259.40, Subdivision 2, is amended to read:

Subd. 2. SUBSIDY AGREEMENT. The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When parents are found and approved for placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, there must be a written agreement in accordance with the rules promulgated by the commissioner, between the parent or parents entering into the subsidized adoption and the placing agency, clearly setting forth the responsibilities of all parties and the duration and the terms of the subsidy agreement. The agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for medical, dental, and surgical expenses, psychiatric and psychological expenses, maintenance costs, and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement. The amount of the subsidy may in no case exceed that which would be allowable for the child under foster family care.

Sec. 4. Minnesota Statutes 1980, Section 259.40, Subdivision 3, is amended to read:

Subd. 3. ANNUAL AFFIDAVIT. When subsidies are for more than one year, the adoptive parents or guardian or conservator shall annually present an affidavit stating whether the adopted child remains under their care and whether the need for subsidy continues to exist. The commissioner may verify the affidavit. The subsidy agreement shall continue in accordance with its terms as long as the need for subsidy continues and the child remains the legal dependent of the adoptive parent or parents or guardian or conservator. Termination or modification of the subsidy agreement may be requested by the adoptive parents or subsequent guardian or conservator at any time. When the commissioner determines that a child is eligible for adoption assistance under Title IV-E of the Social Security Act, 42 U.S.C. Sections 670 to 676, the commissioner shall modify the subsidy agreement in order to obtain the funds under that act.

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Sec. 5. Minnesota Statutes 1980, Section 259.40, Subdivision 10, is amended to read:

Subd. 10. **RULES.** The commissioner of public welfare shall promulgate ~~temporary rules to implement this section no later than March 15, 1980 necessary to implement this section and to comply with the adoption assistance requirements of the Social Security Act to qualify for funds available under the act.~~

Sec. 6. Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 32, and Laws 1981, Third Special Session Chapter 3, Section 17, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, 42 U.S.C. Sections 670 to 676; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, 42 U.S.C. Sections 670 to 676; or

(4) (3) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; or

(2) (4) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) (5) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) (6) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) (7) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) (8) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) (9) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two

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contiguous lots in a platted or laid out city or town or 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

~~(8)~~ (10) Who individually does not own more than \$2,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$4,000 in cash or liquid assets, plus \$200 for each additional legal dependent. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

~~(9)~~ (11) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

~~(10)~~ (12) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional

care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) (13) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 7. [259.405] TRANSFER OF FUNDS.

The commissioner of public welfare is authorized to transfer funds from the dependent or neglected ward account into the subsidized adoption account when a deficit in the subsidized adoption program occurs. The amount of the transfer shall not exceed 50 percent of the dependent or neglected ward account.

Sec. 8. EFFECTIVE DATE.

Sections 1 to 7 are effective the day following final enactment.

Approved March 22, 1982

CHAPTER 554 — H.F.No. 1698

An act relating to public welfare; delaying the duty of the commissioner of administration to sell certain land and buildings; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

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

Section 1. Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5, is amended to read:

Subd. 5. Mental Health	146,855,000	146,157,300
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The commissioner of public welfare may fill up to 120 human services technician positions in the state hospitals in addition to the approved complement specified in this sub-

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