

The conveyance shall be in a form approved by the attorney general.

**Sec. 2. SALE OF CERTAIN FOREST LAND.**

Notwithstanding Minnesota Statutes, sections 94.09 to 94.16 or any other law to the contrary, the commissioner of natural resources may sell by private sale for a consideration not less than the commissioner's appraised value excluding improvements, to James Cady of Peterson, Minnesota, a certain 5.3 acres of state forest land in the east half of the northeast quarter of the southwest quarter, the northwest quarter of the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of section 32, township 104 north, range 8 west, Fillmore County, Minnesota, described in the department of natural resources survey, sheet 116, file FO-735.

**Sec. 3. EFFECTIVE DATE.**

This act is effective the day following final enactment. Section 2 expires one year after enactment.

Approved April 25, 1984

---

**CHAPTER 530 — H.F.No. 1920**

*An act relating to public welfare; establishing payments for respite care of children who are mentally retarded, have epilepsy, or are emotionally handicapped; establishing a statewide fee schedule for parental cost of care; amending Minnesota Statutes 1982, sections 246.511; 252.27, subdivisions 1 and 2; and Minnesota Statutes 1983 Supplement, section 256B.14, subdivision 2.*

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

Section 1. Minnesota Statutes 1982, section 246.511, is amended to read:

**246.511 RELATIVE RESPONSIBILITY.**

In no case, shall a patient's relatives, pursuant to the commissioner's authority under section 246.51, be ordered to pay more than ten percent of the cost of care, unless they reside outside the state. Parents of children in state hospitals shall have their responsibility to pay determined according to section 252.27, subdivision 2. The commissioner may accept voluntary payments in excess of ten percent. The commissioner may require full payment of the full per capita cost of care in state hospitals for patients whose parent, parents, spouse, guardian or conservator do not reside in Minnesota.

Sec. 2. Minnesota Statutes 1982, section 252.27, subdivision 1, is amended to read:

Subdivision 1. Whenever any child who is ~~mentally retarded, epileptic or emotionally handicapped~~ has mental retardation, epilepsy, or a physical or

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

emotional handicap is in 24 hour care outside the home and ~~outside the state institutions including respite care~~, 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 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. 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. 3. Minnesota Statutes 1982, section 252.27, subdivision 2, is amended to read:

Subd. 2. Responsibility of the parents for the cost of care shall be based upon ability to pay. ~~The county board may establish a schedule of fees in accordance with section 256E.08, subdivision 6, The state agency shall adopt rules~~ to determine responsibility of the parents for the cost of care when:

(a) Insurance or other health care benefits pay some but not all of the cost of care; and

(b) No insurance or other health care benefits are available.

Parents who have more than one child in out-of-home care shall not be required to pay more than the amount for one child in out-of-home care. In no event shall the parents be required to pay more than five percent of their income as defined in section 290A.03, subdivision 3. There shall be no resource contribution from the parents.

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 county board may require payment of the full cost of caring for children whose parents or guardians do not reside in this state.

To the extent that a child described in subdivision 1 is eligible for benefits under chapters 62A, 62C, 62D, 62E, or 64A, the county is not liable for the cost of care. A parent or legal guardian who discontinues payment of health insurance premiums, subscriber fees or enrollment fees for a child who is otherwise eligible for those benefits is ineligible for payment of the cost of care of that child under this section.

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. 4. Minnesota Statutes 1983 Supplement, section 256B.14, subdivision 2, is amended to read:

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

Subd. 2. **ACTIONS TO OBTAIN PAYMENT.** The state agency shall promulgate rules to determine the ability of responsible relatives to contribute partial or complete repayment of medical assistance furnished to recipients for whom they are responsible. In determining the resource contribution of a spouse at the time of the first medical assistance application, all medical assistance exclusions shall be allowed, and a resource limit of \$10,000 for nonexcluded resources shall be implemented. Above these limits, a contribution of one-third of the excess resources shall be required. These rules shall not require repayment when payment would cause undue hardship to the responsible relative or his or her immediate family. These rules shall be consistent with the requirements of section 252.27, subdivision 2, for parents of children whose eligibility for medical assistance was determined without deeming of the parents' resources and income. For parents of children receiving services under a federal medical assistance waiver while living in their natural home, including in-home family support services, respite care, homemaker services, and minor adaptations to the home, the state agency shall take into account the room, board, and services provided by the parents in determining the parental contribution to the cost of care. The county agency shall give the responsible relative notice of the amount of the repayment. If the state agency or county agency finds that notice of the payment obligation was given to the responsible relative, but that the relative failed or refused to pay, a cause of action exists against the responsible relative for that portion of medical assistance granted after notice was given to the responsible relative, which the relative was determined to be able to pay.

The action may be brought by the state agency or the county agency in the county where assistance was granted, for the assistance, together with the costs of disbursements incurred due to the action.

In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing contributions by a responsible relative found able to repay the county or state agency. The order shall be effective only for the period of time during which the recipient receives medical assistance from the county or state agency.

Approved April 25, 1984

---

#### CHAPTER 531 — H.F.No. 1946

*An act relating to the governor; transferring the authority to make certain appointments to various commissioners; providing for filling a membership vacancy on a board reoccurring within three months after the vacancy has been filled; amending Minnesota Statutes 1982, sections 1.35; 15.0575, by adding a subdivision; 16.71, subdivision 1; 182.656, subdivision 1; and 326.33, subdivision 1; Minnesota Statutes 1983 Supplement, sections 16.911, subdivision 1; 116E.02, subdivision 1; and 299B.05, subdivision 1; repealing Minnesota Statutes 1982, section 116E.02, subdivision 2.*

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