

- (3) conforms to military specifications for appearance and identification;
- (4) is intended to represent and does represent a military trailer; and
- (5) carries registration plates on or in the trailer or the collector military vehicle towing the trailer.

Sec. 6. Minnesota Statutes 1984, section 169.73, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section "private passenger vehicle" means a four wheeled passenger automobile as defined in section 168.011, but does not include a collector vehicle or collector military vehicle as defined in section 168.10, a station wagon or other multipurpose vehicle or a truck with a manufacturer's rated capacity of 2,000 pounds or less. "Suspension system" includes both the front and rear wheels and tires of a vehicle as specified in subdivision 3.

Approved March 19, 1986

CHAPTER 337—S.F.No. 2079

An act relating to human services; creating a service for the blind and visually handicapped in the department of jobs and training; providing for appeals; providing a penalty; amending Minnesota Statutes 1985 Supplement, sections 13.46, subdivision 2; 248.07, subdivisions 1, 2, 3, 4, 5, 7, 12, 14, 14a, and 15; proposing coding for new law in Minnesota Statutes, chapters 13 and 248; repealing Minnesota Statutes 1985 Supplement, section 248.08.

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

Section 1. Minnesota Statutes 1985 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. **GENERAL.** (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;

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(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of ~~economic security jobs and training~~ for the purpose of monitoring the eligibility of the data subject for unemployment compensation ~~or~~, for any employment or training program administered by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons; or

(11) data maintained by residential facilities as defined in section 245.782, subdivision 6, may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person.

(b) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 2. [13.791] REHABILITATION DATA.

Subdivision 1. GENERAL. Unless the data is summary data or is otherwise classified by statute or federal law, all data collected and maintained by the department of jobs and training that pertain to individuals applying for or receiving rehabilitation services is private data on individuals.

Subd. 2. HARMFUL DATA. Medical, psychological, or other rehabilitation data that the commissioner of jobs and training determines may be harmful to the individual shall not be released directly to the individual but must be provided through the individual's legal representative, a physician, or a licensed psychologist.

Sec. 3. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 1, is amended to read:

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Subdivision 1. **COOPERATION.** It shall be the duty of the commissioner of jobs and training, referred to in this section and sections ~~248.08 and 248.085~~ and 13 as the commissioner, to ~~cooperate with state and local boards and agencies, both public and private, in preventing loss of sight, in alleviating the condition of blind persons and persons of failing sight, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social, and civic well being~~ develop and administer programs serving the needs of blind and visually handicapped persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a distinct organizational unit to be known as services for the blind and visually handicapped, separate from the vocational rehabilitation unit and with its own activity budget, within the department of jobs and training to provide and coordinate services to the blind.

Sec. 4. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 2, is amended to read:

Subd. 2. **STATISTICS.** The commissioner shall collect statistics of the blind, ~~including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired~~ concerning blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information necessary to carry out the commissioner's duties and responsibilities with respect to blind and visually handicapped persons.

Sec. 5. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 3, is amended to read:

Subd. 3. **SPECIAL ATTENTION.** The commissioner shall give special attention to the cases of handicapped youth who are eligible to attend the Minnesota Braille and sight-saving school state academy for the blind, the Minnesota ~~school~~ state academy for the deaf, or the public school classes for handicapped children, but are not in attendance thereat, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Sec. 6. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 4, is amended to read:

Subd. 4. **VOCATIONAL TRAINING.** The commissioner shall endeavor to secure for the adult blind of the state and youths of legal working age such vocational training, labor, and employment as may be adapted to their respective capacity, and shall so far as may be feasible aid such persons in securing any provisions which may be made by the school for the blind or other state agencies for the betterment of their lot. When vocational training under the division of vocational rehabilitation is secured, such aid may take the form of payments for the maintenance of persons in training, under rules to be adopted by the commissioner either provide or assist blind and visually handicapped persons in

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obtaining vocational training and employment and shall aid such persons in obtaining services and benefits to which they may be entitled from public and private agencies. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in his opinion would be suitable and practical for him in accordance with rules adopted by the commissioner under section 248.07, subdivision 14a.

Sec. 7. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 5, is amended to read:

Subd. 5. **AIDS.** The commissioner shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) ~~by aid in marketing the products of their labors; by any other practicable means of improving their social, economic, or educational condition; and~~ (4) by care and relief for blind persons who are not capable of self-support; and, (5) ~~in any other practicable means of alleviating their condition by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually handicapped persons that are difficult to obtain elsewhere. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision are subject to section 268.0121, subdivision 5.~~

Sec. 8. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 7, is amended to read:

Subd. 7. **BLIND, VENDING STANDS AND MACHINES ON GOVERNMENTAL PROPERTY.** Notwithstanding any other law, for the rehabilitation of blind persons the commissioner shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by any department of the state of Minnesota except the department of natural resources properties operated directly by the Division of State Parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include soft drinks, (except 3.2 beer), milk, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner of ~~human services~~. The commissioner may waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.

Sec. 9. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 12, is amended to read:

Subd. 12. **REIMBURSEMENT OUT OF STATE DISTRIBUTION OF**

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BRILLE AND TALKING BOOKS SPECIAL MATERIALS. The commissioner shall obtain reimbursement from other states for the estimated cost of providing radio signals, programming, and radio receivers for the blind and for production and handling of Braille books and talking books, audio tapes, and related services for the blind distributed by the department of jobs and training to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement. All money received hereunder shall be paid to the state treasurer and placed in the general fund.

Sec. 10. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 14, is amended to read:

Subd. 14. **TRAINING OF WORKERS FOR REHABILITATION OF BLIND.** From funds provided by the state or the United States for the rehabilitation of blind persons, the commissioner may make provision for:

(1) Specialized supplementary training of professional workers employed by services for the blind, which shall consist of selected courses of study designed to improve worker techniques in providing assistance with adjustment to blindness, guidance, training and vocational placement services to blind children and adults;

(2) The employment of student trainees enrolled in graduate school programs. Such trainees to be employed on a ~~one-third time~~ part-time basis during the regular school term and on a full-time basis during the extra school term. Student trainees shall not be counted against the regular staff complement ~~and shall not exceed eight in number employed concurrently.~~

Sec. 11. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 14a, is amended to read:

Subd. 14a. **RULES.** The commissioner shall, ~~no later than February 1, 1985,~~ adopt rules to set standards for the provision of rehabilitative services to blind and visually handicapped persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15, and include specific requirements for timely responses by the agency.

Sec. 12. Minnesota Statutes 1985 Supplement, section 248.07, subdivision 15, is amended to read:

Subd. 15. **APPEALS FROM AGENCY ACTION.** An applicant for or recipient of rehabilitation service who is dissatisfied with an agency's action with regard to the furnishing or denial of services may:

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(1) File a request for an administrative review and redetermination of that action to be made by the commissioner.

(2) If further appeal is deemed necessary by the applicant or recipient, his grievance shall be considered and relief if any recommended by an appeal committee. The committee shall be composed of one person nominated by the applicant or recipient, one person nominated by the agency, and a third person nominated jointly by the applicant or recipient and the agency. If the third person cannot be mutually agreed upon within ten days of the applicant's or recipient's request for a committee hearing, the judge of the district court in the applicant's or recipient's county of residence shall make the third appointment file a request for administrative review and fair hearing in accordance with the Code of Federal Regulations, title 34, section 361.48, and rules adopted under subdivision 14a.

Sec. 13. [248.11] RECOUPMENT OF SERVICES AND EQUIPMENT.

Subdivision 1. ERRONEOUS PAYMENTS. If a recipient receives monetary assistance as a rehabilitation service from services for the blind and visually handicapped in excess of that to which the recipient is entitled by law, services for the blind and visually handicapped shall, as soon as it discovers the amount of the erroneous payment, notify the recipient to return the same in accordance with rules adopted by the commissioner. Unless the recipient files an appeal under section 248.07, subdivision 15, within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, the determination of overpayment shall be considered final. If the recipient files a timely appeal, the determination shall not be considered final until the recipient's administrative appeal remedies are exhausted. Services for the blind and visually handicapped may recoup overpayments considered final under this subdivision by deducting the amount or a part of the overpayment from future monetary assistance payments to the recipient or by civil action in the name of the commissioner. Overpayments made more than three years prior to discovery of the error are not recoverable under this subdivision.

Subd. 2. RECOVERY OF EQUIPMENT. If a recipient retains equipment to which services for the blind and visually handicapped has title after the recipient's right to possess the equipment has expired, services for the blind and visually handicapped shall notify the recipient to return the same or execute a new lease to the equipment if the equipment is still necessary to the recipient's rehabilitation. Unless the recipient returns the equipment, executes and complies with a new lease to the equipment or appeals under section 248.07, subdivision 15 within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, services for the blind and visually handicapped may institute a civil action to recover the equipment or the reasonable value of the equipment.

Sec. 14. REPEALER.

Minnesota Statutes 1985 Supplement, section 248.08, is repealed.

Approved March 19, 1986

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