

PUBLIC WELFARE 256.01

Services provided and clients served qualifying for federal reimbursement shall be financed totally out of state and federal matching funds; services provided and clients served not qualifying for federal reimbursement shall be financed one half from state revenues and one half from local revenues appropriated from the county funds. All clients shall purchase services in accordance with the regulations promulgated by the department of public welfare.

[1973 c 572 s 8]

254A.09 Confidentiality of records

The department of public welfare shall assure confidentiality to individuals who are the subject of research by the state authority or treatment by an approved treatment program. The commissioner shall withhold from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individual unless the individual gives written permission that information relative to his treatment and recovery may be discussed with a prospective employer by either an approved treatment program staff member or a qualified employment counselor. Persons so authorized to protect the privacy of such individuals may not be compelled in any federal, state or local, civil, criminal, administrative or other proceeding to identify or disclose other confidential information about such individuals.

[1973 c 572 s 16]

254A.10 Rules and regulations

The commissioner of public welfare, pursuant to the administrative procedures act, shall promulgate rules to implement Laws 1973, Chapter 572.

[1973 c 572 s 17]

CHAPTER 256. PUBLIC WELFARE

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256.01 Commissioner of public welfare; powers, duties

[For text of subd. 1, see M.S.1971]

Subd. 2. Specific powers. Subject to the provisions of Minnesota Statutes 1967, Section 241.021, Subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and such other welfare activities or services as may from time to time be vested in the commissioner. Nothing herein shall transfer from the veterans home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

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(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children, as defined in section 250.02, in facilities other than those located and available at state hospitals when it is not feasible to provide such service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules and regulations making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise such additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feeble-minded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(9) All the powers and duties vested in or imposed upon the director of public institutions with reference to the Minnesota state sanatorium are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare shall appoint the superintendent of the Minnesota state sanatorium, but shall not have the power to fix his salary.

(10) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(11) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(12) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by county welfare boards for medical, dental,

surgical, hospital, nursing and nursing home care and medicine and medical supplies under the medical assistance program.

(13) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory committee and filed with the commissioner of administration.

(14) In accordance with federal requirements establish procedures to be followed by county welfare boards in creating citizen advisory committees including procedures for selection of committee members.

[1973 c 540 s 4; 1973 c 717 s 12]

[For text of subds. 3 to 10, see M.S.1971]

256.11 [Repealed, 1973 c 717 s 33]

256.12 Definitions

Subd. 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1973 c 717 s 33]

Subd. 4. [Repealed, 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 717 s 33]

Subd. 8. [Repealed, 1973 c 717 s 33]

[For text of subd. 9, see M.S.1971]

Subd. 10. State agency. As used in sections 256.72 to 256.87, the term "state agency" means the commissioner of public welfare in the department of public welfare.

[1973 c 717 s 13]

Subd. 11. [Repealed, 1973 c 717 s 33]

Subd. 12. [Repealed, 1973 c 717 s 33]

Subd. 13. [Repealed, 1973 c 717 s 33]

[For text of subd. 14, see M.S.1971]

Subd. 15. Continued absence from the home. "Continued absence from the home," as used in sections 256.72 to 256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an inmate of a penal institution or a fugitive after escape therefrom, or absence from the home by the parent for a period believed to be, and declared by applicant to be, of a continuous duration together with failure on

the part of the absent parent to support the child, provided that prior to the granting of such aid all reasonable efforts have been made to secure support for such child.

[1973 c 191 s 1]

Subd. 16. [Repealed, 1973 c 717 s 33]

Subd. 17. [Repealed, 1973 c 717 s 33]

[For text of subds. 18 and 19, see M.S.1971]

256.13 [Repealed, 1973 c 717 s 33]

256.14 [Repealed, 1973 c 717 s 33]

256.15 [Repealed, 1973 c 717 s 33]

256.16 [Repealed, 1973 c 717 s 33]

256.17 [Repealed, 1973 c 717 s 33]

256.18 [Repealed, 1973 c 717 s 33]

256.19 [Repealed, 1973 c 717 s 33]

256.20 [Repealed, 1973 c 717 s 33]

256.21 [Repealed, 1973 c 717 s 33]

256.22 [Repealed, 1973 c 717 s 33]

256.23 [Repealed, 1973 c 717 s 33]

256.26 Old age assistance; release of liens

Subd. 1. [Repealed, 1973 c 717 s 33]

Subd. 2. [Repealed, 1973 c 717 s 33]

Subd. 3. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 4. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 8. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 9. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 10. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

Subd. 11. [Repealed, 1973 c 78 s 2; 1973 c 717 s 33]

(NOTE: Laws 1973, Chapter 78, Section 1, reads as follows:

"Section 1. [Old age assistance; liens; release.] All liens and claims in

favor of the state arising under Minnesota Statutes 1971, Section 256.26, Subdivisions 3 to 11, are hereby released, satisfied, and discharged.")

256.27 [Repealed, 1973 c 717 s 33]

256.28 [Repealed, 1973 c 717 s 33]

256.29 [Repealed, 1973 c 717 s 33]

256.30 [Repealed, 1973 c 717 s 33]

256.32 [Repealed, 1973 c 717 s 33]

256.33 [Repealed, 1973 c 717 s 33]

256.34 [Repealed, 1973 c 717 s 33]

256.35 [Repealed, 1973 c 717 s 33]

256.36 [Repealed, 1973 c 717 s 33]

256.38 [Repealed, 1973 c 717 s 33]

256.39 [Repealed, 1973 c 717 s 33]

256.40 [Repealed, 1973 c 717 s 33]

256.41 [Repealed, 1973 c 717 s 33]

256.42 [Repealed, 1973 c 717 s 33]

256.43 [Repealed, 1973 c 717 s 33]

AID TO DISABLED PERSONS

256.451 [Repealed, 1973 c 717 s 33]

256.452 [Repealed, 1973 c 717 s 33]

256.453 [Repealed, 1973 c 717 s 33]

256.454 [Repealed, 1973 c 717 s 33]

256.455 [Repealed, 1973 c 717 s 33]

- 256.456 [Repealed, 1973 c 717 s 33]
 256.457 [Repealed, 1973 c 717 s 33]
 256.458 [Repealed, 1973 c 717 s 33]
 256.459 [Repealed, 1973 c 717 s 33]
 256.461 [Repealed, 1973 c 717 s 33]

256.462 Applicability of other laws; recovery for assistance furnished; transfer of assistance; change of residence; individual consideration

Subd. 1. [Repealed, 1973 c 717 s 33]

[For text of subd. 2, see M.S.1971]

Subd. 3. Recovery of assistance furnished; apportionment. When any amount shall be recovered from any source for assistance furnished under the provisions of any public assistance program, there shall be paid to the United States the amount which shall be due under the terms of the social security act, and the balance thereof shall be paid into the treasuries of the state and county, substantially in the proportion in which they respectively contributed toward the total assistance paid. The amount due the respective participating units of government shall be determined by rule and regulation adopted by the commissioner of public welfare pursuant to a formula of reimbursement prescribed or authorized by the federal social security administration.

[1973 c 717 s 14]

Subd. 4. [Repealed, 1973 c 717 s 33]

Subd. 5. [Repealed, 1973 c 717 s 33]

Subd. 6. [Repealed, 1973 c 717 s 33]

Subd. 7. [Repealed, 1973 c 717 s 33]

- 256.463 [Repealed, 1973 c 717 s 33]
 256.464 [Repealed, 1973 c 717 s 33]
 256.465 [Repealed, 1973 c 717 s 33]
 256.466 [Repealed, 1973 c 717 s 33]
 256.467 [Repealed, 1973 c 717 s 33]
 256.468 [Repealed, 1973 c 717 s 33]
 256.469 [Repealed, 1973 c 717 s 33]
 256.471 [Repealed, 1973 c 717 s 33]
 256.472 [Repealed, 1973 c 717 s 33]
 256.473 [Repealed, 1973 c 717 s 33]
 256.474 [Repealed, 1973 c 717 s 33]
 256.475 [Repealed, 1973 c 717 s 33]

COMMISSION FOR THE HANDICAPPED [New]

256.481 Commission for the handicapped; handicapped person; definition

For the purposes of sections 256.481 to 256.483 "handicapped person" means one who, because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of our society.

[1973 c 757 s 1]

256.482 Minnesota commission for the handicapped

Subdivision 1. Establishment; members. There is hereby established the commission for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen commission members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. The commissioners of the departments of education, public welfare and manpower services, and the executive officer of the state board of health, shall serve ex officio, with-

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out a vote, on the commission, or shall designate a representative to the commission. In addition, there shall be ex officio representation, without vote, from the division of vocational rehabilitation of the department of education, from the division of mental retardation services and services for the blind section of the department of public welfare and from other divisions and sections which are directly concerned with services for handicapped persons. There shall be at least one member of the commission appointed from each of the state development regions.

Each member of the commission shall serve a six year term and until his successor is appointed and qualifies, provided that of the initial members appointed, ten shall serve for two years, ten for four years and ten for six years, as designated by the governor. The governor shall appoint a chairman of the commission from among the members appointed from the general public or handicapped persons or their parents or guardians. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

Subd. 2. Executive director; staff. The commission may select an executive director of the commission by a vote of a majority of all commission members. The executive director shall be in the unclassified service of the state and shall act as secretary to the commission and shall perform such other duties as the commission may require of him. The commission shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director. Salaries for the executive director and staff shall be established in the manner prescribed by chapter 15A, and the executive director shall be reimbursed for all actual and necessary expenses incurred as a result of his commission responsibilities.

Subd. 3. Receipt of funds. Whenever any person, firm or corporation offers to the commission funds by the way of gift, grant or loan, for purposes of assisting the commission to carry out its powers and duties, the commission may accept such offer by majority vote and upon such acceptance the chairman shall receive such funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 4. Organization; councils and committees. The commission shall organize itself in conformity with its responsibilities under sections 256.481 to 256.483 and shall establish councils and committees which shall give detailed attention to the special needs of each category of handicapped persons. The members of such councils and committees shall be designated by the chairman with the approval of a majority of the commission and each council or committee shall have members from, and in approximately the same ratio as, the three groups represented on the commission. Councils established shall include a council on employment which shall carry out the duties and responsibilities formerly entrusted to the governor's commission on employment of handicapped persons, and a council on children which shall carry out the duties and responsibilities related to handicapped children formerly entrusted to the Minnesota advisory board on handicapped, gifted and exceptional children.

Subd. 5. Duties and powers. The commission shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons.

Subd. 6. Meetings; compensation. The commission shall meet at least once every three months to conduct its business and give direction to the activities of the executive director and staff. Commission members shall serve without pay except that they may be reimbursed for actual and necessary expenses incurred in the discharge of their official duties.

[1973 c 757 s 2]

256.483 Transfer of functions

Subdivision 1. Commission and board abolished. All the powers, duties and functions relating to handicapped persons and handicapped children heretofore imposed upon and vested in the governor's commission on employment of handicapped persons, established by section 4.08, and the Minnesota advisory board on handicapped, gifted and exceptional children, established by section 121.34, are hereby transferred to, imposed upon and vested in the commission for the handicapped. The governor's commission on employment of handicapped persons and the Minnesota advisory board on handicapped, gifted and exceptional children are hereby abolished.

Subd. 2. Powers continued. The commission for the handicapped to which functions are assigned and transferred in subdivision 1 shall be deemed and held to constitute a continuation of the commission and board abolished in subdivision 1 as to matters within the jurisdiction of said board and commission and transferred to the commission for the handicapped, and not a new authority for the purpose of succession to all transferred rights, powers, duties and obligations of the former board and commission as constituted at the time of such assignment or transfer with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

Subd. 3. Pending proceedings. Any proceeding, court action, prosecution, or other business or matter relating to the handicapped which is undertaken or commenced prior to July 1, 1973 by the board or commission abolished in subdivision 1 still pending July 1, 1973 may be conducted and completed by the commission for the handicapped in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former board or commission prior to said transfer.

Subd. 4. Transfer of property. The heads of the board and commission abolished in subdivision 1 shall transfer and deliver to the commission for the handicapped all contracts, books, maps, plans, papers, records, and property of every description within their jurisdiction or control which relates to the handicapped. The commission for the handicapped is hereby authorized to take possession of said property.

Subd. 5. Transfer of funds. All unexpended funds appropriated to the board and commission abolished in subdivision 1 for the purposes of any of their functions, powers, or duties which are transferred by sections 256.481 to 256.483 to the commission for the handicapped are hereby transferred to such commission.

[1973 c 757 s 3]

AID TO NEEDY BLIND

256.49 [Repealed, 1973 c 717 s 33]

256.50 [Repealed, 1973 c 717 s 33]

256.51 [Repealed, 1973 c 717 s 33]

256.515 [Repealed, 1973 c 717 s 33]

256.52 [Repealed, 1973 c 717 s 33]

256.53 [Repealed, 1973 c 717 s 33]

256.57 PUBLIC WELFARE

- 256.54 [Repealed, 1973 c 717 s 33]
- 266.55 [Repealed, 1973 c 717 s 33]
- 256.56 [Repealed, 1973 c 717 s 33]
- 256.57 [Repealed, 1973 c 717 s 33]
- 256.58 [Repealed, 1973 c 717 s 33]
- 256.59 [Repealed, 1973 c 717 s 33]
- 256.60 [Repealed, 1973 c 717 s 33]
- 256.61 [Repealed, 1973 c 717 s 33]
- 256.62 [Repealed, 1973 c 717 s 33]
- 256.63 [Repealed, 1973 c 717 s 33]
- 256.64 [Repealed, 1973 c 717 s 33]
- 256.65 [Repealed, 1973 c 574 s 2]
- 256.66 [Repealed, 1973 c 717 s 33]
- 256.67 [Repealed, 1973 c 717 s 33]
- 256.69 [Repealed, 1973 c 717 s 33]
- 256.70 [Repealed, 1973 c 717 s 33]
- 256.71 [Repealed, 1973 c 717 s 33]

256.73 Assistance, recipients

Subdivision 1. Dependent children. Assistance shall be given under sections 256.72 to 256.87 to or on behalf of any dependent child who:

- (1) Resides in Minnesota;
- (2) Is living in a suitable home conducted by a family having as far as practicable the same religious faith as the family of the child and meeting the standards of care and health fixed by the laws of this state and rules and regulations of the state agency thereunder.

[1973 c 26 s 4]

[For text of subd. 2, see M.S.1971]

Subd. 3. [Repealed, 1973 c 717 s 33]

[For text of subd. 4, see M.S.1971]

256.873 Employer's duty; remittance of amount withheld

The support money shall be withheld by the employer of said person obligated to pay the support and the amount withheld shall be remitted quarterly to the public agency providing support to said dependent child. Any amount so received in excess of the amount of public assistance expended for said child shall be further remitted to the person entitled thereto. No employer may discharge, suspend or otherwise penalize any employee by reason of the fact that the employer must withhold the support money.

[1973 c 122 s 1; 1973 c 715 s 1]

256.935 Funeral expenses, payment by county agency; prepaid funeral contracts, effect upon eligibility for public assistance

Subdivision 1. On the death of any person receiving public assistance through aid to dependent children, the county agency shall pay an amount for funeral expenses not exceeding \$370 and actual cemetery charges. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which the deceased resided, shall not limit payment by the county agency as herein authorized. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any

amount paid for funeral expenses shall be a prior claim against the estate, as provided in section 524.44, and any amount recovered shall be reimbursed to the agency which paid the expenses. The state shall reimburse the county for 50 percent of any payments made for funeral expenses.

Subd. 2. In determining eligibility for public assistance through aid to families with dependent children, or medical assistance, a prepaid funeral contract not in excess of \$750 per person, plus accrued interest of not more than \$200, shall not be considered as resources or assets and may be owned in addition to other property.

[1973 c 717 s 15]

256.976 Foster grandparents program

Subdivision 1. There is established a foster grandparents program which will engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare, and related fields to persons receiving care in resident group homes for dependent and neglected persons, day care centers or other public or private nonprofit institutions or agencies providing care for neglected and disadvantaged persons who lack close personal relationships.

[1973 c 302 s 1]

[For text of subd. 2, see M.S.1971]

Subd. 3. The governor's citizen council on aging, hereinafter called the council, may make grants-in-aid for the employment of foster grandparents to qualified resident group homes for dependent and neglected persons, day care centers and other public or nonprofit private institutions and agencies providing care for neglected and disadvantaged persons who lack close personal relationships. Agencies and institutions seeking aid shall apply on a form prescribed by the council. Priority shall be given to agencies and institutions providing care for retarded children. Grants shall not be made to local public or nonprofit agencies until 40 percent of the recognized need for foster grandparents within state institutions has been met. Grants shall be for a period of 12 months or less, and grants to local public and nonprofit agencies or institutions shall be based on 90 percent state, and 10 percent local sharing of program expenditures authorized by the council. Grants shall not be used to match other state funds nor shall any person paid from grant funds be used to replace any staff member of the grantee. Grants may be used to match federal funds. Each grantee shall file a semiannual report with the council at the time and containing such information as the council shall prescribe.

[1973 c 302 s 2]

[For text of subd. 4, see M.S.1971]

256.98 Wrongfully obtaining assistance; theft

Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the county agency with intent to defeat the purposes of Minnesota Statutes 1971, sections 256.451 to 256.475, 256.13 to 256.43, 256.49 to 256.71, 256.72 to 256.87, or chapter 256B, shall be guilty of theft and punished in accordance with section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of any assistance paid incorrectly by way of the aforementioned means and established by judicial determination shall be recoverable from the recipient or his estate by the county as a debt due the county. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863.

[1973 c 348 s 1; 1973 c 717 s 16]