

MINNESOTA STATUTES 1977 SUPPLEMENT

PUBLIC WELFARE 256.482

CHAPTER 256. PUBLIC WELFARE

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256.01 Commissioner of public welfare; powers, duties.

[For text of subds 1 to 10, see M.S.1976]

Subd. 11. The state agency may establish a system for the centralized disbursement of (1) assistance payments to recipients of aid to families with dependent children, (2) emergency assistance payments to needy families with dependent children as defined in Minnesota Statutes 1976, Section 256.12, and (3) the benefit documents for food stamp recipients. The state agency shall adopt rules and set guidelines for the operation of the statewide system. If required by federal law or regulations promulgated thereunder, or by state law, or by rule of the state agency, each county shall pay to the state treasurer that portion of assistance for which the county is responsible. The commissioner shall designate the date on which a centralized disbursement system shall be established in any designated geographic area in the state and after that date sections 256.81, clause (2); 256.82; and 256.871, subdivision 1, shall be superseded by this section as to any county agency in the designated area. Federal funds available for administrative reimbursement shall be disbursed between the state and local welfare agencies on the same basis that reimbursements are earned.

[1977 c 400 s 1]

256.482 Council for the handicapped.

Subdivision 1. **Establishment; members.** There is hereby established the council for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen council 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 economic security, and the executive officer of the state board of health, shall serve ex officio, without a vote, on the council, or shall designate a representative to the council. In addition, there shall be ex officio representation, without vote, from the programs serving mentally retarded persons and from the programs serving blind persons in the department of public welfare and from other programs which are directly concerned with services for handicapped persons. There shall be at least one member of the council appointed from each of the state development regions.

The governor shall appoint a chairman of the council from among the members appointed from the general public or handicapped persons or their parents or guardians. The council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

[For text of subds 2 to 4, see M.S.1976]

Subd. 5. **Duties and powers.** The council 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;

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(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;

(6) To advise the department of labor and industry and the state board of education on the administration and improvement of the worker's compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) To advise the workers' compensation division of the department of labor and industry and the workers' compensation court of appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 176.137.

[1977 c 177 s 2; 1977 c 430 s 14]

NOTE: For effective date of subdivision 1, as amended by Laws 1977, Chapter 430, Section 14, see Laws 1977, Chapter 430, Section 28, Subdivision 2.

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 otherwise eligible; the child shall not be denied aid because of conditions of the home in which the child resides.

Subd. 2. **Allowance barred by ownership of property.** The ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Net equity in real estate used as a home which exceeds \$15,000; provided that real estate used as a home in excess of this amount will not be a bar to eligibility where the county welfare board determines that such real estate is not available for support of the family or the sale of such real estate would cause undue hardship.

(2) Personal property of a reasonable market value in excess of \$300 for a one child recipient or \$500 for more than one child recipient, exclusive of personal property used as the home, one automobile the market value of which does not exceed \$1,650, insurance carried by a parent which does not exceed a cash surrender value of \$500, clothing and necessary household furniture and equipment, the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved by the county agency in accordance with the rules and regulations of the commissioner of public welfare, and such property that produces a net income applicable to the family's needs; or

(3) Real estate not used as a home which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price shall not be a bar to an allowance under sections 256.72 to

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256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

Subd. 3a. **Persons ineligible.** No assistance shall be given under sections 256.72 to 256.87 on behalf of any person who is receiving supplemental security income under title XVI of the social security act unless permitted by federal regulations.

Subd. 4. **Residence, county of financial responsibility.** The county of financial responsibility for the payment of assistance under sections 256.72 to 256.87 shall be the county in which the child is residing at the time of application for the assistance.

[For text of subd 5, see M.S.1976]

Subd. 6. **Reports by recipient.** Each recipient shall complete reports as requested by the local or state agency. All net earned or unearned income not specifically disregarded by the social security act, the code of federal regulations, or state law, rules and regulations, shall be income applicable to the budgetary needs of the family. If any amount of aid to families with dependent children assistance is paid to a recipient thereof in excess of the payment due it shall be recoverable by the local agency. If the agency notifies the recipient in writing of an overpayment due solely to local agency error within three months after the overpayment, the agency may commence recovery of the overpayment during the year after the notification is received by the recipient. The written notice shall inform the recipient of the agency's intention to recover the overpayment. The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section 256.045.

[1977 c 412 s 1,3-5; 1977 c 448 s 5]

NOTE: Subdivision 2 was also amended by Laws 1977, Chapter 412, Section 2, to read as follows:

"Subd. 2. **Allowance barred by ownership of property.** The ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Real estate used as a home the market value of which less encumbrances exceeds \$7,500; provided that real estate used as a home in excess of this amount will not be a bar to eligibility where the county welfare board determines that the real estate is not available for support of the family.

(2) Personal property exceeding the amounts established by the commissioner in conformance with federal regulations, excluding the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved in accordance with the rules of the commissioner of public welfare and any property that produces a net income applicable to the family's needs; or

(3) Real estate not used as a home, which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage. The net income thus derived shall be applied on the family budget."

256.736 Work incentive program.

[For text of subd 1, see M.S.1976]

Subd. 2. **Duties of the commissioner of economic security.** The commissioner of economic security shall develop a training and employment program for each appropriate relative and dependent child receiving aid to families with dependent children, with the objective of assuring, to the maximum extent possible, that the relative and child will enter the labor force, accept reasonable employment, and become self-sufficient.

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Subd. 3. **Operation of program.** To determine who shall be designated as an appropriate individual for certification to the commissioner of economic security, the commissioner of public welfare shall provide standards for county welfare agencies and human services boards consistent with the standards promulgated by the secretary of health, education, and welfare. County welfare agencies shall certify appropriate individuals to the commissioner of economic security and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

- (1) a child who is under age 16 or attending school full time;
- (2) a person who is ill, incapacitated or of advanced age;
- (3) a person so remote from a work incentive project that his effective participation is precluded;
- (4) a person whose presence in the home is required because of illness or incapacity of another member of the household;
- (5) a mother or other relative of a child under the age of six who is caring for the child; or
- (6) the mother or other female caretaker of a child if the father or another adult male relative is in the home and not excluded by clauses (1), (2), (3), or (4), unless he has failed to register as required by this subdivision or has been found by the commissioner of economic security to have refused without good cause to participate under a work incentive program or accept employment.

Any individual referred to in clause (5) shall be advised of her option to register for employment services, training, and employment if she so desires, and shall be informed of the child care services, if any, which will be available to her in the event she should decide to register.

If, after planning with a recipient, a decision is made that he must register for employment services, training, and employment, the county welfare department shall give notice in writing to the individual stating that he must register with the commissioner of economic security for participation in a work incentive program and that he has a right to a fair hearing under section 256.77 with respect to the appropriateness of his registration.

Subd. 4. **Conditions of certification.** The commissioner of public welfare shall:

- (1) Arrange for or provide any relative or child certified to the commissioner of economic security pursuant to this section with child-care services and other necessary family services;
- (2) Pay ten percent of the cost of programs of training and employment established by the commissioner of economic security for persons certified hereunder;
- (3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of economic security is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination;
- (4) Provide that when it has been certified by the commissioner of economic

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security, certification to be binding upon the commissioner of public welfare, that a relative or child certified under the work incentive program to the commissioner of economic security has been found by the commissioner, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of vendor payments.

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his needs will not be taken into account in making the grant determination; and

(d) Notwithstanding the other provisions of this subdivision, the county welfare department shall, for a period of 60 days after notification of the commissioner of economic security determination of refusal without cause to participate in a program of training or employment, make vendor payments on behalf of the relative specified or continue aid in the case of a child specified, if during the 60 day period the child or relative accepts counseling or other services which the county welfare department shall make available for the purpose of assisting the child or relative to participate in a program in accordance with the determination of the commissioner of economic security.

Subd. 5. **Extension of work incentive opportunities.** The commissioner of public welfare shall cooperate with the commissioner of economic security to promote the availability of training and employment opportunities on a state wide basis.

[For text of subds 6 and 7, see M.S.1976]

[1977 c 430 s 15-18]

NOTE: For effective dates of subdivisions 2 to 5, as amended by Laws 1977, Chapter 430, Sections 15 to 18, see Laws 1977, Chapter 430, Section 28, Subdivision 2.

256.79 Removal to another county.

Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which he has moved or has been taken until he shall have resided for two months in the county to which he has moved. When he has resided two months in the county to which he has moved, or has been taken, the local agency of the county from which he has moved shall transfer all necessary records relating to the child to the county agency of the county to which he has moved.

The county of financial responsibility shall not change as a result of successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of placement in any correctional program.

[1977 c 412 s 6]

256.82 Payments by state.

Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month,

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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 60 percent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

[1977 c 423 art 3 s 3]

NOTE: This section as amended by Laws 1977, Chapter 423, Article 3, Section 3, is effective for payments made after December 31, 1977.

256.87 Contribution by relatives; amendments; repeals.

Subdivision 1. **Actions against relatives for assistance furnished.** If any time during the continuance of any assistance granted under sections 256.72 to 256.87 the state agency or county agency finds that any parent, grandparent, sister, or brother of any child receiving assistance is reasonably able to contribute to the necessary care and support of the recipient without undue hardship to himself or his immediate family and the person so able to contribute to the care and support of the recipient fails or refuses to contribute according to his ability to the care and support of the recipient, then, after notice to the person, there shall exist a cause of action against this person for the amount of assistance furnished under sections 256.72 to 256.87 subsequent to the notice, or any part thereof as the person is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against this person for the recovery of the amount of assistance granted after the notice, as hereinbefore provided, together with the costs and disbursements of 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 person found able to reimburse the county or state agency. The order shall be effective only for the period of time during which the recipient receives public assistance from the county or state agency.

[For text of subd 2, see M.S.1976]

[1977 c 282 s 1]

256.872 Persons obligated to pay for support of dependent child, order to employer to withhold.

Whenever an obligation for support of a dependent child has been determined and ordered by a court of this state, the public agency responsible for child support enforcement may petition the district or county court for an order providing for the withholding of the amount of child support as determined by court order, from the wages of the person obligated to pay said support. This order may be granted upon a showing to the court that said required payments of support are not likely to be made to the persons entitled thereto when due.

[1977 c 282 s 2]

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 monthly or more frequently 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.

[1977 c 282 s 3]

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256.98 Wrongfully obtaining assistance; theft.

A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, by intentional concealment of a material fact, 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 who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 256.12, 256.72 to 256.872, chapter 256B, is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts. The amount of any assistance determined to have been incorrectly paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action.

[1977 c 225 s 1]

CHAPTER 256B. MEDICAL ASSISTANCE FOR NEEDY PERSONS

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256B.06	Eligibility requirements.	256B.44	Interest expense.
256B.14	Relative's responsibility.	256B.45	Investment allowance.
256B.27	Medical assistance; cost reports.	256B.47	Rate limits.
256B.35	Personal allowance, persons in skilled nursing homes or intermediate care facilities.	256B.48	Conditions for participation.

256B.04 Duties of state agency.

[For text of subds 1 to 9, see M.S.1976]

Subd. 10. Establish by rule general criteria and procedures for the identification and prompt investigation of suspected medical assistance fraud, theft, presentation of false claims, or false statement or representation of material facts by a vendor of medical care. If it appears to the state agency that a vendor of medical care may have acted in a manner warranting civil or criminal proceedings, it shall so inform the attorney general in writing.

Subd. 11. Report at least quarterly to the legislative auditor on its activities under subdivision 10 and include in each report copies of any notices sent during that quarter to the attorney general to the effect that a vendor of medical care may have acted in a manner warranting civil or criminal proceedings.

Subd. 12. Place limits on the types of services covered by medical assistance, the frequency with which the same or similar services may be covered by medical assistance for an individual recipient, and the amount paid for each covered service.

[1977 c 185 s 1; 1977 c 347 s 39,40]

256B.06 Eligibility requirements.

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

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or