

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 243.75 CORRECTIONS BOARD; ADULTS

### 243.75 The Minnesota correctional facility-St. Cloud.

There is established the Minnesota correctional facility-St. Cloud at St. Cloud, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

[ 1979 c 102 s 9 ]

243.80 [ Repealed, 1979 c 129 s 4 ]

243.84 [ Repealed, 1979 c 129 s 4 ]

243.85 [ Repealed, 1979 c 129 s 4 ]

### 243.90 The Minnesota correctional facility-Shakopee.

There is established the Minnesota correctional facility-Shakopee at Shakopee, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs thereat. The general control and management of the facility shall be under the commissioner.

[ 1979 c 102 s 10 ]

243.92 [ Repealed, 1979 c 102 s 14 ]

## CHAPTER 245. DEPARTMENT OF PUBLIC WELFARE

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245.61	County boards may make grants for local mental health programs.	245.66	Community mental health boards.
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		245.87	Allocations.

### 245.61 County boards may make grants for local mental health programs.

County boards are hereby authorized to make grants to public or private agencies to establish and operate local mental health programs to provide the following services: (a) collaborative and cooperative services with public health and other groups for programs of prevention of mental illness, mental retardation, alcoholism, and other psychiatric disabilities; (b) informational and educational services to the general public, and lay and professional groups; (c) consultative services to schools, courts and health and welfare agencies, both public and private, including diagnostic evaluation of cases from juvenile courts; (d) out-patient diagnostic and treatment services; (e) rehabilitative services for patients suffering from mental or emotional disorders, mental retardation, alcoholism, and other psychiatric conditions particularly those who have received prior treatment in an in-patient facility; (f) detoxification in alcoholism evaluation and service facilities.

[ 1979 c 324 s 13 ]

### 245.62 Community mental health program; tax levy.

Any city, county, town, or any combination thereof, may establish a community mental health services program and may establish clinics and staff same with persons specially trained in psychiatry and related fields.

[ 1979 c 324 s 14 ]

### 245.63 Assistance or grant.

Any city, town, or public or private corporation may apply to a county board for assistance in establishing and funding a mental health services program. No programs shall be eligible for a grant hereunder unless its plan and budget have been approved by the county board or boards.

[ 1979 c 324 s 15 ]

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## DEPARTMENT OF PUBLIC WELFARE 245.68

### **245.64 Funds allocated.**

In preparing the biennial plan prescribed in section 256E.05, the county board shall allocate available funds to the mental health programs in accordance with such approved plans and budgets. The county board may, from time to time during the year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The county board may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

[ 1979 c 324 s 16 ]

**245.65** [ Repealed, 1979 c 324 s 50 ]

**245.651** [ Repealed, 1979 c 324 s 50 ]

### **245.66 Community mental health boards.**

Every city, town, combination thereof or corporation establishing a community mental health services program shall, before it may come within the provisions of sections 245.61 to 245.69, establish a community mental health board. When a combination of six or less political subdivisions establish a program, the board shall consist of at least nine members, but not more than twelve members, at the option of the selection committee. When seven or more political subdivisions establish a program the board shall consist of at least nine members, but not more than fifteen members, at the option of the selecting committee. When any city, county or town singly establishes a program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing body of the county or town. When the county contracts with a non-profit corporation to operate the program, the corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine. When any combination of the political subdivisions herein enumerated establishes a community mental health services program, the chief executive officer of each participating city and the chairman of the governing body of each participating county or town shall appoint two members to a selecting committee, which shall select the members of the board. Membership of the community mental health boards shall include at least one county commissioner representative from each participating county and shall also be representative of local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. Nothing shall prevent a county or community mental health board from purchasing services from an agency outside the boundaries of the Minnesota economic development region.

[ 1979 c 324 s 17 ]

### **245.68 Duties of community mental health boards.**

Subject to the provisions of this section and the rules and regulations of the commissioner of public welfare, each community mental health board shall:

(a) Facilitate and implement programs in mental health, mental retardation and inebriacy so as to assure delivery of services;

(b) Review and evaluate community mental health service provided pursuant to sections 245.61 to 245.69, and report thereon to the county board, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(c) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

(d) Promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

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(e) Advise the administrator of the community mental health program on the adoption and implementation of policies to stimulate effective community relations;

(f) Review the annual plan and budget and make recommendations thereon;

(g) When so determined by the authority establishing the program, act as the administrator of the program;

(h) Encourage and assist innovative private treatment programs;

(i) Provide services for drug dependent persons; and

(j) Appoint advisory committees in at least the areas of mental health, mental retardation and inebriacy. A committee shall consist of residents of the area served who are interested and knowledgeable in the area governed by such committee. These advisory committees shall report regularly to the board.

[ 1979 c 324 s 18 ]

## 245.69 Additional duties of commissioner.

In addition to the powers and duties already conferred upon him by law the commissioner of public welfare shall:

(a) Promulgate rules prescribing standards for qualification of personnel and quality of professional service and for in-service training and educational leave programs for personnel, governing eligibility for service so that no person will be denied service on the basis of race, color or creed, or inability to pay, providing for establishment, subject to the approval of the commissioner, of fee schedules which shall be based upon ability to pay and the guiding principle of which shall be that no one who can afford to pay for his own treatment at the rate customarily charged in private practice shall be treated in the community mental health services clinic except as hereinafter provided, regulating fees for consultation and diagnostic services which services may be provided to anyone without regard to his financial status when referred by the courts, schools, or health or welfare agencies whether public or private, and such other rules and regulations as he deems necessary to carry out the purposes of sections 245.61 to 245.69.

(b) Review and evaluate local programs and the performance of administrative and psychiatric personnel and make recommendations thereon to county boards and program administrators;

(c) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; and

(d) Employ qualified personnel to implement sections 245.61 to 245.69.

[ 1979 c 324 s 19 ]

**245.691** [ Repealed, 1979 c 324 s 50.]

## 245.812 Location and zoning.

[For text of subds 1 and 2, see M.S.1978]

Subd. 3. A licensed residential facility serving six or fewer persons or a licensed day care facility serving ten or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

[For text of subds 4 to 6, see M.S.1978]

[ 1979 c 42 s 1 ]

## 245.84 Authorization to make grants.

Subdivision 1. The county board is authorized to make grants from the community social service fund to any municipality, corporation or combination thereof for the cost of providing technical assistance and child care services as the board deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

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The board is further authorized to make grants to any municipality, incorporated licensed child care facility, or corporation or combination thereof for any of the following purposes:

(a) For creating new licensed day care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;

(b) For improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(c) For supportive child development services including, but not limited to, inservice training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(d) For carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training; and,

(e) For interim financing.

Subd. 2. Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish an experimental program to make grants to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate temporary rules to govern the experimental program in accordance with this subdivision. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and make recommendations regarding making this program an integral part of the child care services administered by the counties. The experimental program shall expire no later than June 30, 1981.

In addition to payments from parents, contributions to the cost of the program shall be made by grantees as follows: 5 percent in the first grant year, 15 percent in the second grant year.

Families eligible for the sliding fee program shall be those having: (a) income above the maximum allowable for Title XX fully subsidized child care but less than 70 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare; and (b) parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances.

In setting the sliding fee schedule, the commissioner shall exclude from the amount of income specified in clause (a) of the preceding paragraph for determining eligibility an amount for federal and state income and social security taxes attributable to that portion of income according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.

In each case where the grantee charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

*[For text of subs 3 and 4, see M.S.1978]*

Subd. 5. The county shall biennially develop a plan for the distribution of funds for child care services as part of the community social services plan prescribed in section

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256E.05. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

[ 1979 c 307 s 1; 1979 c 324 s 20,21 ]

### 245.85 Termination of all or part of a grant.

The county board shall supervise and coordinate all child care services and programs for which a grant has been made pursuant to sections 245.83 to 245.87, and shall endeavor insofar as possible to establish a set of program standards and uniform regulations to coordinate child care services and programs at the local level. The board shall, from time to time, review the budgets, expenditures and development of each child care service and program to which a grant has been made pursuant to sections 245.83 to 245.87.

[ 1979 c 324 s 22 ]

### 245.87 Allocations.

For the purposes of section 245.84, subdivision 2 grants shall be distributed between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for migrant day care services, administrative costs and statewide projects. At least ten percent of the total program allocation shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

[ 1979 c 324 s 23 ]

## CHAPTER 246. PUBLIC INSTITUTIONS

Sec. 246.43	Repealed.	Sec. 246.62	Revenues; appropriations.
246.61	Anoka State Hospital, service agreements.	246.63	Reports.

**246.43** [ Repealed, 1979 c 258 s 25 ]

### 246.61 Anoka State Hospital, service agreements.

The county of Anoka may enter into agreements with the Anoka State Hospital for community mental health services that would be of mutual benefit to the county and the Anoka State Hospital. The agreements shall be in accordance with Laws 1969, Chapter 235, Section 3, and under the authority granted to the commissioner of public welfare, under Minnesota Statutes, Sections 246.01 and 246.57.

[ 1979 c 309 s 1 ]

NOTE: This section takes effect upon approval by the board of county commissioners of Anoka County, and upon compliance with Minnesota Statutes, Section 645.021. See Laws 1979, Chapter 310, Section 6.

### 246.62 Revenues; appropriations.

Subdivision 1. Receipts from services provided by the Anoka State Hospital pursuant to section 246.61 shall be placed in the general fund. The commissioner of public welfare shall include in his biennial estimate of appropriations, as prescribed in section 246.12, an amount of money sufficient for the Anoka State Hospital to provide services pursuant to section 246.61 on an actual cost basis.

Subd. 2. For purposes of section 246.61, the county of Anoka shall not be subject to the provisions of section 246.54.

[ 1979 c 309 s 2 ]

NOTE: This section takes effect upon approval by the board of county commissioners of Anoka County, and upon compliance with Minnesota Statutes, Section 645.021. See Laws 1979, Chapter 310, Section 6.