

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1877**

(SENATE AUTHORS: HOFFMAN and Benson)

DATE	D-PG	OFFICIAL STATUS
02/15/2012	3821	Introduction and first reading Referred to Health and Human Services
03/22/2012		Author added Benson Comm report: To pass as amended and re-refer to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to human services; preventing welfare fraud; allowing access to drivers
1.3 license photos in welfare fraud investigations; requiring driver's licenses be
1.4 verified authentic prior to granting welfare benefits; requiring a search of drug
1.5 convictions to determine welfare benefit eligibility; excluding drug offenders
1.6 from welfare eligibility; amending Minnesota Statutes 2010, sections 171.07,
1.7 subdivision 1a; 256J.11, by adding a subdivision; 256J.26, subdivision 1, by
1.8 adding a subdivision; 256J.32, subdivision 4, by adding a subdivision.

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

1.10 Section 1. Minnesota Statutes 2010, section 171.07, subdivision 1a, is amended to read:

1.11 Subd. 1a. **Filing photograph or image; data classification.** The department shall
1.12 file, or contract to file, all photographs or electronically produced images obtained in the
1.13 process of issuing drivers' licenses or Minnesota identification cards. The department shall
1.14 permanently retain all photographs or electronically produced images collected and filed
1.15 pursuant to this section. The photographs or electronically produced images shall be
1.16 private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04,
1.17 subdivision 3, the department shall not be required to provide copies of photographs or
1.18 electronically produced images to data subjects. The use of the files is restricted:

1.19 (1) to the issuance and control of drivers' licenses;

1.20 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
1.21 investigation and prosecution of crimes, service of process, enforcement of no contact
1.22 orders, location of missing persons, investigation and preparation of cases for criminal,
1.23 juvenile, and traffic court, and supervision of offenders;

1.24 (3) to public defenders, as defined in section 611.272, for the investigation and
1.25 preparation of cases for criminal, juvenile, and traffic courts; ~~and~~

1.26 (4) to child support enforcement purposes under section 256.978; and

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2.1 (5) to welfare eligibility and fraud investigative purposes under sections 256.983
2.2 and 256J.32.

2.3 Sec. 2. Minnesota Statutes 2010, section 256J.11, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 4. **Verification.** The commissioner of public safety shall make electronic data
2.6 on citizenship available to the commissioner of human services. The commissioner of
2.7 human services must determine whether the data newly indicates that any individuals
2.8 who receive welfare benefits are not citizens. The commissioner of human services shall
2.9 terminate welfare benefits to persons determined not to be citizens and otherwise eligible
2.10 to receive welfare benefits. The commissioner shall notify the county attorney when it
2.11 confirms that an ineligible noncitizen was receiving welfare benefits.

2.12 Sec. 3. Minnesota Statutes 2010, section 256J.26, subdivision 1, is amended to read:

2.13 Subdivision 1. **Person convicted of drug offenses.** (a) Applicants or participants
2.14 who have been convicted of a drug offense committed after July 1, 1997, ~~may, if otherwise~~
2.15 ~~eligible, receive~~ are disqualified from receiving MFIP benefits ~~subject to the following~~
2.16 ~~conditions.~~ both the cash and food portions.

2.17 ~~(1) Benefits for the entire assistance unit must be paid in vendor form for shelter and~~
2.18 ~~utilities during any time the applicant is part of the assistance unit.~~

2.19 ~~(2) The convicted applicant or participant shall be subject to random drug testing as~~
2.20 ~~a condition of continued eligibility and following any positive test for an illegal controlled~~
2.21 ~~substance is subject to the following sanctions:~~

2.22 ~~(i) for failing a drug test the first time, the residual amount of the participant's grant~~
2.23 ~~after making vendor payments for shelter and utility costs, if any, must be reduced by an~~
2.24 ~~amount equal to 30 percent of the MFIP standard of need for an assistance unit of the same~~
2.25 ~~size. When a sanction under this subdivision is in effect, the job counselor must attempt~~
2.26 ~~to meet with the person face-to-face. During the face-to-face meeting, the job counselor~~
2.27 ~~must explain the consequences of a subsequent drug test failure and inform the participant~~
2.28 ~~of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is~~
2.29 ~~not possible, the county agency must send the participant a notice of adverse action as~~
2.30 ~~provided in section 256J.31, subdivisions 4 and 5, and must include the information~~
2.31 ~~required in the face-to-face meeting; or~~

2.32 ~~(ii) for failing a drug test two times, the participant is permanently disqualified from~~
2.33 ~~receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP~~
2.34 ~~grant must be reduced by the amount which would have otherwise been made available to~~

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3.1 the disqualified participant. ~~Disqualification under this item does not make a participant~~
3.2 ~~ineligible for food stamps or food support. Before a disqualification under this provision is~~
3.3 ~~imposed, the job counselor must attempt to meet with the participant face-to-face. During~~
3.4 ~~the face-to-face meeting, the job counselor must identify other resources that may be~~
3.5 ~~available to the participant to meet the needs of the family and inform the participant of~~
3.6 ~~the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is~~
3.7 ~~not possible, the county agency must send the participant a notice of adverse action as~~
3.8 ~~provided in section 256J.31, subdivisions 4 and 5, and must include the information~~
3.9 ~~required in the face-to-face meeting.~~

3.10 ~~(3) A participant who fails a drug test the first time and is under a sanction due to~~
3.11 ~~other MFIP program requirements is considered to have more than one occurrence of~~
3.12 ~~noncompliance and is subject to the applicable level of sanction as specified under section~~
3.13 ~~256J.46, subdivision 1, paragraph (d).~~

3.14 ~~(b) Applicants requesting only food stamps or food support or participants receiving~~
3.15 ~~only food stamps or food support, who have been convicted of a drug offense that~~
3.16 ~~occurred after July 1, 1997, may, if otherwise eligible, receive food stamps or food support~~
3.17 ~~if the convicted applicant or participant is subject to random drug testing as a condition~~
3.18 ~~of continued eligibility. Following a positive test for an illegal controlled substance, the~~
3.19 ~~applicant is subject to the following sanctions:~~

3.20 ~~(1) for failing a drug test the first time, food stamps or food support shall be reduced~~
3.21 ~~by an amount equal to 30 percent of the applicable food stamp or food support allotment.~~
3.22 ~~When a sanction under this clause is in effect, a job counselor must attempt to meet with~~
3.23 ~~the person face-to-face. During the face-to-face meeting, a job counselor must explain~~
3.24 ~~the consequences of a subsequent drug test failure and inform the participant of the right~~
3.25 ~~to appeal the sanction under section 256J.40. If a face-to-face meeting is not possible,~~
3.26 ~~a county agency must send the participant a notice of adverse action as provided in~~
3.27 ~~section 256J.31, subdivisions 4 and 5, and must include the information required in the~~
3.28 ~~face-to-face meeting; and~~

3.29 ~~(2) for failing a drug test two times, the participant is permanently disqualified from~~
3.30 ~~receiving food stamps or food support. Before a disqualification under this provision is~~
3.31 ~~imposed, a job counselor must attempt to meet with the participant face-to-face. During~~
3.32 ~~the face-to-face meeting, the job counselor must identify other resources that may be~~
3.33 ~~available to the participant to meet the needs of the family and inform the participant of~~
3.34 ~~the right to appeal the disqualification under section 256J.40. If a face-to-face meeting~~
3.35 ~~is not possible, a county agency must send the participant a notice of adverse action as~~

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4.1 ~~provided in section 256J.31, subdivisions 4 and 5, and must include the information~~
4.2 ~~required in the face-to-face meeting.~~

4.3 ~~(e)~~ (b) For the purposes of this subdivision, "drug offense" means an offense that
4.4 occurred after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, ~~or~~
4.5 152.096, or 152.137. Drug offense also means a conviction in another jurisdiction of the
4.6 possession, use, or distribution of a controlled substance, or conspiracy to commit any of
4.7 these offenses, if the offense occurred after July 1, 1997, and the conviction is a felony
4.8 offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor.

4.9 **EFFECTIVE DATE.** This section is effective July 1, 2012, for all new MFIP
4.10 applicants who apply on or after that date and for all eligibility recertifications occurring
4.11 on or after that date.

4.12 Sec. 4. Minnesota Statutes 2010, section 256J.26, is amended by adding a subdivision
4.13 to read:

4.14 **Subd. 5. Drug convictions.** (a) The state court administrator shall report regularly
4.15 by electronic means to the commissioner of human services the name, address, date of
4.16 birth, and, if available, driver's license or state identification card number, date of sentence,
4.17 effective date of the sentence, and county in which the conviction occurred of each person
4.18 who has been convicted of a felony under chapter 152.

4.19 (b) The commissioner of human services shall determine at the time of initial
4.20 application and recertification under section 256J.32, subdivision 6, if any of the persons
4.21 in the report is applying for or receiving welfare benefits in violation of this section.

4.22 Sec. 5. Minnesota Statutes 2010, section 256J.32, subdivision 4, is amended to read:

4.23 Subd. 4. **Factors to be verified.** The county agency shall verify the following
4.24 at application:

- 4.25 (1) identity of adults;
- 4.26 (2) presence of the minor child in the home, if questionable;
- 4.27 (3) relationship of a minor child to caregivers in the assistance unit;
- 4.28 (4) age, if necessary to determine MFIP eligibility;
- 4.29 (5) immigration status;
- 4.30 (6) Social Security number according to the requirements of section 256J.30,
4.31 subdivision 12;
- 4.32 (7) income;
- 4.33 (8) self-employment expenses used as a deduction;
- 4.34 (9) source and purpose of deposits and withdrawals from business accounts;

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5.1 (10) spousal support and child support payments made to persons outside the
5.2 household;

5.3 (11) real property;

5.4 (12) vehicles;

5.5 (13) checking and savings accounts;

5.6 (14) savings certificates, savings bonds, stocks, and individual retirement accounts;

5.7 (15) pregnancy, if related to eligibility;

5.8 (16) inconsistent information, if related to eligibility;

5.9 (17) burial accounts;

5.10 (18) school attendance, if related to eligibility;

5.11 (19) residence;

5.12 (20) a claim of family violence if used as a basis to qualify for the family violence
5.13 waiver;

5.14 (21) disability if used as the basis for reducing the hourly participation requirements
5.15 under section 256J.55, subdivision 1, or the type of activity included in an employment
5.16 plan under section 256J.521, subdivision 2; ~~and~~

5.17 (22) information needed to establish an exception under section 256J.24, subdivision
5.18 9; and

5.19 (23) the validity and status of Minnesota drivers' licenses or identification cards,
5.20 if provided as documentation of identity.

5.21 Sec. 6. Minnesota Statutes 2010, section 256J.32, is amended by adding a subdivision
5.22 to read:

5.23 **Subd. 5b. Driver's license and Minnesota identification card verification.**

5.24 When the county agency verifies a driver's license or Minnesota identification card under
5.25 subdivision 4, clause (23), the agency shall search the Department of Public Safety's
5.26 license and identification databases of both current and canceled cards to determine if the
5.27 proffered card is valid and belongs to the applicant.