

the 1981-1982 school year and subsequent school years to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need, or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants need, whichever is the lesser.

Sec. 17. Minnesota Statutes 1980, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. **CURRICULA; TEST.** The commissioner of education shall develop curricula ~~which may~~ and a test to be used for nursing assistant training programs for employees of nursing homes. The curricula, as reviewed and evaluated by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs. The test may be given by any area vocational-technical institute or community college in accordance with instructions from the commissioner of education. The commissioner of education may prescribe a fee for the administration of the test not to exceed \$30.

Sec. 18. **REPEALER.**

Minnesota Statutes 1980, Section 123.939, is repealed.

Approved June 1, 1981

CHAPTER 360 — H.F.No. 1446

An act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 16.851, by adding a subdivision; 144A.08, by adding a subdivision; 145.913, by adding a subdivision; 145.914, Subdivision 2; 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 245.802, by adding a subdivision; 245.812, by adding a subdivision; 246.151; 246.54; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256.87; 256.872; 256.873; 256.875; 256.877; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivision 2; 256D.04; 256D.05 Subdivision 1; 256D.06, Subdivision 2, and by adding subdivisions; 256D.14; 357.021, Subdivision 2, and by adding a subdivision; 393.07, Subdivision 10; 401.04; 401.12; 517.08, Subdivision 1b, and by adding a subdivision; 518.54, by adding subdivisions; 518.551; 518.611; 518.64, Subdivision 1 and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 144; 145; 241; 245; 256D; 257 and 609; repealing Minnesota Statutes 1980, Sections 256.87, Subdivision 3; 256D.02, Subdivisions 9 and 10; and 256D.11.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. WELFARE, CORRECTIONS, HEALTH; APPROPRIATIONS.

The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1982, or June 30, 1983, respectively.

SUMMARY BY FUND

	1982	1983	TOTAL
General	\$774,431,500	\$780,626,900	\$1,555,058,400
Trk. Hwy.	\$ 308,100	\$ 313,800	\$ 621,900

APPROPRIATIONS	
Available for the Year	
Ending June 30,	
1982	1983
\$	\$

Sec. 2. COMMISSIONER OF PUBLIC WELFARE

Subdivision 1. Total Department Appropriation \$656,349,200 \$667,036,500

The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.

The amounts shown in the program totals are reduced by \$3,324,300 the first year and \$3,956,700 the second year.

Positions and administrative money may be transferred within the department of public welfare as deemed necessary by the commissioner, upon the advance approval of the commissioner of finance, but no transfer may be made to the executive office.

Subd. 2. Welfare Management 15,275,200 15,324,300

The amounts that may be expended from this appropriation for each activity are as follows:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Special County Aids

1982	1983
\$ 3,158,900	\$ 3,158,900

Reimbursements for general relief - Indians and the Red Lake Band of Chippewa Indians shall be prorated if the appropriation made in this subdivision is insufficient to provide full reimbursement.

Administrative Support

\$12,116,300	\$12,165,400
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Estimated federal money to be deposited in the general fund that is earned by the various accounts of the department of public welfare is detailed on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance. If federal money anticipated is less than shown on the official worksheets, the commissioner of finance shall reduce the amount available from the specific appropriation by a like amount. The reductions shall be noted in the budget document submitted to the 73rd legislature in addition to an estimate of similar federal money anticipated for the 1983-1985 biennium.

If the block grant proposed for federal money becomes law, the commissioner of public welfare shall not distribute any of those moneys until he develops a plan and submits that plan pursuant to Minnesota Statutes, Section 3.30.

Subd. 3. Social Services	\$60,939,000	\$61,348,000
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The amounts that may be expended from this appropriation for each activity are as follows:

Community Social Services Act

\$43,077,700	\$43,398,000
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Effective January 1, 1983, the commissioner of public welfare shall include the remainder of the appropriations for the cost of care for mentally retarded, cost of care

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

for emotionally disturbed, sharing life in the community, and mentally ill deinstitutionalization in the community social services act. The commissioner may transfer money between the fiscal years of the biennium for the purposes of funding the formula.

Notwithstanding the provisions of Minnesota Statutes, Chapter 256E, a county board may delegate to a county welfare board established pursuant to Minnesota Statutes, Chapter 393, authority to provide, or approve contracts for the purchase of, the kinds of community social services that were provided or contracted for by the county welfare boards prior to the enactment of Laws 1979, Chapter 324. Designation of the method for providing citizen participation in the planning process, final approval of the community social services plan and the distribution of community social services money shall be the responsibility of the county board.

Day Care

\$ 974,900 \$ 974,900

Cost of Care -

Emotionally Disturbed

\$ 2,464,500 \$ 2,464,500

Cost of Care -

Mentally Retarded

\$ 6,265,600 \$ 6,265,600

Children under State Guardianship

\$ 1,092,300 \$ 1,092,300

State funds which would have been expended through the Aid to Families with Dependent Children-Foster Care or Children under State Guardianship accounts may be transferred to the subsidized adoption account, for those children entering the subsidized adoption program, if it can be shown on a case by case review basis that total state dollars will be reduced.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Aging, Blind, and Deaf Services

\$ 5,894,600	\$ 5,977,900
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Social Services Support

\$ 1,169,400	\$ 1,174,800
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Subd. 4. Income Maintenance

436,604,300	448,163,600
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The amounts that may be expended from this appropriation for each activity are as follows:

Aid to Families with Dependent Children, Medical Assistance, Minnesota

Supplemental Assistance

\$375,270,700	\$385,395,900
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The commissioner of public welfare shall provide supplementary grants, not to exceed \$150,000 per year, for aid to families with dependent children and shall include the following costs in determining the amount of the supplementary grants: major home repairs, repair of major home appliances, utility recaps, supplementary dietary needs not covered by medical assistance, and replacement of essential household furnishings and essential major appliances.

Medical assistance may include personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide the services, when the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

In determining the amount of the aid to families with dependent children and general assistance grants, the commissioner of public welfare shall effect a seven percent increase on July 1, 1981 and a seven percent increase on July 1, 1982, unless federal statute or regulation require otherwise.

The moneys received under the state and local fiscal assistance act, known as general revenue sharing, shall be deposited in the

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medical assistance account and the state appropriation shall be reduced by a like amount.

The monthly payment for attendant care shall be adjusted to \$1,000 per month effective July 1, 1981, and shall be adjusted annually by the same percentage granted to other providers.

Upon executive order of the governor pursuant to section 15.0593, there is created a governor's advisory task force to explore means of providing publicly funded health services within the limits of funds authorized in the biennial budget for fiscal years 1982 and 1983. The task force chairperson and members shall be appointed by the governor. Insofar as possible, cooperation of the appropriate federal agencies shall be obtained. Existing staff resources of the department of public welfare shall provide support to the task force.

The task force shall conduct a study of publicly funded health care programs and make specific recommendations to the governor regarding changes which are needed to limit expenditures to the amount authorized by the biennial budget for fiscal years 1982 and 1983. The report and subsequent recommendations of the governor shall be submitted to the legislature no later than January 15, 1982.

Before calculating any repayment due to the commissioner for rates effected for the biennium ending June 30, 1983, the commissioner shall allow the provider to reallocate costs for patient care allowed pursuant to Department of Public Welfare Rules 49 and 52. Expenditures for investment allowances, interest, depreciation, leases, and top management compensation shall not exceed the amount specified by the commissioner in the rate determination. Adjustments shall be made within the percentage limit set in this act.

General Assistance and General Assistance
Medical Care

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$49,385,200 \$50,554,900

Income Maintenance Support

\$11,948,400 \$12,212,800

If the appropriation for aid to families with dependent children, medical assistance, Minnesota supplemental assistance, general assistance and general assistance medical care is insufficient for either year, the appropriation for the other year shall be available by direction of the governor after consulting with the legislative advisory commission.

Subd. 5. Mental Health

*146,855,000 146,157,300

The commissioner of public welfare may fill up to 120 human services technician positions in the state hospitals in addition to the approved complement specified in this subdivision for the purpose of alleviating recruitment delays in direct patient care, as salary savings become available to fund the positions.

The commissioner of public welfare shall not reduce the number of human services technician positions in the state hospital system.

As the hospital population decreases, the supportive staff complement shall be reduced in direct proportion.

The amounts that may be expended from this appropriation for each activity are as follows:

Program Offices

Mentally Ill

\$ 5,117,000 \$ 7,836,800

Mentally Retarded

\$ 1,733,400 \$ 2,512,700

The commissioner of public welfare may fund up to 200 families for the mentally retarded family subsidy program.

This appropriation contains \$12,000 each year for the brain-injured persons program.

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The commissioner of public welfare shall contract with an approved vendor to pay the costs of services provided to brain-injured persons. The commissioner shall contract with a neurosurgeon who is independent of the approved vendor to evaluate, initially and on or about March 1, 1982, each person for whom services are provided under this appropriation to ascertain the person's current stage of neurological development and prognosis for improvement. The neurosurgeon shall send a written report of each evaluation to the commissioner. For the purposes of this appropriation, "approved vendor" means the Institutes for the Achievement of Human Potential.

Chemically Dependent

\$ 1,922,500	\$ 1,929,600
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Any federal money received in excess of the estimates shown in the 1981 budget document shall reduce the state appropriation available by a like dollar amount, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

State Hospitals

Approved Complement -

By June 30, 1983 - 5485

Current Expense

\$14,449,000	\$15,450,300
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Salaries

\$107,955,500	\$104,662,100
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Repairs and Betterments

\$ 1,400,100

Special Equipment

\$ 521,700

Notwithstanding the provisions of Minnesota Statutes 1980, Sections 246.50 to 246.53, the commissioner of public welfare shall determine what part of the cost of

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care for state hospital treatment a patient or his relatives are able to pay. In no case, shall a patient or his relatives, unless they reside outside the state, be ordered to pay more than ten percent of the cost of care.

By July 1, 1981, the chemical dependency and surgical units at Rochester state hospital shall be closed. The remaining units at Rochester state hospital shall be closed no later than June 30, 1982. Best efforts shall be made by the department of administration to sell the buildings and adjoining land within one year from the date of closure, after the commissioner of public welfare has certified to the commissioner of administration pursuant to provisions of Minnesota Statutes, Section 94.09, Subdivision 2, that the state hospital campus is no longer needed by the department of public welfare. Notwithstanding any other law to the contrary, a portion or all of the buildings and the adjacent lands can be sold to anyone.

Prior to the closure date for each unit, the commissioner of public welfare shall arrange for the orderly transfer of all affected patients. The commissioner shall, to the extent possible, provide at least 60 days notice of transfer and allow patients and their parents, spouse or guardian, and the appropriate county agency input regarding the institution or community placement to which the patient is to be transferred.

Effective immediately, the commissioner of employee relations shall monitor the orderly reassignment of affected employees of the state hospital pursuant to authority vested in him by Minnesota Statutes, Section 246.60. The commissioners of public welfare and employee relations shall provide training or other assistance as necessary for employees to aid in this transition. Direct care positions shall be transferred to other state hospitals in the same proportion as patients are transferred. Early retirement shall be encouraged where possible, with full protection for retirement benefits. Notwithstanding any other law an employ-

ee who waives his right to transfer to a hospital other than Rochester state hospital or other state employment shall be entitled to severance pay in the amount equal to five percent of the employee's base salary or wage, not to exceed \$500, multiplied by the number of years of state service, but in no case shall the total amount exceed \$5,000.

Quarterly progress reports must be submitted by the commissioner of public welfare to the legislative advisory commission and must include information with respect to the following:

- (a) Employee negotiations;
- (b) Community placement of affected patients;
- (c) Admissions figures; and
- (d) Any other activities affecting closure.

Any savings in excess of the \$7,000,000 projected to result from the closure of the hospital may be directed by the commissioner of public welfare into funding for community facilities for mentally ill, chemically dependent, and mentally retarded persons.

Nursing Homes Approved Complement -
By June 30, 1983 - 617

Current Expense

\$ 1,710,700 \$ 1,888,200

Salaries

\$11,238,300 \$11,298,000

Repairs and Betterments

\$ 146,500

Special Equipment

\$ 68,300

Mental Health Support

\$ 592,000 \$ 579,600

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Any unexpended balance remaining in the first year for special equipment and repairs and betterments does not cancel but is available for the second year of the biennium.

The information for the budgets for the nursing homes and hospitals shall be submitted to the 1983 legislature on an individual institution basis.

Positions and administrative money may be transferred between the various activities within each subdivision in this section.

Work activity centers in state hospitals shall make available up to 25 percent of their capacity for community referrals. The community referrals will be funded by the division of vocational rehabilitation, will provide sheltered work and work activity, and will be certified under Minnesota Statutes, Chapter 129A.

Sec. 3. COMMISSIONER OF ECONOMIC SECURITY

Total Department Appropriation \$27,145,600 \$23,535,100

The amounts that may be expended from this appropriation for each program are as follows:

The amounts shown in the program totals are reduced by \$300,300 the first year and \$312,000 the second year.

Job Service

\$ 3,924,100 \$ 3,924,100

The appropriation in job service for the summer youth program is available immediately to provide the same level of program for each summer of the biennium as was provided during the summer of 1980. If the appropriation for either year is insufficient, the appropriation from the other year is available for it.

Vocational Rehabilitation Services

\$11,764,300 \$12,819,500

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Money received from workers' compensation carriers for services provided by the division of vocational rehabilitation for the benefit of injured workers shall be deposited in the accounts of the division of vocational rehabilitation and reported in the same ratio to state and federal money expended. If the deposits of the state's share exceed the amount shown on worksheets of the conferees of the senate and house of representatives, the commissioner of finance shall reduce the amounts available from the general appropriation for the division of vocational rehabilitation by the amount of the excess. The federal share of these recoupments shall be deposited as required by federal law, regulation, and guideline.

The commissioner of economic security may expend money received from school districts, governmental subdivisions, mental health authorities, and private nonprofit organizations for the purpose of conducting joint or cooperative vocational rehabilitation programs, and this money is appropriated for these purposes.

Any federal money received in excess of the estimates shown in the 1981 budget document shall reduce the state appropriation available by a like dollar amount, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

Training and Community Services

\$11,757,500	\$ 7,103,500
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Local delivery agencies for the weatherization program shall use a minimum of \$25,000 for administrative expenses. However, no more than 7.5 percent of the total state allocation shall be expended for administration of the weatherization program. The department shall provide supplemental administrative funds to compensate for administrative expense associated with the weatherization of rental property. Unexpended administrative funds, and all other

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state weatherization funds, may be used for labor, materials or repair of equipment, as necessary.

If federal funds are not made available for the weatherization program, the appropriation for this program in the second year shall be available in the first year. This program is sunsetted when this appropriation expires.

Money appropriated for community action agencies shall be allocated annually under either clause (a) or (b), whichever is more advantageous to the agency.

If the appropriation is insufficient to fully fund each agency, the insufficiency shall be prorated annually among the agencies.

(a) In proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state; or

(b) If the appropriation of funds for community action agencies shall be equal to or more than that available in fiscal years 1979 and 1980, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. "Hold-harmless" is the amount of funding received by a community action program under the Economic Opportunity Grant Program in the previous fiscal year.

"Poverty level population" means the number of people whose household income is below the poverty line established by the United States Department of Commerce, Bureau of the Census.

The appropriation for the displaced homemaker program includes funds for the purpose of making grants to programs to provide employment and support services to displaced homemakers.

This appropriation contains \$3,050,000 in fiscal year 1982 for fuel assistance, but it is not available unless it is required to match federal fuel assistance money. Any unexpended balance remaining in the first year

from the \$3,050,000 shall not cancel, but shall be available for the second year.

Sec. 4. COMMISSIONER OF CORRECTIONS

Subdivision 1. Total Department Appropriation

\$64,165,500 \$63,736,500

The amounts that may be expended from the appropriation for each program and activity are more specifically described in the following subdivisions of this section.

The amounts shown in the program totals are reduced by \$754,800 the first year and \$854,200 the second year.

Positions and administrative money may be transferred within the department of corrections as deemed necessary by the commissioner, upon the advance approval of the commissioner of finance.

Subd. 2. Management Services

3,750,300 3,766,200

The amounts that may be expended from this appropriation for each activity are as follows:

Subsidy Programs

\$ 1,920,100 \$ 2,064,800

No new positions eligible for county probation reimbursement under this activity shall be added by any county without the written approval of the commissioner of corrections.

When new positions are approved, the commissioner shall include the cost of those positions in calculating each county's share.

On or before July 1 of each even numbered year, each county or group of counties shall submit to the commissioner of corrections an estimate of the cost for county probation reimbursement. Reimbursement shall be made on the basis of the estimate submitted or the actual expenditure, whichever is less.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Support

\$ 1,830,200 \$ 1,701,400

The Minnesota Corrections Board is abolished effective June 30, 1982.

\$100,000 is available for fiscal year 1983 to the commissioner of corrections to perform the responsibilities formerly assigned to the Minnesota Corrections Board.

Subd. 3. Policy and Planning	\$ 1,278,600	\$ 1,246,100
Subd. 4. Community Services	17,969,800	18,763,100

The amounts that may be expended from this appropriation for each activity are as follows:

Support

\$ 4,110,600 \$ 4,218,800

Community Corrections Act

\$11,339,500 \$12,176,000

In the Arrowhead region, no less than \$50,000 of the community corrections act subsidy shall be provided annually to the restitution program for women offenders by the counties participating in the act. These subsidy moneys shall be prorated among the participating counties on the basis of need or use as determined by the rules of the commissioner.

In Ramsey and Hennepin counties, no less than \$72,000 of the community corrections act subsidy shall be provided annually to Genesis II. These subsidy moneys shall be prorated among Hennepin and Ramsey counties on the basis of need or use as determined by the rules of the commissioner.

Notwithstanding the provisions of Minnesota Statutes, Chapter 401, no county or group of counties participating in the community corrections act shall be charged any per diem cost of confinement for adults sentenced to the commissioner of corrections for crimes committed on or after January 1, 1981.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Victim Services

\$ 2,519,700	\$ 2,368,300
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The battered women task force is continued to June 30, 1983.

The commissioner of corrections may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of any facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire and safety and to provide security.

Subd. 5. Correctional Institutions

\$41,921,600	\$40,815,300
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Current Expense

\$ 8,216,300	\$ 8,367,400
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Salaries

\$28,549,700	\$29,027,400
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Special Equipment

\$ 593,000	\$ 182,400
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Repairs and Betterments

\$ 537,700	\$ 577,500
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Industry

\$ 1,500,000	
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Any unexpended balances in special equipment, repairs and betterments, and industry remaining in the first year does not cancel but is available for the second year of the biennium.

The industries equipment purchased for Oak Park Heights Correctional Facility may be used in Stillwater Correctional Facility. The commissioner of corrections may transfer between facilities for this purpose. The commissioner of corrections is directed to phase down the farm machinery industry and redirect the industry program into light industry operations, and \$1,500,000 of this appropriation is available for that purpose. It is the intention of the legislature that lay-offs are to be avoided during this transition period.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The commissioner of corrections is authorized to enter into an agreement with the appropriate Wisconsin officials for services for Wisconsin corrections purposes. The contract shall be designed to prevent Minnesota from sustaining an operating cost loss. The governor shall submit the plan and contract to the appropriate chairpersons of the house and senate money committees prior to contract execution. Money received from Wisconsin pursuant to the contract is appropriated to the commissioner of corrections for the above purpose.

Health Care

\$ 2,187,500	\$ 2,301,500
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Education

\$ 337,400	\$ 359,100
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The commissioner of corrections is directed to open the Minnesota correctional facility-Oak Park Heights, by February 1, 1982. Forty new positions are provided, and \$300,000 is appropriated, for fiscal year 1982, and \$800,000 for the positions for fiscal year 1983. The commissioner may transfer the departmental personnel and available fiscal resources necessary to open the Oak Park Heights facility. \$500,000 for purchase of medical and security supplies and equipment is appropriated to be available November 1, 1981.

Up to \$400,000 is available from the state institutions contingent account for supply and equipment items overlooked in the budget.

Supplies and equipment such as bedding, inmate clothing and other personal items are to be transferred from other institutions.

Sec. 5. SENTENCING GUIDELINES COMMISSION

Salaries, Supplies and Expense	191,000	119,600
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Sec. 6. CORRECTIONS OMBUDSMAN

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Salaries, Supplies and Expense	229,900	232,500
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Sec. 7. COMMISSIONER OF HEALTH

Total Department Appropriation	24,076,700	24,390,400
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The amounts that may be expended from this appropriation for each program are as follows:

The amounts shown in the program totals are reduced by \$256,900 the first year and \$270,200 the second year.

Positions and administrative money may be transferred within the department of health as deemed necessary by the commissioner, upon the advance approval of the commissioner of finance.

Preventive and Personal Health Services

\$ 8,240,300	\$ 8,465,700
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Of the above appropriation, up to \$25,000 shall be used to eliminate the threat to public health from arsenic contamination in an underground disposal site that has resulted in an incident of human poisoning within the last ten years. Such appropriation does not constitute acceptance of any liability on the part of the state.

Any unexpended balance appropriated by Laws 1979, Chapter 336, Section 7 in the program of preventive and personal health services for the purpose of wells, soil and chemical analysis, does not cancel, but is available until June 30, 1982.

Notwithstanding any law to the contrary, the fee the commissioner of health charges for medical laboratory services may increase up to \$3.

Health Systems Quality Assurance

\$ 1,864,200	\$ 1,888,600
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Of this appropriation \$308,100 for fiscal year 1982 and \$313,800 for fiscal year 1983 are appropriated from the trunk highway fund for emergency medical services activities.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Notwithstanding the provisions of Minnesota Statutes, Sections 144A.10 and 144.653, the commissioner of health shall conduct inspections and reinspections of health facilities with a frequency and in a manner calculated to produce the greatest benefit to residents within the limits of the resources available to the commissioner. In performing this function, the commissioner may devote proportionately more resources to the inspection of those facilities in which conditions present the most serious concerns with respect to resident health, treatment, comfort, safety and well-being.

These conditions include but are not limited to: change in ownership; frequent change in administration in excess of normal turnover rates; complaints about care, safety, or rights; where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; and, where persons involved in ownership or administration of the facility have been indicted for alleged criminal activity. Any facility that has none of the above conditions or any other condition established by the commissioner that poses a risk to resident care, safety, or rights shall be inspected once every two years.

The commissioner of health shall require a fee of \$500 prior to undertaking a study of a human service occupation under the authority of Minnesota Statutes, Section 214.13. The fee shall be imposed on an applicant group at the time the application is filed with the commissioner. The fee shall be deposited to the general fund and if the application is accepted it is not refundable.

Health Support Services

\$14,229,100	\$14,306,300
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For the purposes of the community health services act, the commissioner of finance may authorize the transfer of money to the community health services activity from the other programs in this section.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The payments for the community health services act for each county shall be based upon the formula in effect in fiscal year 1981, using the most recent factors. No county, city, group of cities or group of counties shall receive less than the amount received in 1981; however, this appropriation shall be prorated if the amount is insufficient.

If the appropriation for community health services or services to children with handicaps is insufficient for either year, the appropriation for the other year shall be available by direction of the governor after consulting with the legislative advisory commission.

Sec. 8. HEALTH RELATED BOARDS

Subdivision 1. Board of Chiropractic Examiners	51,800	53,300
Subd. 2. Board of Dentistry	220,600	228,800
Subd. 3. Board of Medical Examiners	325,500	338,700
Subd. 4. Board of Nursing	685,600	704,800
Subd. 5. Board of Examiners for Nursing Home Administrators	89,200	91,800

Notwithstanding the provision of Minnesota Statutes, Section 144A.04, Subdivision 5, for the biennium ending June 30, 1983, a nonproprietary retirement home having less than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home having less than 150 licensed nursing home beds which is located within 25 miles of the retirement home.

Subd. 6. Board of Optometry	40,200	42,200
Subd. 7. Board of Pharmacy	266,200	271,500
Subd. 8. Board of Podiatry	5,600	5,600
Subd. 9. Board of Psychology	89,100	94,400
Subd. 10. Board of Veterinary Medicine	57,900	59,000

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 11. The commissioner of finance shall not permit the allotment, encumbrance, or expenditure of any money appropriated in this section in excess of the anticipated biennial revenues.

Neither this provision nor Minnesota Statutes, Section 214.06 shall apply to transfers from the general contingent account; provided the amount transferred does not exceed the amount of surplus revenue accumulated during the previous five years.

Sec. 9. CONTINGENT FOR STATE INSTITUTIONS

750,000

This appropriation shall be used for emergency purposes and for the purchase of food, clothing, drugs, utilities, and fuel for any of the institutions for which an appropriation is made in this act. No expenditure shall be made from this appropriation without the direction of the governor after consultation with the legislative advisory commission.

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The allowance for food may be adjusted annually according to the United States department of labor, bureau of labor statistics publication wholesale price index, upon the approval of the governor. Adjustments shall be based on the June, 1981, wholesale food price index, but the adjustment shall be prorated if the wholesale food price index adjustment would require money in excess of this appropriation.

Sec. 10. RECEIPTS.

For the biennium ending June 30, 1983, all funds, sums of money, or other resources provided or to be received as shown in the biennial budget document or in working papers of the two appropriations committees, including all receipts, collections, legislative allocations, transfers, and other income and receipts properly belonging to and to be used for financing activities, programs, and other projects other than the institutions now or hereafter under the supervision and jurisdiction of the commissioner of public welfare not otherwise specifically designated as income or credits to other state departments or funds

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by law, shall be accredited to and become a part of the appropriations provided for in section 2, subdivisions 2, 3, and 4. Receipts in excess of those shown in the biennial budget are not available without the approval of the governor, after consultation with the legislative advisory commission.

Sec. 11. PROVISIONS.

For the biennium ending June 30, 1983, money appropriated under this act for the purchase of provisions within the item "current expense" shall be used solely for that purpose. The amounts appropriated for provisions are shown on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the offices of the commissioner of finance. Any money so provided and not used for purchase of provisions shall be cancelled into the fund from which appropriated, except that money so provided and not used for the purchase of provisions because of population decreases may be transferred and used for the purchase of medical and hospital supplies with the approval of the governor after consultation with the legislative advisory commission.

Sec. 12. TRANSFERS.

Subdivision 1. For the biennium ending June 30, 1983, the commissioner of public welfare, the commissioner of corrections, the commissioner of economic security and the commissioner of health shall not transfer any money to or from personal services, or claims and grants, as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, except for those transfers that have the written approval of the governor, who shall consult with the legislative advisory commission.

Subd. 2. For the biennium ending June 30, 1983, the commissioners of public welfare, corrections, and health by direction of the governor after consulting with the legislative advisory commission may transfer unobligated appropriation balances and positions among all programs.

Sec. 13. APPROVED COMPLEMENT.

For the biennium ending June 30, 1983, the approved complements indicated in this act are fulltime equivalent positions and apply only to positions paid for with money appropriated by this act.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the additional personnel until he has consulted with the legislative advisory commission. Any requests for increases in the approved complement shall be forwarded to the

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appropriate committees on finance of the legislature not less than 30 days prior to the legislative advisory commission meeting.

Sec. 14. RULE PROMULGATION.

For the biennium ending June 30, 1983, the commissioner of public welfare, the commissioner of economic security, the commissioner of corrections, the commissioner of health and the various health-related boards shall not promulgate nor implement any rules which will increase state expenditures by more than \$50,000 during the biennium without the review by, and approval of the governor, after consultation with the legislative advisory committee.

Sec. 15. [144.0742] CONTRACTS FOR PROVISION OF PUBLIC HEALTH SERVICES.

The commissioner of health is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed public health services by the department. The contracts shall specify the services to be provided and the amount and method of reimbursement therefor. Funds generated in a contractual agreement made pursuant to this section are appropriated to the department for purposes of providing the services specified in the contracts. All such contractual agreements shall be processed in accordance with the provisions of Minnesota Statutes, Section 16.098.

Sec. 16. Minnesota Statutes 1980, Section 241.021, is amended by adding subdivisions to read:

Subd. 4. HEALTH CARE. The commissioner of corrections shall provide professional health care to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul - Ramsey Hospital. All reimbursements for these health care services shall be deposited in the general fund.

Subd. 5. SALES TO DEPARTMENT OF ADMINISTRATION. July 1 of each year and quarterly thereafter, the commissioner of corrections shall notify the commissioner of administration of the articles, supplies, and services available from industrial activities conducted at state correctional institutions, and the commissioner of administration shall purchase from the state correctional institutions those articles, supplies, and services needed by state departments and agencies, unless the commissioner of corrections certifies that the correctional institutions cannot provide them at a price within five percent of the fair market price for comparable level of quality and within a reasonable delivery time. In determining the fair market price the commissioner of administration shall use competitive bidding or consider open market bid

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prices in previous years for similar products and services, plus inflationary increases.

Sec. 17. Minnesota Statutes 1980, Section 241.13, is amended to read:

241.13 CONTINGENT FUNDS ACCOUNT; DAMAGE DEPOSITS; CORRECTIONAL INSTITUTIONS.

Subdivision 1. CONTINGENT FUNDS ACCOUNT. The commissioner of corrections may permit a contingent fund account to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such fund account shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant upon the state treasurer to secure the contingent fund account for each institution.

Subd. 2. DAMAGE DEPOSITS. The commissioner of corrections shall collect a damage deposit from all staff who reside in housing on the grounds of the Thistledeew Corrections Camp at Togo, Minnesota and deposit the moneys in a savings account in a bank at interest. Withdrawals therefrom may be made to defray the cost of any damage to the residence caused by the tenant or to return the deposit to the tenant with accrued interest if the residence is vacated without damage. The commissioner shall keep accurate records in the name of each tenant so that the interest may be credited to the proper account.

Sec. 18. Minnesota Statutes 1980, Section 241.69, Subdivision 4, is amended to read:

Subd. 4. COMMITMENT. If the examining physician or psychologist finds the person to be mentally ill and in need of long term care in a hospital, or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the psychiatric unit, the chief executive officer of the institution or other person in charge shall initiate proceedings for judicial commitment as provided in section 253A.07. Upon the recommendation of the physician or psychologist and upon completion of the hearing and consideration of the record, the court may commit the person to the psychiatric unit established in subdivision 1 or to another hospital. A person confined in a state correctional institution for adults who has been adjudicated to be mentally ill and in need of treatment may be committed to the commissioner of corrections and placed in the psychiatric unit established in subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 19. [245.74] EQUALIZATION AID TO COUNTIES; OTHER AIDS.

Subdivision 1. FORMULA. The commissioner of public welfare shall pay equalization aid to counties based upon the appropriation and a formula that includes four factors: recipient rate, per capita income, per capita taxable value, and per capita expenditures for welfare.

Subd. 2. EXPENDITURES FOR WELFARE. (a) For the purposes of equalization aid, "expenditures for welfare" include all forms of public assistance and the administrative costs thereof, to wit: medical assistance, aid to families with dependent children, Minnesota supplemental aid, payments to the commissioner of public welfare for care and treatment of patients in state institutions, medical relief, hospital charges, maintenance of children not under state guardianship, general assistance, and all administrative costs except university hospitals care, care of children under state guardianships, and poor burials.

(b) Salary expenditures for computation of equalization aid shall not be included in county expenditures for welfare or for purposes of computing county per capita expenditures for welfare.

Subd. 3. PAYMENT. Initial payments for equalization aid to counties shall be made on or before October 1 each fiscal year. Final payments shall be made before January 1 of the following fiscal year.

Subd. 4. TRANSFERS. The commissioner shall not pay equalization aid to a county if it has transferred any money available for welfare purposes to any other county funds, except that where money is otherwise unavailable, a county may transfer money to the general revenue fund of the county for payment of rent of office space for the county welfare board. The county shall make the transfer only with the approval of the governor after consultation with the legislative advisory commission. Transfer of money to pay rent shall not be considered an expenditure for welfare for purposes of equalization aid reimbursement. Any federal money received in lieu of taxes because of federal grants shall be available for welfare purposes.

Subd. 5. LIMIT. A county shall not receive from state money paid for equalization aid an amount in excess of 75 percent of its expenditures for welfare as defined in subdivision 2.

Sec. 20. Minnesota Statutes 1980, Section 245.765, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of public welfare, to the extent that state and federal money is available therefor, shall reimburse any county for all welfare costs expended by the county to any Indian who is an enrolled member of the Red Lake Band of Chippewa Indians and resides upon the Red Lake

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Indian Reservation. The commissioner may advance payments to a county on an estimated basis subject to audit and adjustment at the end of each state fiscal year. Reimbursements shall be prorated if the state appropriation for this purpose is insufficient to provide full reimbursement.

Sec. 21. Minnesota Statutes 1980, Section 246.151, is amended to read:

246.151 COMPENSATION PAID TO PATIENT.

Subdivision 1. COMPENSATION. Notwithstanding any law to the contrary, the commissioner of public welfare is authorized to provide for the payment to patients or residents of state institutions under his management and control of such pecuniary compensation as he may deem proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner and the chief executive officer, but in no case less than 25 percent of the minimum wage established pursuant to section 177.24.

Subd. 2. IMPREST CASH FUND. The commissioner of public welfare may establish an imprest cash fund at each of the state operated residential facilities to be utilized for payment to residents participating in on-campus work programs.

Sec. 22. Minnesota Statutes 1980, Section 256B.15, is amended to read:

256B.15 CLAIMS AGAINST ESTATES.

If a person receives any medical assistance hereunder, on his death, if he is single, or on the death of ~~such~~ the person and his surviving spouse, if he is married, and only at a time when he has no surviving child who is under 21 or is blind or totally disabled, the total amount paid for medical assistance rendered for ~~such~~ the person, after age 65, without interest, shall be filed as a claim against the estate of ~~such~~ the person in the court having jurisdiction to probate the estate. ~~Such~~ The claim shall be considered an expense of last illness for the purpose of Minnesota Statutes 1965, Section 525.44. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. Counties may retain one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort.

Sec. 23. **[256D.42] SUPPLEMENTAL AID; ADJUSTMENTS.**

Subdivision 1. PERSONAL NEEDS ALLOWANCE. Recipients of Minnesota supplemental aid living in nonmedical congregate care or foster care shall receive the same personal needs allowance as recipients of medical assistance residing in intermediate care facilities.

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Subd. 2. COST OF LIVING. The commissioner of public welfare shall adjust the benefits payable to the aged, blind and disabled recipients pursuant to sections 256D.36 and 256D.37 who do not reside in congregate care or foster care facilities in an amount equivalent to the cost of living adjustments in the federal supplemental security income program.

Sec. 24. Minnesota Statutes 1980, Section 393.07, Subdivision 10, is amended to read:

Subd. 10. FEDERAL FOOD STAMP PROGRAM. The county welfare board shall establish and administer the food stamp program pursuant to rules of the commissioner of public welfare and federal regulations. The county welfare board shall participate in a food stamp quality control system subject to the supervision of the commissioner of public welfare and pursuant to federal regulations.

Any person who commits any of the following acts is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2), and (5):

(a) Obtains or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or intentional concealment of a material fact, food stamps to which he is not entitled or in an amount greater than that to which he is entitled; or

(b) Presents or causes to be presented, coupons for payment or redemption knowing them to have been received, transferred or used in a manner contrary to existing state or federal law; or

(c) Willfully uses or transfers food stamp coupons or authorization to purchase cards in any manner contrary to existing state or federal law.

The amount of food stamps incorrectly issued shall be the difference between the amount of food stamps 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 food stamps determined to have been incorrectly issued, used, transferred or presented shall, unless otherwise determined by the county welfare board in order to prevent undue hardship, be recoverable from the recipient, or user, or his estate by the county as a debt due the county.

Sec. 25. Minnesota Statutes 1980, Section 401.04, is amended to read:

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and

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equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

State employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State officers and employees displaced by a county's participation in the community corrections act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

Sec. 26. Minnesota Statutes 1980, Section 401.12, is amended to read:

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.

Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. If in any biennium the subsidy is increased by an inflationary adjustment which results in the county receiving more actual subsidy than it did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.

**ARTICLE II
INCOME MAINTENANCE PROGRAMS, REDUCTIONS AND
COST CONTROLS**

Section 1. [256.966] **ALLOWABLE INCREASE IN COST PER SERVICE UNIT.**

Changes or additions are indicated by underline, deletions by strikeout.

For the biennium ending June 30, 1983, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year.

Sec. 2. LIMITATIONS ON FEES.

[256.967] Subdivision 1. All payments for vendors of medical care under medical assistance and general assistance medical care shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year 1978 for physician services, dental care, vision care, podiatric services, chiropractic care, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services.

[256D.03] [Subd. 4.] **Subd. 2. GENERAL ASSISTANCE MEDICAL CARE.** (a) Notwithstanding the provisions of Minnesota Statutes, Sections 256D.01 to 256D.21 and 261.23, or any other law to the contrary, for the biennium ending June 30, 1983, state aid shall be paid to local agencies or counties for 90 percent of general assistance medical care paid by the local agency or county on behalf of persons eligible for general assistance or persons meeting the income and resource criteria established in the program for aid to families with dependent children. Nothing in this provision shall be construed to modify the spenddown required in appropriate cases for general assistance medical care. Reimbursement for medical care provided under Minnesota Statutes, Sections 256D.01 to 256D.21 or 261.23 shall be limited to the following categories of service only: inpatient hospital care, outpatient hospital care, prescription drugs, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for medications prescribed for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) At the option of the county board and with the approval of the commissioner of public welfare, reimbursement for inpatient hospital care, outpatient hospital care, and prescription drugs may be limited to designated medical care providers.

(c) The commissioner of public welfare may reduce payments provided under Minnesota Statutes, Sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. Reductions below the cost per service unit allowable under medical assistance pursuant to chapter 256B shall be permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care may be reduced no more than 35 percent; and payments for the remaining general assistance medical care services allowable under this provision may be reduced no more than 25 percent.

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(d) If the commissioner or county refuses to pay all or part of the charge for a health service, they shall not be liable for the unpaid portion of the charge. Any county may, from its own resources, provide medical payments for which state payments are not made.

Sec. 3. [256.968] LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed hospital or certified nursing home to 10 days unless need for extended care is certified by the attending physician.

Sec. 4. Minnesota Statutes 1980, Section 16.851, is amended by adding a subdivision to read:

Subd. 3. Nothing in the state building code shall require that each door entering a sleeping room from a corridor in a nursing home with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

Sec. 5. Minnesota Statutes 1980, Section 144A.08, is amended by adding a subdivision to read:

Subd. 1a. CORRIDOR DOORS. Nothing in the rules of the commissioner of health shall require that each door entering a sleeping room from a corridor in a nursing home with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

Sec. 6. Minnesota Statutes 1980, Section 145.913, is amended by adding a subdivision to read:

Subd. 1a. MULTI-COUNTY BOARDS. A county that elects to implement the provisions of the community health services act by organizing a multi-county board of health jointly with another county or counties under the provisions of section 471.59 may reserve and assign to a single county board of health organized under the provisions of section 145.913, subdivision 1, any powers and duties previously assigned by law to boards of health pursuant to section 145.01, and sections 145.47 to 145.55, any powers and duties previously assigned by law to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125, and any discretionary authority of a board of health as provided in section 145.914.

Sec. 7. Minnesota Statutes 1980, Section 145.914, Subdivision 2, is amended to read:

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Subd. 2. **POWERS.** In addition to any other powers assigned to a board of health by sections 145.911 to 145.921, the board of health for a county or city eligible for a subsidy under section 145.917 shall possess all the powers and duties now assigned by law to local boards of health pursuant to section 145.01, and to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125, provided however that this subdivision shall not supersede or otherwise change the powers and duties of any city or township eligible for the subsidy under the provisions of section 145.917, or of any city of the first or second class with an existing program of community health services located within a county with a population of 300,000 or more persons until the city council of said city shall take action to allow the county to preempt the powers and duties of said city. Not later than 365 days after the approval of the community health services plan by the state commissioner of health, any county or city board, committee or commission having authorities or duties in any area designated in sections 145.911 to 145.921 other than the board of health designated and acting pursuant to sections 145.911 to 145.921 township, city, or county board of health organized under the provisions of section 145.01 and any public health nursing committee organized under the provisions of sections 145.08 to 145.125, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee, or commission; provided, however, that any city or township eligible for the subsidy under the provisions of section 145.917, and any city of the first or second class with an existing program of community health services located in a county with a population of 300,000 or more persons may continue operations and the payment of per diem and reimbursement of expenses.

Sec. 8. [145.97] **HILL-BURTON PROGRAM; RULES.**

The commissioner of health may promulgate temporary rules under section 15.0412, subdivision 5 to implement and enforce the provisions of 42 United States Code, Sections 291c(e), 291e(b)(3), 300s(3), 300s-1(b)(1)(K), or 300s-6, and the provisions of regulations promulgated by the United States secretary of health and human services pursuant to 42 United States Code, Sections 291c(e) or 300s(3), known as the Hill-Burton program. The commissioner shall maintain records on the number and nature of complaints received and any actions taken to implement or enforce the Hill-Burton laws and rules.

Sec. 9. [241.70] **PROGRAMS FOR WOMEN OFFENDERS.**

Subdivision 1. **TYPE OF PROGRAMS.** Adult women charged with or convicted of crimes shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes. Programs for women offenders shall be based upon the special needs of women offenders.

Subd. 2. **MODEL PROGRAMS.** Within the limits of money appropriated, the commissioner of corrections shall provide model programs for

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women offenders which respond to statewide needs and geographical areas and shall award grants for the programs. Listed in the order of importance, the programs shall:

(a) Respond in a rehabilitative way to the type of offenses women offenders generally commit;

(b) Respond to the problems of women offenders with dependent children;

(c) Respond to the importance of developing independent living skills;

(d) Assist women offenders to overcome their own extreme degree of dependency;

(e) Prepare to offer technical assistance and training toward the implementation of other similar programs when requested by local communities.

Subd. 3. COUNTY PLANS. Counties shall annually submit a plan to the commissioner of corrections for approval which provides for services to women offenders in their area and which incorporates criteria for model programs established by the commissioner. Counties may agree to cooperate in preparing a joint plan and may submit and administer their plan jointly.

Sec. 10. [241.71] CREATION OF ADVISORY TASK FORCE.

Within 60 days after the effective date of sections 9 to 12, the commissioner of corrections shall appoint an advisory task force on the woman offender in corrections. The task force shall have at least ten but no more than 20 members and shall reflect a statewide geographical representation. The provisions of Minnesota Statutes, Section 15.059, Subdivision 6, shall govern the terms, expenses, and removal of members of the advisory task force.

Sec. 11. [241.72] PROGRAM FUNDING.

Subdivision 1. GRANTS IN AID. To assist those counties that have existing programs for the woman offender, and to encourage counties to develop and implement programs, the commissioner of corrections, from funds appropriated for the purposes of sections 9 to 12, shall make grants in aid not to exceed 40 percent of the costs of the programs in those counties electing to participate in the grant program established by sections 9 to 12.

Subd. 2. APPLICATIONS. To qualify for the grants in aid provided under this section, those counties with existing programs and those counties that want to participate shall, by resolution of the county board, request that they be allowed to participate and submit a plan in accordance with the provisions of section 9, subdivision 3, and the rules of the commissioner.

Subd. 3. MULTI-COUNTY PROGRAMS; LOCAL MATCHING FUNDS. Where several counties combine to provide one or more of the

programs under sections 9 to 12, the 60 percent local matching funds shall be borne proportionately by the participating counties on the basis of need or use as determined by the rules of the commissioner.

Sec. 12. [241.73] DUTIES OF COMMISSIONER.

The commissioner of corrections shall:

- (a) Review all county plans for model programs for women offenders;
- (b) Choose model programs and award grants for programs;
- (c) Appoint the members of the advisory task force created under section 10 and provide staff and other administrative services to the advisory task force;
- (d) Consult with the state advisory task force on the woman offender in corrections before making a choice of the programs eligible for funding;
- (e) Monitor the delivery of services sought under this act; and
- (f) Establish by rule a method of determining the amount of contribution to be made by each county where two or more counties combine to provide one or more programs under sections 9 to 12.

Sec. 13. Minnesota Statutes 1980, Section 245.0313, is amended to read:

245.0313 AID TO THE DISABLED; MENTALLY RETARDED.

Notwithstanding any provision of law to the contrary, the cost of care not met by federal funds for any mentally retarded patient eligible for the medical assistance program or the supplemental security income for the aged, blind and disabled program in institutions under the control of the commissioner of public welfare shall be paid for from state funds by the state and county in the same proportion as provided in section 256B.19 for division of costs.

Sec. 14. [245.73] GRANTS FOR RESIDENTIAL SERVICES FOR ADULT MENTALLY ILL PERSONS.

Subdivision 1. COMMISSIONER'S DUTY. The commissioner shall establish a statewide program to assist counties in ensuring provision of services to adult mentally ill persons. The commissioner shall make grants to county boards to provide community based services to mentally ill persons through facilities licensed under sections 245.781 to 245.813.

Subd. 2. APPLICATION; CRITERIA. County boards may submit an application and budget for use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. The commissioner shall give first priority to residential facilities for adult mentally ill persons operating as of July 1, 1980, to meet licensing requirements of the commissioner pursuant to sections 245.781 to 245.813. Funds shall not be used to supplant or

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reduce local, state, or federal expenditure levels supporting existing resources unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program. State funds received by a county pursuant to this section shall be used only for direct service costs. Both direct service and other costs, including but not limited to renovation, construction or rent of buildings, purchase or lease of vehicles or equipment as required for licensure as a facility for adult mentally ill persons under sections 245.781 to 245.812, may be paid out of the matching funds required under subdivision 3 of this section. Neither the state funds nor the matching funds shall be used for room and board costs.

Subd. 3. FORMULA. Grants made pursuant to this section shall finance 75 percent of the county's costs of expanding or providing services for adult mentally ill persons in residential facilities as provided in subdivision 2.

Subd. 4. RULES; REPORTS. The commissioner shall promulgate a temporary and permanent rule to govern grant applications, approval of applications, allocation of grants, and maintenance of service and financial records by grant recipients. The commissioner shall require collection of data for compliance, monitoring and evaluation purposes and shall require periodic reports to demonstrate the effectiveness of the services in helping adult mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than December 31 of each even-numbered year as to the effectiveness of this program and recommendations regarding continued funding.

Sec. 15. Minnesota Statutes 1980, Section 245.802, is amended by adding a subdivision to read:

Subd. 3. A residential facility that is federally certified as an intermediate care facility serving adult mentally ill persons on the effective date of this section shall not be denied a program license on the basis of any rule that requires physical plant specifications regarding the alteration of a certain number of beds and a certain number or size of living areas per treatment unit which would require the facility to alter its total number of beds.

Sec. 16. Minnesota Statutes 1980, Section 245.812, is amended by adding a subdivision to read:

Subd. 7. Residential facilities for adult mentally ill persons established on or before July 1, 1980, are exempt from the requirements of this section until July 1, 1984. The commissioner shall develop a mechanism for ensuring full compliance with this section by residential facilities for adult mentally ill persons by July 1, 1984.

Sec. 17. Minnesota Statutes 1980, Section 246.54, is amended to read:
246.54 **LIABILITY OF COUNTY; REIMBURSEMENT.**

~~The patient's county shall pay annually to the state of Minnesota \$10 for each month or portion thereof the patient spends at a state hospital. Any~~

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portion of said amount actually received by the state of Minnesota from the patient and his relatives shall be credited to said county a portion of the cost of care provided in a state hospital to a patient legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement therefor from the patient, his the patient's estate, or his from the patient's relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947.

Sec. 18. Minnesota Statutes 1980, Section 254A.03, is amended by adding a subdivision to read:

Subd. 3. The commissioner of public welfare shall establish criteria to be used in determining the appropriate level of chemical dependency care, whether outpatient, inpatient or short-term treatment programs, for each recipient of public assistance seeking treatment for alcohol or other drug dependency and abuse problems. The criteria shall address, at least, the family relationship, past treatment history, medical or physical problems, arrest record, and employment situation.

Sec. 19. Minnesota Statutes 1980, Section 256.73, Subdivision 2, is amended to read:

Subd. 2. ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY. Except as provided in clause (3), 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 property other than the homestead, except as described in clause (3). For the purposes of this section "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land; or

(2) Personal property of a reasonable market value in excess of ~~\$600~~ \$400 for a one child recipient or ~~\$1,000~~ \$600 for more than one child recipient, exclusive of personal property used as the home, one automobile, 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 of the

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commissioner of public welfare, and such property that produces a net income applicable to the family's needs.

(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, or the sale of which would net an insignificant amount of income applicable to the families or would cause undue hardship, as determined by the commissioner, 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; provided, that the net income thus derived shall be applied on the family budget.

Sec. 20. Minnesota Statutes 1980, Section 256.76, Subdivision 1, is amended to read:

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to section 256.871 within a reasonable period of time. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

Sec. 21. Minnesota Statutes 1980, Section 256.87, is amended to read:

256.87 CONTRIBUTION BY PARENTS; AMENDMENTS; REPEALS.

Subdivision 1. **ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.** If ~~At~~ any time during the continuance of ~~any~~ assistance to a

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child granted under sections 256.72 to 256.87 the state agency or county agency finds that any parent 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 a parent of a child is liable for the amount of assistance furnished under sections 256.72 to 256.87 subsequent to the notice, or any part thereof as the person during the two years immediately preceding the commencement of the action which the parent 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 the parent for the recovery of the amount of assistance granted after the notice, as hereinbefore provided, together with the costs and disbursements of the action.

Subd. 1a. CONTINUING CONTRIBUTIONS. 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 parent 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. An order for continuing contributions is reinstated without further hearing upon notice to the parent by the county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance, the amount required to be paid, and the conditions under which income withholding can occur. In any order modifying the amount of support or maintenance, the court may, if appropriate, make the modification retroactive to the date of automatic reinstatement.

Subd. 2. NOT TO BE VESTED RIGHT. All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed and. No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Sec. 22. Minnesota Statutes 1980, Section 256.872, is amended to read:

256.872 PERSONS OBLIGATED TO PAY FOR SUPPORT OF SPOUSE OR DEPENDENT CHILD, ORDER TO EMPLOYER TO WITHHOLD.

Subdivision 1. WITHHOLDING ORDER. Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, has been determined and ordered by a court of this state, the public agency responsible

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for child support enforcement may ~~petition~~ move and the district or county court ~~for~~ shall grant an order providing for the withholding of the amount of child support or maintenance as determined by court order, from the wages income, regardless of source of the person obligated to pay said the support or maintenance. 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. "Income" means any form of periodic payments to an individual, including, but not limited to, wages, salary, income as an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.

Subd. 2. CONDITIONS. Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;

(b) The agency serves written notice of its determination on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The agency serves a copy of its determination of delinquency and a copy of the court's withholding order on the payor of funds.

Subd. 3. MODIFICATION ORDERS. An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.

Sec. 23. Minnesota Statutes 1980, Section 256.873, is amended to read:

256.873 EMPLOYER'S PAYOR'S DUTY; REMITTANCE OF AMOUNT WITHHELD.

The court's order for withholding is binding on the payor of funds upon service of a copy of the agency's determination of delinquency and a copy of the court's order on the payor of funds.

The support or maintenance money shall be withheld by the ~~employer~~ payor of funds of said the person obligated to pay the support and or maintenance. The amount withheld shall be remitted monthly or more frequently to the public agency responsible for child support enforcement. Any amount ~~so~~ received in excess of the amount of public assistance expended ~~for~~

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said child shall be further remitted to the person entitled thereto to it. No employer may discharge, suspend or otherwise penalize ~~any an~~ employee by reason of the fact that because the employer must withhold ~~the~~ support or maintenance money.

Sec. 24. Minnesota Statutes 1980, Section 256.875, is amended to read:

256.875 INCLUSION IN DIVORCE DECREE.

Nothing in sections 256.872 to 256.878 shall be construed to prevent the ~~petition~~ motion for withholding to be presented, and the order for withholding of support to be included in a final order or decree of ~~divorce~~ dissolution or legal separation or in a judgment or order determining parentage.

Sec. 25. Minnesota Statutes 1980, Section 256.877, is amended to read:

256.877 MODIFICATION OR TERMINATION OF ORDER.

When it ~~shall appear~~ appears that the circumstances of the parties have ~~changed to an extent affecting the operation of this order, or it appears that the~~ order is no longer needed or desirable, any interested party may ~~petition~~ move the court having granted ~~said the~~ order for an order modifying or terminating ~~the same it~~.

Sec. 26. Minnesota Statutes 1980, Section 256B.02, Subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services.

(2) Skilled nursing home services and services of intermediate care facilities. Payment shall be made only for days on which the eligible individual is in the nursing home or facility.

(3) Physicians' services.

(4) Outpatient hospital or clinic services.

(5) Home health care services.

(6) Private duty nursing services.

(7) Physical therapy and related services No payments shall be made pursuant to this chapter directly to physical therapists, occupational therapists, speech pathologists and audiologists. Prescribed restorative therapy and specialized maintenance therapy which must be provided by physical therapists, occupational therapists, speech pathologists and audiologists in a nursing home, boarding care home or supervised living facility shall be included in the per

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diem rate of the facility. Specialized maintenance therapy which must be provided by a therapist shall not include ambulation, passive range of motion, transfer and activities of daily living, and teaching and follow-up which are considered nursing care services. Payments to medicare-certified rehabilitation agencies shall be limited to payments for physician services and prescribed restorative therapy provided by physical therapists, occupational therapists, speech pathologists and audiologists.

(8) Dental services, excluding cast metal restorations.

(9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall prescribe a drug formulary. Payments for prescribed drugs shall be limited as follows, unless prior authorization for exceptions is received from the commissioner: (a) One prescription per maintenance drug per month; and (b) Three prescriptions per month per recipient. "Drug formulary" means the list of drugs approved by the commissioner upon the advice of the drug formulary committee that are reimbursable under the state medical assistance program. Promulgation and publication of the formulary shall be exempt from the requirements of chapter 15. The formulary shall not include: (a) Drugs lacking FDA approval for safety and efficacy; (b) Over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under age 7; (c) Nutritional products; (d) Anorectics; and (e) Drugs for which medical value has not been established. The drug formulary committee shall review all drugs and advise the commissioner as to their inclusion or exclusion from the drug formulary. The formulary committee shall be comprised of one representative each of: the University of Minnesota's school of dentistry, school of medicine and college of pharmacy; the Minnesota medical association; the Minnesota state pharmaceutical association; the department of health, and the department of public welfare. The commissioner or his agent shall serve as secretary to the committee.

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

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(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

(16) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 27. Minnesota Statutes 1980, Section 256B.03, is amended to read:

256B.03 PAYMENTS TO VENDORS.

Subdivision 1. GENERAL LIMIT. All payments for medical assistance hereunder must be made to the vendor.

Subd. 2. LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS. Notwithstanding the provisions of sections 256B.42 to 256B.48 and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for the first rate year beginning during the biennium ending June 30, 1983, shall not exceed by more than eight percent the final rate allowed to the facility for the preceding rate year.

Notwithstanding provisions of Minnesota Statutes, Section 256B.45, Subdivision 1, the commissioner shall not increase the percentage for investment allowances.

Sec. 28. Minnesota Statutes 1980, Section 256B.06, Subdivision 1, is amended to read:

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

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

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

(8) Who, ~~if single,~~ individually does not have own more than \$2,000 in cash or liquid assets, ~~plus \$150 for each additional legal dependent or, if married, whose cash or liquid assets do not exceed \$10,000,~~ or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$4,000 in cash or liquid assets, plus \$200 for each additional legal dependent, except that the value of the following shall not be included:

(a) the homestead, and (b) one automobile motor vehicle licensed pursuant to Minnesota Statutes, Chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e shall be disregarded; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (~~man~~ husband and

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wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 29. Minnesota Statutes 1980, Section 256B.091, is amended by adding a subdivision to read:

Subd. 8. ALTERNATIVE CARE GRANTS. The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the

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screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within 90 days of admission to a nursing home; and (3) who need services that are not available at that time in the county through other public assistance.

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the non-federal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. The state expenditures for this section shall not exceed \$1,800,000 for the biennium ending June 30, 1983. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. Total payment of the costs of providing care under this subdivision shall not exceed 75 percent of the per diem payment for which each individual served would have been eligible if the individual had been admitted to a nursing home. The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.

The commissioner shall promulgate temporary rules in accordance with section 15.0412, subdivision 5, to establish required documentation and reporting of care delivered.

Sec. 30. Minnesota Statutes 1980, Section 256B.17, is amended to read:

256B.17 TRANSFERS OF PROPERTY.

Any person who has transferred any real or personal property within three years immediately preceding the date of application for medical assistance

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hereunder or who transfers any such property while receiving medical assistance hereunder without receiving a reasonable consideration therefor shall be presumed to have done so in order to become or remain eligible for medical assistance hereunder or to have deprived himself or his spouse of a resource that might otherwise have been used to meet his or their current needs. Such person shall have the burden of overcoming such presumption to the satisfaction of the county agency.

Subdivision 1. TRANSFERS FOR LESS THAN MARKET VALUE. In determining the resources of an individual and an eligible spouse, there shall be included any resource or interest therein which was given away or sold for less than fair market value within the 24 months preceding application for medical assistance or during the period of eligibility.

Subd. 2. PRESUMPTION OF PURPOSE. Any transaction described in subdivision 1 shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.

Subd. 3. RESOURCE VALUE. For purposes of subdivision 1, the value of the resource or interest shall be the fair market value at the time it was sold or given away, less the amount of compensation received.

Subd. 4. PERIOD OF INELIGIBILITY. In any case where the uncompensated value of transferred resources exceeds \$12,000, the commissioner shall require a period of ineligibility which exceeds 24 months, provided that the period of ineligibility bears a reasonable relationship to the excess uncompensated value of the transferred asset.

Sec. 31. Minnesota Statutes 1980, Section 256D.01, Subdivision 1, is amended to read:

Subdivision 1. The objectives of sections 256D.01 to 256D.21 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; and to provide an integrated public assistance program for all those persons in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health meeting the eligibility criteria contained in this chapter.

It is hereby declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law and who meet the eligibility requirements of sections 256D.01 to 256D.21 shall be entitled to receive such grants of general assistance and such services, within the time limits set forth in this chapter as may be necessary to maintain a subsistence reasonably compatible with decency and health. The furnishing of such assistance and services is a matter of public concern and a necessity in promoting the public health and welfare.

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A principal objective in providing general assistance ~~and services~~ shall be to ~~aid those persons who can be helped to become self-supporting or to attain self-care~~ provide for persons ineligible for federal programs who are unable to provide for themselves. To achieve ~~this~~ these aims, the commissioner shall establish minimum standards of assistance for general assistance. The minimum standard for cash payments to recipients shall be: as to shelter and utilities, 100 percent of the actual need or state standards therefor, subject to the maximum established for shelter in the aid to the blind, aid to the disabled, and old age assistance programs in December, 1973; and as to other budgetary items, 50 percent, of those established for said items in the aid to the blind, aid to the disabled, and old age assistance programs in December, 1973. The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. In order to maximize the use of federal funds, the commissioner shall promulgate regulations, to the extent permitted by federal law for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available. The commissioner shall provide by regulation for the eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. ~~The strengthening and preservation of the family unit shall be a principal consideration in the administration of sections 256D.01 to 256D.21 and all general assistance policies shall be formulated and administered so as to further this objective.~~

Sec. 32. Minnesota Statutes 1980, Section 256D.02, Subdivision 4, is amended to read:

Subd. 4. "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States. It shall include cash payments for goods, shelter, fuel, food, clothing, light, necessary household supplies, and personal need items. General assistance shall not include payments for foster care, child welfare services, or other social services. Vendor payments may be made only as provided for in ~~sections~~ section 256D.09 and 256D.11.

Sec. 33. Minnesota Statutes 1980, Section 256D.02, Subdivision 8, is amended to read:

Subd. 8. "Income" means earned and unearned income reduced by any form of income, including remuneration for services performed as an employee and net earnings from self-employment, reduced by the amount attributable to employment expenses as defined by the commissioner. The amount attributable to employment expenses shall include amounts paid or

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withheld for federal and state personal income taxes and federal social security taxes.

"Income" includes any payments received as an annuity, retirement, or disability benefit, including veteran's or workers' compensation; old age, survivors, and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, supplementary security income, or other assistance program; rents, dividends, interest and royalties; and support and maintenance payments except that such payments may not be considered as available to meet the needs of any person other than the person for whose benefit they are received, unless that person is under a legal duty to support another family member. Goods and services provided in lieu of cash payment shall be excluded from the definition of income.

Sec. 34. Minnesota Statutes 1980, Section 256D.03, Subdivision 2, is amended to read:

Subd. 2. After December 31, ~~1979~~ 1980, and before January 1, ~~1984~~, state aid shall be paid to local agencies for ~~60 percent and, after December 31, 1980, for 75 percent~~ of all general assistance grants up to the standards of section 256D.01, subdivision 1, and according to procedures established by the commissioner. Any local agency may, from its own resources, make payments of general assistance: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or, (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 2, but for whom the aid would further the purposes established in the general assistance program in accordance with rules promulgated by the commissioner pursuant to the administrative procedure act.

Sec. 35. Minnesota Statutes 1980, Section 256D.04, is amended to read:

256D.04 DUTIES OF THE COMMISSIONER.

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all local agencies and other interested persons; in promulgating rules, the provisions of sections 15.041 to 15.052, shall apply;

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(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services; and

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public;

(8) Report at least annually to the governor and legislature the cost of living in the various counties and metropolitan areas as related to the standards of assistance and the amounts expended for assistance, and make this information available to the public; and

(9) Issue emergency rules necessary to implement the work equity program and promulgate all rules pursuant to chapter 15 necessary to carry out the program so that its demonstrational project may be administered uniformly throughout participating counties. Rules shall be furnished immediately to all local agencies and other interested persons.

Sec. 36. Minnesota Statutes 1980, Section 256D.05, Subdivision 1, is amended to read:

Subdivision 1. **STANDARDS.** Each person or family whose income and resources are less than the standard of assistance established by the commissioner, and who is not eligible for the federally aided assistance programs of emergency assistance or aid to families with dependent children, or any successor to those programs, shall be eligible for and entitled to general assistance; provided that no individual shall be eligible for general assistance if he is eligible for any of the following federally aided assistance programs: emergency assistance, aid to families with dependent children, or any successor to the above if the person or family is:

(a) A person suffering from an illness, injury, or incapacity which is both medically certified and prevents the individual from engaging in suitable employment, if a plan for rehabilitation approved by the local agency through its director or designated representative is being followed when the situation is certified as temporary;

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(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness or incapacity of another member of the household;

(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(d) A person who resides in a shelter facility described in subdivision 3;

(e) A person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40. In determining eligibility of the person for general assistance, income received as a stipend shall be disregarded as provided in section 4.40;

(f) A person who is unable to secure suitable employment due to inability to communicate in the English language, and who, if assigned to a language skills program by the local agency, is participating in that program;

(g) A person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally ill; or

(h) A person who is unable to secure suitable employment due to a lack of marketable skills as determined by the local agency, and who, if assigned to a vocational counseling, vocational rehabilitation, or work training program by the local agency, is participating in that program. Eligibility for general assistance under clause (h) of this paragraph is limited to five weeks per calendar year.

Sec. 37. Minnesota Statutes 1980, Section 256D.06, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, a grant of general assistance shall be made to an eligible individual or family for an emergency need, as defined in rules promulgated by the commissioner, where the ~~applicant~~ or recipient requests temporary assistance not exceeding 30 days if an emergency situation appears to exist and the individual is ineligible for the ~~federally aided~~ program of emergency assistance under aid to families with dependent children and is not a recipient of aid to families with dependent children at the time of application hereunder. If ~~an applicant or a recipient~~ relates facts to the local agency which may be sufficient to constitute an emergency situation, the local agency shall advise the ~~applicant or recipient~~ of the procedure for applying for assistance pursuant to this subdivision.

Sec. 38. Minnesota Statutes 1980, Section 256D.06, is amended by adding subdivisions to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. When a general assistance grant is used to pay a negotiated rate for a recipient living in a licensed or certified facility, the rate payable hereunder to that facility shall be no more than that paid by an individual not receiving general assistance.

Subd. 5. INTERIM ASSISTANCE. Any applicant, otherwise eligible for general assistance and possibly eligible for maintenance benefits from any other source shall be obligated to (a) make application for those benefits within 30 days of the general assistance application; and (b) execute an interim assistance authorization agreement on a form as directed by the commissioner. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which general assistance was also being received, the recipient shall be required to reimburse the local agency for the interim assistance paid. Reimbursement shall not exceed the amount of general assistance paid during the time period to which the other maintenance benefits apply and shall not exceed the state standard applicable to that time period. This provision shall not require repayment of per diem payments made to shelters for battered women pursuant to section 256D.05, subdivision 3.

Sec. 39. Minnesota Statutes 1980, Section 256D.14, is amended to read:

256D.14 VIOLATIONS.

Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or by the intentional withholding or concealment of a material fact, or by impersonation, or other fraudulent device:

- (1) Assistance to which he is not entitled; or
- (2) Assistance greater than that to which he is reasonably entitled;

shall be considered to have violated section 256.98, and shall be subject to both the criminal and civil penalties provided therein.

Sec. 40. ~~[257.021]~~ DUTY OF STEPPARENT TO SUPPORT STEPCHILD.

Subdivision 1. IN GENERAL. Notwithstanding section 257.02, a stepparent shall be legally obligated to support a stepchild living in the same household to the same extent that a natural or adoptive parent is required to support a child, unless, in a particular case, a court of competent jurisdiction determines that undue hardship would result because the stepparent is bound by court order to support children of a previous union. The natural or adoptive parent shall retain the primary support obligation.

Subd. 2. MARRIAGE TERMINATION. Termination of marriage between the stepparent and the stepchild's natural or adoptive parent shall terminate the support obligation described in subdivision 1.

Subd. 3. SUPPORT ENFORCEMENT. A stepparent may recover support for a stepchild from the natural or adoptive parent under the same conditions as any other obligee.

Subd. 4. DEFINITIONS. "Stepparent" means a person ceremonially married to a child's natural or adoptive parent who is not the child's natural or adoptive parent, or a person who is living with a natural or adoptive parent as a common law spouse, whose common law marriage was entered into in a state which recognizes the validity of common law marriages.

"Stepchild" means a child with a stepparent.

Subd. 5. LIMITATIONS. This section shall not be construed to affect custody determinations or any parental duty other than the duty to support the stepchild.

Sec. 41. Minnesota Statutes 1980, Section 357.021, Subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, a fee of \$35.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

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(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 42. Minnesota Statutes 1980, Section 357.021, is amended by adding a subdivision to read:

Subd. 2a. Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 43. Minnesota Statutes 1980, Section 517.08, Subdivision 1b, is amended to read:

Subd. 1b. The clerk shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of ~~\$15~~ \$30 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage

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license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 44. Minnesota Statutes 1980, Section 517.08, is amended by adding a subdivision to read:

Subd. 1c. DISPOSITION OF LICENSE FEE. Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 45. Minnesota Statutes 1980, Section 518.54, is amended by adding subdivisions to read:

Subd. 6. INCOME. "Income" means any form of periodic payment to an individual including, but not limited to, wages, salaries, payments to an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.

Subd. 7. OBLIGEE. "Obligee" means a person to whom payments for maintenance or support are owed.

Subd. 8. OBLIGOR. "Obligor" means a person obligated to pay maintenance or support.

Subd. 9. PUBLIC AUTHORITY. "Public authority" means the public authority responsible for child support enforcement.

Sec. 46. Minnesota Statutes 1980, Section 518.551, is amended to read:

518.551 MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.

Subdivision 1. ORDER. A court having jurisdiction over proceedings for dissolution of, legal separation or determination of parentage shall direct that all payments ordered for maintenance and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the maintenance and support payments will receive public authority so long as the obligee is receiving or has applied for public assistance. Amounts received by the agency public authority greater than the amount granted to the party receiving public assistance obligee shall be remitted to that party the obligee.

Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. NOTICE OF CONDITIONS. Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The public authority determines that the obligor is at least 30 days in arrears;

(b) The public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The public authority serves a copy of its determination of arrearage and a copy of the court's withholding order on the payor of funds.

Subd. 3. MODIFICATION ORDERS. An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.

Subd. 4. ORDER BECOMES BINDING. The order is binding on the employer, trustee or other payor of funds upon service upon him of a copy of the determination of arrearage and a copy of the court withholding order.

Subd. 5. NOTICE TO PUBLIC AUTHORITY. The petitioner shall notify the agency responsible for the welfare payments public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families of dependent children or applies for such aid it subsequent to the commencement of the proceeding. After receipt of the notice, the agency public authority shall recommend to the court the support that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

Subd. 6. FAILURE OF NOTICE. If the court finds in a dissolution or, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the agency responsible for the welfare payments public authority, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency public authority has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and in which the agency public authority determines that the judgment is not proper and adequate for the care and support of the child or children, it

may petition move the court for a redetermination of the support payments ordered.

Sec. 47. Minnesota Statutes 1980, Section 518.611, is amended to read:

518.611 ASSIGNMENTS.

Subdivision 1. ORDER TO WITHHOLD INCOME. If the person obligated to pay support or maintenance fails to make a required payment, and is given a reasonable opportunity by the court to allege hardship or that the payment has been made, the other party The obligee or the public authority responsible for support enforcement may, after 30 days, at any time move the court to order, and the court, unless hardship is shown, shall order the employer or, trustee or other payor of funds to withhold from the obligor's periodic earnings or trust income, regardless of source, an amount equal to the court's order for support or maintenance.

Subd. 2. NOTICE TO OBLIGOR OF CONDITIONS. Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or the public authority determines that the obligor is at least 30 days in arrears;

(b) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has either failed to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds.

(e) The obligee shall also serve on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services.

Subd. 3. MODIFICATION ORDERS. An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.

Subd. 4. EFFECT OF ORDER. The assignment order is binding on the employer, trustee, or other payor of the funds upon service upon him of

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notice that it has been made. The payor shall withhold from the ~~earnings or trust income payable to the person obligated to pay support or maintenance obligor~~ the amount specified in the ~~assignment order~~ and shall monthly or more frequently remit the amounts withheld to the ~~other party or, in the case of a public assistance recipient, to the public agency responsible for support enforcement authority~~. Amounts received by the public authority ~~responsible for support enforcement~~ which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

Sec. 48. Minnesota Statutes 1980, Section 518.64, Subdivision 1, is amended to read:

Subdivision 1. After an order for maintenance or support money, temporary or permanent, or for the appointment of trustees to receive property awarded as maintenance or support money, the court may from time to time, on petition of either of the parties or on petition of the public authority responsible for support enforcement ~~where the party entitled to support or maintenance receives or has applied for public assistance~~, modify the order respecting the amount of maintenance or support money, and the payment of it, and also respecting the appropriation and payment of the principal and income of property held in trust, and may make an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Sec. 49. Minnesota Statutes 1980, Section 518.64, is amended by adding a subdivision to read:

Subd. 5. FORM. The department of public welfare shall prepare and make available to courts and obligors a form to be submitted by the obligor in support of a motion for a modification of an order pursuant to this section or section 256.87. The rule-making provisions of chapter 15 shall not apply to the preparation of the form.

Sec. 50. ~~[609.101]~~ SURCHARGE ON FINES, ASSESSMENTS.

When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments.

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The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 241.51 to 241.66, under chapter 256D, and chapter 299B. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 51. INSTRUCTIONS TO REVISOR.

In accordance with section 648.36, in the next edition of Minnesota Statutes the revisor of statutes shall change the headnote of section 4.40 from "displaced worker programs" to "displaced homemaker programs".

Sec. 52. REPEALER.

Minnesota Statutes 1980, Sections 256.87, Subdivision 3; 256D.02, Subdivisions 9 and 10; and 256D.11, are repealed.

Sec. 53. EFFECTIVE DATE.

Section 30 of this article is effective with respect to applications for benefits made the day after final enactment and thereafter.

Sec. 54. SUNSET PROVISION.

Sections 26, 27, 31 and 36 are repealed effective June 30, 1983.

Approved June 1, 1981

CHAPTER 361 — H.F.No. 1475

An act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Sections 116.18, Subdivisions 1 and 4; and 174.50, Subdivision 1.

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

Section 1. PUBLIC LAND AND BUILDINGS; APPROPRIATIONS.

The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the state building fund, or any other fund designated, to the

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