

CHAPTER 256E

COMMUNITY SOCIAL SERVICES ACT

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256E.01 CITATION.

Sections 256E.01 to 256E.12 may be cited as the "community social services act."

History: 1979 c 324 s 1

256E.02 PURPOSE.

It is the purpose of the "community social services act" to establish a system of planning for and providing community social services administered by the boards of county commissioners of each county under the supervision of the commissioner of public welfare.

History: 1979 c 324 s 2

256E.03 DEFINITIONS.

Subdivision 1. For the purposes of sections 256E.01 to 256E.12 the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. "Community social services" means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services authorized by sections 245.61 to 245.691, 245.83 to 245.87, 252.21 to 252.27, subdivision 1, 254A.07, 254A.08, 254A.12, 254A.14, 260.251, subdivision 1a, 261.27 and 393.07, subdivision 1. Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Subd. 3. "Commissioner" means the commissioner of public welfare.

Subd. 4. "State social services plan" means the state social services plan developed pursuant to section 256E.04.

Subd. 5. "County plan" means the community social services plan required by section 256E.09.

Subd. 6. "County board" means the board of county commissioners in each county.

Subd. 7. "Human services board" means a board established pursuant to Minnesota Statutes, Section 402.02, Laws 1974, Chapter 293 or Laws 1976, Chapter 340.

History: 1979 c 324 s 3

256E.04 BIENNIAL STATE PLAN.

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment;

(c) A statement of the relationship of the state social services plan to comprehensive social, economic, physical, and environmental plans adopted by the regional development commissions and the metropolitan council, including the rationale for any differences; and

(d) An evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Subd. 2. Copies of the proposed state plan shall be made reasonably available to the public allowing sufficient time for public review and comment. Copies of the updated state social services plan shall be submitted to the governor and the legislature prior to the beginning of each biennium and shall be made available to the public.

History: 1979 c 324 s 4

256E.05 DUTIES OF COMMISSIONER OF PUBLIC WELFARE.

Subdivision 1. **General supervision.** The commissioner of public welfare shall supervise the community social services administered by the counties through standard-setting, technical assistance to the counties, approval of county plans, preparation of the state biennial plan, evaluation of community social services programs and distribution of public money for services.

Subd. 2. **Plan approval.** Within 30 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 5, the commissioner shall certify whether the plan fulfills the purposes and requirements of law and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Subd. 3. **Additional duties.** The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise all applicable department rules as appropriate to accommodate sections 256E.01 to 256E.12;

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services programs delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social service programs and recommendations for changes needed to fully implement state social service policies; and

(f) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

History: 1979 c 324 s 5

256E.06 DISTRIBUTION OF STATE AIDS.

Subdivision 1. **Formula.** The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year 1980:

(a) An amount equal to \$65.50 times the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in calendar year 1979 as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare;

(b) Plus an amount equal to \$3.05 times the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$26.75 times the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

(2) In calendar year 1981:

(a) An amount equal to \$69 times the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in calendar year 1979 as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare;

(b) Plus an amount equal to \$3.20 times the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$28.25 times the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

If the legislature appropriates for any biennium a greater or lesser amount than the amount determined according to this formula, the amount due to the counties based on the formula in clauses (a) to (c) shall be increased or decreased accordingly. The local effort required by subdivisions 4 and 5 and any reductions required by subdivisions 6 to 9 or section 256E.05, subdivision 2 shall be calculated on the basis of the amounts actually appropriated from year to year.

Subd. 2. **Minimum funding level.** No county shall receive less for community social services under subdivision 1 in calendar years 1980 and 1981 than 106 percent and 112 percent respectively of the amount of state money it received in calendar year 1978 for moneys earned in calendar year 1978 as authorized by Laws 1977, Chapter 453, Section 2 and as authorized by the 1979 regular session

of the seventy-first legislature for the following activities: community mental health centers pursuant to sections 245.61 to 245.691 and 254A.07, except money authorized for programs serving native Americans pursuant to section 254A.031; developmental achievement centers pursuant to sections 252.21 to 252.261; day care services pursuant to sections 245.83 to 245.87, except money authorized in the official worksheets of the senate and house conferees for migrant labor day care; money authorized in the official worksheets of the senate and house conferees for detoxification programs pursuant to section 254A.08 and for half-way houses for chemically dependent persons; and money authorized for affected employees pursuant to section 254A.12 and for services to youth and other underserved populations pursuant to section 254A.14.

For purposes of this subdivision, 50 percent of the county administrative cost reimbursement authorized by Laws 1977, Chapter 453, Section 2, which was earned in calendar year 1978 is considered community social service money. The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. For the first year following July 1, 1979, no county shall receive more than 130 percent of the amount received in 1978.

Subd. 3. Payments to counties. The commissioner of public welfare shall make payments for community social services to each county in four installments per year. The commissioner of public welfare may certify the payments for the first three months of a calendar year based on estimates of the unduplicated number of persons receiving AFDC, general assistance and medical assistance for the prior year. The following three payments shall be adjusted to reflect the actual unduplicated number of persons who received AFDC, general assistance and medical assistance as required by subdivision 1.

Subd. 4. Local effort. Each county shall quarterly certify to the commissioner of public welfare that the county has provided from its resources funding for community social services in an amount at least equal to its state aids pursuant to the formula in subdivision 1.

Subd. 5. Community social service levy. In calendar year 1979 for taxes payable 1980, each county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 1 for community social service programs. In calendar year 1980 for taxes payable 1981, a county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 1. All money available to counties pursuant to this section may be used by counties to match federal money.

Subd. 6. Failure to spend. A county which has not spent the aids granted under subdivision 1 for community social services within two years of receiving those aids shall receive a reduction in aid calculated pursuant to subdivision 1. This reduction shall be made in the calendar year which begins no more than 30 months after the underspending has occurred and shall be equal to one-half the amount of aids which were not spent.

Subd. 7. Failure to levy. A county which levies less than the levy required in subdivision 5, shall receive a reduction in the aid calculated pursuant to subdivisions 1 and 2. The commissioner shall calculate the reduced aid as follows:

(a) Divide the amount levied by the amount required to be levied in subdivision 5; and

(b) Multiply the ratio derived in clause (a) times the aid calculated under subdivision 1.

Subd. 8. Inappropriate expenditures. Beginning in calendar year 1981, in counties containing a city of the first class, the distribution in aid provided in

subdivision 1 shall be reduced by an amount equal to the community social service aids allocated pursuant to subdivision 1 in the immediately preceding year which have been spent for purposes other than community social services.

Subd. 9. **Local government aid.** Beginning in calendar year 1981 the distribution of local government aid pursuant to section 477A.01, subdivision 2 shall be reduced by an amount equal to the community social service aids allocated pursuant to subdivision 1 in the immediately preceding year which have been spent for purposes other than community social services.

Subd. 10. **Appeal.** Prior to certifying any reduction in aids, the commissioner shall notify the county of his intention to certify a reduction. He shall notify the county of the right to a hearing. If the county requests a hearing within 30 days of notification of intention to reduce aids, the commissioner shall not certify any reduction in aids until a hearing is conducted and a decision rendered in accordance with the provisions of chapter 15 for contested cases.

Subd. 11. **Planning grants.** The commissioner may make grants to counties for planning community social service programs. The commissioner shall specify the terms and conditions of the planning grants. Grants for planning shall be limited to one year.

History: 1979 c 324 s 6

256E.07 TITLE XX ALLOCATION.

Subdivision 1. In federal fiscal year 1980 and subsequent years, money for social services that is received from the federal government to reimburse counties for social service expenditures pursuant to title XX of the social security act shall be allocated to each county according to the following formula:

(a) Two-thirds shall be allocated on the basis of the annual average number of unduplicated active caseloads in each county in the following programs: aid to families with dependent children, medical assistance, supplementary security income, and Minnesota supplemental aid.

(b) One-third shall be allocated on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer.

(c) The commissioner shall allocate to the counties pursuant to this section the total money received from the federal government for social services pursuant to title XX of the social security act, except that portion of the state's allocation which the legislature authorizes for administrative purposes and for migrant day care.

(d) In federal fiscal year 1980 and in subsequent years the minimum title XX share of a county shall be the sum of:

(1) The title XX earnings of that county in calendar year 1978, except that in the counties of Hennepin, Ramsey and St. Louis the greater of 99 percent of their title XX earnings in calendar year 1978 or 99 percent of their allocation in federal fiscal year 1979; and

(2) One-half of the amount that the county would be entitled to by applying the allocation formula described in paragraphs (a), (b), and (c) to the amount of title XX money received by the state which is in excess of the state's 1979 federal fiscal year allocation.

If the amount allocated to any county pursuant to paragraphs (a), (b), and (c) is less than the minimum title XX share of that county, its allocation shall be raised to its minimum title XX share through a percent reduction applied to the amounts that allocations to other counties exceed their minimum title XX shares. If in any year the amount of title XX funds to the state is reduced below the level it received in federal fiscal year 1979, the guarantee provided in this

paragraph shall be reduced by a percentage reduction equal to the percentage reduction in title XX money to the state as a whole. The commissioner of public welfare shall annually review the use of title XX money by each county and reallocate unused money among the other counties, except Hennepin, Ramsey and St. Louis Counties, so as to raise them to their earnings in federal fiscal year 1979. Any federal title XX money unused after this reallocation shall be reallocated by the commissioner according to the formula in paragraphs (a), (b), and (c) so that all available federal money is used within the federal fiscal year.

Subd. 2. **Title XX training funds.** The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. In allocating training money received from the federal government pursuant to title XX of the social security act, the commissioner shall, insofar as federal regulations allow, give preference to training or retraining county personnel in the administration of community social services.

History: 1979 c 324 s 7

256E.08 DUTIES OF COUNTY BOARDS.

Subdivision 1. **Responsibilities.** The county board of each county shall be responsible for administration, planning and funding of community social services programs. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan for development and coordination of community social services programs and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services programs.

Subd. 2. **County staff.** The board may appoint a director of community social services to serve at the pleasure of the board and to perform the administrative functions required of the board by sections 256E.01 to 256E.12. The board may assign to the director of community social services the duties of the welfare director as described in section 393.04.

Subd. 3. **Administration of income maintenance programs.** The county board may designate itself, a human services board, or a county welfare board to perform the functions of county welfare boards as prescribed in chapter 393 and assigned to county agencies in other law which pertains to the administration of income maintenance programs known as aid to families with dependent children, general assistance, Minnesota supplemental aid, medical assistance, general assistance medical care, and emergency assistance.

Subd. 4. **Contracts for services.** The county board may contract for community social services programs with a human services board, a multi-county board established by a joint powers agreement, other political subdivisions, or private organizations. The final approval of the community social services plan required in section 256E.09 shall be made by the county board of each county. Nothing in this subdivision shall be construed to negate any collective bargaining unit agreements that are operative on July 1, 1979 between currently existing exclusive representatives and the county.

Subd. 5. **Community social services fund.** In the accounts and records of each county there shall be created a community social services fund. All moneys provided for community social services programs under sections 256E.06 and 256E.07 and all other revenues, fees, grants-in-aid, gifts, or bequests designated for community social services purposes shall be identified in the record of the fund and in the report required in subdivision 8. This fund shall be used exclusively for planning and delivery of community social services as defined in sec-

tion 256E.03, subdivision 2. If county boards have joined for purposes of administering community social services, the county boards may create a joint community social services fund. If a human service board has been established, the human service board shall account for community social services money as required in chapter 402.

Subd. 6. Fees for services. The county board may, subject to approval of the commissioner, establish a schedule of fees based upon clients' ability to pay to be charged to recipients of community social services. Payment, in whole or in part, for services may be accepted from any person. When services are provided to any person, including a recipient of aids administered by the federal, state or county government, payment of any charges due may be billed to and accepted from a public assistance agency or from any public or private corporation.

Subd. 7. County of financial responsibility. The county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral for services to another county. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reaching the age of 18, the county which initiated the treatment is the county of financial responsibility.

Subd. 8. Financial reporting by counties. Beginning in calendar year 1980 each county shall submit to the commissioner of public welfare a financial accounting of the county's community social services fund. A quarterly statement shall be submitted no later than 15 days after the end of the calendar quarter, and shall include:

(a) A detailed statement of income and expenses attributable to the fund in the preceding quarter; and

(b) A statement of the source and application of all money used for social services programs by the county during the preceding quarter, including the number of clients served and expenditures for each service provided, as required by the commissioner of public welfare.

In addition, each county shall submit to the commissioner of public welfare no later than February 15 of each year, a detailed balance sheet of the community social development fund for the preceding calendar year.

If county boards have joined or designated human service boards for purposes of providing community social services programs, the county boards may submit a joint statement or the human service board shall submit the statement, as applicable.

Subd. 9. Reduction in services prohibited. In calendar years 1980 and 1981 the county board shall not reduce the funding provided in calendar year 1979 for the following services: child care, mental health, chemical dependency, and mental retardation services, including developmental achievement centers.

Subd. 10. Intercounty cooperation. Two or more contiguous counties which are situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or the metropolitan area as defined in section 473.121, subdivision 2, and which have not established a human services board may, by resolution of their respective county boards, agree to combine into one board for social service purposes to serve the counties that enter into the agreement. The joint board shall have the same powers, duties, and functions as the individual county boards. The term of the joint board, withdrawal from the joint board, composition of the board, and contribution to the expenses of the board shall be according to the terms of the agreement. Nothing in this section shall

prevent a county board from purchasing services from an agency outside the boundaries of the Minnesota economic development region in which it is situated. A joint board established pursuant to this section may encompass completely two regions. Insofar as possible, social services which are jointly administered shall be equally accessible to all citizens of the counties which are party to the agreement.

History: 1979 c 324 s 8

256E.09 COMMUNITY SOCIAL SERVICE PLANS.

Subdivision 1. **Plan proposal.** Commencing in 1980, and every two years thereafter, the county board shall, on or before May 1 of that year, publish and make available upon request to all residents of the county a proposed biennial community social services plan.

Subd. 2. **Citizen participation.** The county board shall provide opportunities for participation by citizens in the county, including representatives of users of services, in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process.

Subd. 3. **Plan content.** The biennial community social services plan published by the county shall include:

- (a) A statement of the goals of community social service programs in the county;
- (b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;
- (c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs;
- (d) A description of each community social service proposed and identification of the agency or person proposed to provide the service;
- (e) The amount of money proposed to be allocated to each service;
- (f) An inventory of public and private resources which are available to the county for social services;
- (g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and
- (h) Methods whereby community social service programs will be monitored and evaluated by the county.

Subd. 4. **Plan submission.** The county board of commissioners shall submit the biennial community social services plan to the commissioner of public welfare. The date of publication and submission to the commissioner shall be determined so that the plan is coordinated with the proposed and final comprehensive annual services program plan required by title XX of the social security act.

Subd. 5. **Public notice.** The county board shall make available to the public through publication or posting in public buildings the names and locations of agencies responsible for the provision of community social services.

History: 1979 c 324 s 9

256E.10 PROGRAM EVALUATION.

Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than January 15 of each year and shall include:

- (a) The number and type of recipients of each service; and
- (b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

History: 1979 c 324 s 10

256E.11 PILOT PROGRAMS.

Nothing in sections 256E.01 to 256E.12 shall prohibit the commissioner from making grants for pilot programs in certain counties or on a statewide basis when the legislature authorizes money to encourage innovation in community social services programs or to respond to the needs of a specified group of persons.

History: 1979 c 324 s 11

256E.12 GRANTS FOR CHRONICALLY MENTALLY ILL PERSONS.

Subdivision 1. The commissioner shall establish an experimental statewide program to assist counties in providing services to chronically mentally ill persons. The commissioner shall make grants to counties to establish, operate, or contract with private providers to provide services designed to help chronically mentally ill persons remain and function in their own communities.

Subd. 2. To apply for a grant a county board shall submit an application and budget for the 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. A county receiving a grant under this section shall finance at least ten percent of the cost of services for chronically mentally ill persons from local resources, which may include private contributions and federal money.

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically mentally ill persons. The commissioner shall promulgate temporary rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, 1981.

History: 1979 c 324 s 12

NOTE: Laws 1980, Chapter 614, Section 29, Clause (i) reads:

"Notwithstanding the provisions of Minnesota Statutes, Chapter 256E, a county board may delegate to a county welfare board established pursuant to 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 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."