

ment and containing 7.6 acres more or less.

Sec. 2. Minnesota Statutes 1974, Section 138.025, is amended by adding a subdivision to read:

Subd. 11. BIRCH COULEE BATTLEFIELD STATE HISTORIC SITE. In accordance with the terms and provisions of this section and the laws relating to Birch Coulee state park, the Minnesota historical society shall administer and control the historic site comprising the Birch Coulee state park in Renville county and described as follows:

The NE 1/4 of the SE 1/4, Section 19, and the NW 1/4 of the SW 1/4, Section 20, Township 113, North, Range 34 West, fifth principal meridian, Renville county, Minnesota and containing 80 acres.

Birch Coulee state park is renamed Birch Coulee battlefield state historic site.

Sec. 3. Minnesota Statutes 1974, Section 138.53, Subdivision 3, is amended to read:

Subd. 3. Minnesota ~~Man-Woman~~, owned by the state, is in Otter Tail county, and consists of government lot 5, township 136 north, range 43 west.

Sec. 4. Minnesota Statutes 1974, Section 138.53, Subdivision 50, is amended to read:

Subd. 50. Birch Coulee, owned by the state, is in Renville county and is located within the boundaries of Birch Coulee ~~State Park~~ battlefield state historic site.

Sec. 5. **APPROPRIATION.** The sum of \$75,000 is appropriated from the general fund to the Minnesota state historical society for the biennium ending June 30, 1977 to carry out the purposes of this act.

Sec. 6. **REPEALER.** Minnesota Statutes 1974, Sections 85.012, Subdivision 7, and 138.025, Subdivisions 7 and 8 are repealed.

Approved March 31, 1976.

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#### CHAPTER 107—S.F.No.932

*An act relating to public welfare; permitting the commissioner of public welfare to establish maximum fees for congregate living care under the income maintenance programs; amending Minnesota Statutes, 1975 Supplement, Section 256.01, Subdivision 2.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MIN-

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## NESOTA:

Section 1. Minnesota Statutes, 1975 Supplement, Section 256.01, Subdivision 2, is amended to read:

Subd. 2. **PUBLIC WELFARE; INCOME MAINTENANCE PROGRAMS; SPECIFIC POWERS.** Subject to the provisions of ~~Minnesota Statutes 1967,~~ section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as may from time to time be vested in the commissioner. ~~Nothing herein shall transfer from the veterans home board any of its present rights, powers, or duties; all of which shall continue to be exercised by said board.~~

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, *neglected and delinquent children*; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children ; ~~as defined in section 250.02~~; in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules ~~and regulations~~ making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably

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necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feebleminded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(9) All the powers and duties vested in or imposed upon the director of public institutions with reference to the Minnesota state sanatorium are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare shall appoint the superintendent of the Minnesota state sanatorium, but shall not have the power to fix his salary.

(10) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(11) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(12) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(13) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experi-

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mental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory committee and filed with the commissioner of administration.

(14) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(15) Promulgate, by rule ~~and regulation~~, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant to sections 261.21 to 261.232. The rules ~~and regulations~~ shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the *earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration.* The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one-half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

(16) Develop a plan and report to the legislature during its 1976 session on methods by which the payment and administration of all income maintenance programs could be assumed by the state department of public welfare.

Approved April 1, 1976.

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