
CHAPTER 131—H.F.No.2157**[Coded]**

An act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

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

Section 1. [256.045] PUBLIC WELFARE; ADMINISTRATIVE AND JUDICIAL REVIEW OF WELFARE MATTERS. Subdivision 1. **POWERS OF THE STATE AGENCY.** The commissioner of public welfare may appoint one or more state welfare referees to conduct hearings and recommend orders in accordance with subdivision 3. The commissioner may appoint one or more local welfare referees to conduct hearings and issue rulings pursuant to subdivision 2, in counties requesting local welfare hearings. Welfare referees designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of public welfare and shall not be a part of the office of hearings examiners established pursuant to Minnesota Statutes, Section 15.052.

Subd. 2. LOCAL WELFARE HEARINGS. In counties in which the commissioner of public welfare has appointed a local welfare referee, any person applying for or receiving public assistance granted by a local agency pursuant to Minnesota Statutes, Sections 256.72 to 256.87, Chapter 256B, Chapter 256D, Chapter 261, the Federal Food Stamp Act or a program of social services whose application for assistance is denied, or not acted upon with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, may contest that action or decision before the local welfare referee by submitting a written request for a hearing to the local agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. The local welfare referee shall conduct a hearing on the matter and shall issue a ruling affirming, reversing, or modifying the action or decision of the local agency. The ruling of the local welfare referee shall be binding upon the local agency and the aggrieved party unless appeal is taken in the manner provided by subdivision 3.

Subd. 3. STATE AGENCY HEARINGS. In counties in which the commissioner of welfare has not appointed a local welfare referee, any person applying for or receiving any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, may contest that

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action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. A local agency or applicant or recipient aggrieved by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Subd. 4. CONDUCT OF HEARINGS. All hearings held pursuant to subdivisions 2 or 3 shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of public welfare. The hearing shall not be held earlier than five days after filing of the required notice with the local or state agency. The local welfare referee or state welfare referee shall notify all interested persons of the time, date and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other spokesman of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant or recipient shall have the opportunity to examine the contents of his case file and all documents and records to be used by the local agency at the hearing at a reasonable time before the date of the hearing and during the hearing. All evidence, except that privileged by law, commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of Minnesota Statutes, Section 15.0411, Subdivision 4.

Subd. 5. ORDERS OF THE COMMISSIONER OF WELFARE. The commissioner of public welfare may accept the recommended order of a state welfare referee and issue the order to the local agency and the applicant or recipient. If the commissioner refuses to accept the recommended order of the state welfare referee, he shall notify the local agency and the applicant or recipient of that fact and shall state his reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten day period, the commissioner shall issue an order on the matter to the local agency and the applicant or recipient. Any order of the commissioner issued in accordance with this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7.

Subd. 6. ADDITIONAL POWERS OF THE COMMISSIONER;

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SUBPOENAS. The commissioner of public welfare may on his own motion review any action or decision of a local agency and direct that the matter be presented to a state welfare referee for a hearing held pursuant to subdivision 3. In all matters dealing with public welfare committed by law to the discretion of the local agency, the commissioner may substitute his own judgment for that of the local agency. Any party to a hearing held pursuant to subdivisions 2 or 3 may request that the commissioner issue a subpoena to compel the attendance of witnesses at the hearing.

Subd. 7. JUDICIAL REVIEW. An applicant or recipient or local agency aggrieved by an order of the commissioner of welfare may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, and by filing the original notice and proof of service with the clerk of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the clerk of court in appeals taken pursuant to this subdivision. The commissioner may elect to become a party to the proceedings in the district court. Any party may demand that the commissioner furnish all parties to the proceedings with a copy of his decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the state welfare referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal.

Subd. 8. HEARING. Any party may obtain a hearing at a special term of the district court by serving a written notice of the time and place of the hearing at least ten days prior to the date of the hearing. The court may consider the matter in or out of chambers, and shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal.

Subd. 9. APPEAL TO THE SUPREME COURT. Any party who is aggrieved by the order of the district court may appeal the order to the supreme court in the same manner as appeals from other orders in civil actions. No costs or disbursements shall be taxed against any party on an appeal to the district court or the supreme court nor shall any filing fee or bond be required of any party.

Subd. 10. PAYMENTS PENDING APPEAL. If the commissioner of welfare, local welfare referee, or district court orders monthly assistance or aid or services paid or provided in any proceeding under this section, it shall be paid or provided pending appeal to the commissioner of welfare, district court or supreme court.

Sec. 2. Minnesota Statutes 1974, Sections 256.77, 256B.10, 256B.11, 256D.12 and 256D.40 are repealed.

Sec. 3. Except as otherwise provided by this section, this act is ef-

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fective the day after final enactment. Any proceeding initiated under Minnesota Statutes, Sections 256.77, 256B.10, 256B.11, 256D.12 or 256D.40, prior to the effective date of this act, shall be conducted and completed in accordance with those sections.

Approved April 2, 1976.

CHAPTER 132—H.F.No.2201

[Coded in Part]

An act relating to the state planning agency; providing additional responsibilities for the state demographer; providing for implementation of federal law permitting the state to design a plan for return of census data to the state; providing precinct boundaries to facilitate census data returns; appropriating money; amending Minnesota Statutes 1974, Section 4.12, Subdivision 7; and Minnesota Statutes, 1975 Supplement, Section 204A.06, Subdivision 1, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1974, Section 4.12, Subdivision 7, is amended to read:

Subd. 7. **STATE PLANNING AGENCY; STATE DEMOGRAPHER; USE OF FEDERAL CENSUS DATA.** The director of planning or his designee:

(1) Shall continuously gather and develop demographic data within the state;

(2) Shall design and test methods of research and data collection;

(3) Shall have the power to call upon any agency of the state or political subdivision for data as may be available, and the agencies and political subdivisions shall cooperate to the fullest extent possible;

(4) Shall annually prepare population projections for designated regions and for the state and may periodically prepare projections for each county, or other political or geographic division;

(5) Shall review, comment, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies or nongovernmental persons, institutions or commissions;

(6) Shall serve as the state ~~representative to~~ liaison with the federal bureau of census ~~and~~, shall coordinate his activities with federal demographic activities to the fullest extent possible, and shall aid the legislature in preparing a census data plan and form for each decennial

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