

of the senate and house of representatives. Compensation will not be paid for pain and suffering.

Subd. 3. The provisions of section 3.736, subdivision 7, shall, to the extent applicable, govern procedures regarding the giving of notice of a claim under this section.

Sec. 7. This act takes effect upon final enactment.

Approved May 20, 1977.

CHAPTER 224—H.F.No.445

An act relating to natural resources; clarifying procedures for acquisition development, and maintenance of recreational sites along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

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

Section 1. Minnesota Statutes 1976, Section 85.32, Subdivision 2, is amended to read:

Subd. 2. **CANOE AND BOAT ROUTES; CAMP SITES, REST AREAS, RIVER ACCESSES AND PORTAGES, LAND ACQUISITION.** The commissioner may, in cooperation with local units of government as provided in subdivision 1, acquire land by purchase, grant, gift, devise, exchange, lease or easement for camp sites, rest areas, river accesses and portages, and develop and maintain such areas along such routes on the rivers designated in subdivision 1, providing that such The acquisition of any parcel of land pursuant to this subdivision acquired shall not exceed 20 acres, unless the acquisition of such parcel of land would it will or should require a land survey or a larger parcel will be in the best interest of the state, in which case the commissioner may acquire a previously surveyed parcel of land not to exceed a quarter-quarter section of land, land not to exceed 40 acres or unless specifically authorized by the legislature executive council. The commissioner may also develop and be responsible for the maintenance of campsites, rest areas, river accesses, and portages on the areas acquired, or in cooperation with local units of government, organizations, or individuals, along those rivers designated in subdivision 1.

Approved May 20, 1977.

CHAPTER 225—H.F.No.461

An act relating to welfare; providing penalties for welfare offenses; amending Minnesota Statutes 1976, Sections 256.98; and 393.07, Subdivision 10.

Changes or additions indicated by underline deletions by ~~strikeout~~

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

Section 1. Minnesota Statutes 1976, Section 256.98 is amended to read:

256.98 **WELFARE; WRONGFULLY OBTAINING ASSISTANCE; THEFT.** ~~Whoever~~ A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which he is not entitled; or assistance greater than that to which he is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of Minnesota Statutes 1977, sections 256.451 to 256.475; 256.13 to 256.43; 256.49 to 256.71; 256.12, 256.72 to 256.87, or 256.872, chapter 256B, ~~shall be~~ is guilty of theft and ~~punished in accordance with~~ shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of the assistance incorrectly paid shall be the difference between the amount of assistance 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 assistance ~~paid~~ determined to have been incorrectly by way of the aforementioned means and established by judicial determination paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action.

Sec. 2. Minnesota Statutes 1976, Section 393.07, Subdivision 10, is amended to read:

Subd. 10. **FEDERAL FOOD STAMP PROGRAM.** ~~The county welfare board may assist, and actively cooperate with the federal government in the establishment and implementation of a food stamp program. The commissioner of public welfare shall establish such and administer the food stamp program pursuant to rules and regulations for the administration of the program as may be in accord with of the commissioner of public welfare and~~ federal regulations.

~~Any person who obtains or attempts to obtain, by means of willfully false statement or representation, food stamps to which he is not entitled, upon conviction thereof, shall be guilty of a misdemeanor. commits any of the following acts is guilty of theft and shall be sentenced pursuant to Minnesota Statutes, 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 willfully 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

Changes or additions indicated by underline deletions by strikeout

(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 on the basis of willfully false statement or representation established by judicial determination, 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. Subsequent eligibility for the food stamp program shall be contingent upon repayment to the county of the value of food stamps incorrectly issued. Nothing in this subdivision shall be construed to preempt the provisions of Minnesota Statutes 1969, Chapter 609.

Approved May 20, 1977.

CHAPTER 226—H.F.No.524

An act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

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

Section 1. Minnesota Statutes 1976, Section 325.248, Subdivision 1, is amended to read:

325.248 **BEVERAGE CONTAINERS; DETACHABLE PARTS.** Subdivision 1. No person shall sell or offer for sale in this state a carbonated ~~or non-carbonated~~ soft drink, beer, other malt beverage, or tea in liquid form and intended for human consumption contained in an individual sealed metal container designed and constructed so that a part of the container is detached in the process of opening the container.

Sec. 2. This act is effective the day following final enactment.

Approved May 20, 1977.

Changes or additions indicated by underline deletions by strikeout