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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **316**

January 25, 2007

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to human services; exempting certain refugees and asylees from  
1.3 participating in the diversionary work program; amending Minnesota Statutes  
1.4 2006, section 256J.95, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2006, section 256J.95, subdivision 3, is amended to read:

1.7 Subd. 3. **Eligibility for diversionary work program.** (a) Except for the categories  
1.8 of family units listed below, all family units who apply for cash benefits and who  
1.9 meet MFIP eligibility as required in sections 256J.11 to 256J.15 are eligible and must  
1.10 participate in the diversionary work program. Family units that are not eligible for the  
1.11 diversionary work program include:

1.12 (1) child only cases;

1.13 (2) a single-parent family unit that includes a child under 12 weeks of age. A parent  
1.14 is eligible for this exception once in a parent's lifetime and is not eligible if the parent  
1.15 has already used the previously allowed child under age one exemption from MFIP  
1.16 employment services;

1.17 (3) a minor parent without a high school diploma or its equivalent;

1.18 (4) an 18- or 19-year-old caregiver without a high school diploma or its equivalent  
1.19 who chooses to have an employment plan with an education option;

1.20 (5) a caregiver age 60 or over;

1.21 (6) family units with a caregiver who received DWP benefits in the 12 months prior  
1.22 to the month the family applied for DWP, except as provided in paragraph (c);

1.23 (7) family units with a caregiver who received MFIP within the 12 months prior to  
1.24 the month the family unit applied for DWP;

2.1 (8) a family unit with a caregiver who received 60 or more months of TANF  
2.2 assistance; and

2.3 (9) a family unit with a caregiver who is disqualified from DWP or MFIP due to  
2.4 fraud.

2.5 (b) A two-parent family must participate in DWP unless both caregivers meet the  
2.6 criteria for an exception under paragraph (a), clauses (1) through (5), or the family unit  
2.7 includes a parent who meets the criteria in paragraph (a), clause (6), (7), (8), or (9).

2.8 (c) Once DWP eligibility is determined, the four months run consecutively. If a  
2.9 participant leaves the program for any reason and reapplies during the four-month period,  
2.10 the county must redetermine eligibility for DWP.

2.11 (d) Newly arrived refugees and asylees as defined in Code of Federal Regulations,  
2.12 title 45, chapter IV, section 400.13, who (1) have been assigned to a local refugee  
2.13 resettlement agency, (2) have a case manager, or (3) are enrolled in the federal matching  
2.14 grant program under United States Code, title 8, chapter 12, section 1522, are exempt  
2.15 from participating in the diversionary work program and may enroll directly into the  
2.16 MFIP program. Refugees must have the option of being assigned to an agency that has  
2.17 employees who are familiar with their culture, speak their language, and have more than  
2.18 one year of experience in assisting refugees in finding employment. If a case manager  
2.19 determines that a refugee or asylee has English language skills at or above a spoken  
2.20 language proficiency level of SPL6 or its equivalent, as measured by a nationally  
2.21 recognized test, the case manager may enroll the refugee or asylee in the diversionary  
2.22 work program. Refugees may be referred to the federal refugee employment programs.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.