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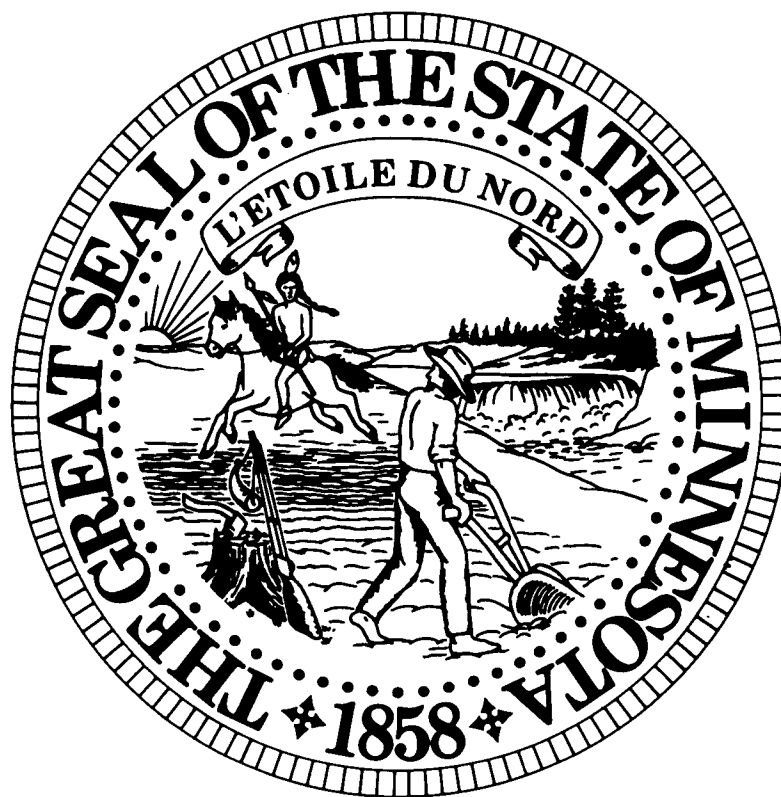
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State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



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Published every Monday

**29 January 1990**

**Volume 14, Number 31**

**Pages 1897-1960**

# STATE REGISTER

## Judicial Notice Shall Be Taken of Material Published in the State Register

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
31	Friday 12 January	Monday 22 January	Monday 29 January
32	Monday 22 January	Monday 29 January	Monday 5 February
33	Monday 29 January	Monday 5 February	Monday 12 February
34	Monday 5 February	Monday 12 February	Tuesday 20 February

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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Department of Administration

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

### SENATE

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Contact: Senate Public Information Office  
Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
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## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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**Proposed Rules**

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

**Department of Human Services**

**Proposed Permanent Rules Relating to Aid to Families with Dependent Children**

**Notice of Intent to Adopt a Rule without a Public Hearing and Notice of Intent to Adopt a Rule with a Public Hearing if Twenty-Five or More Persons Request a Hearing**

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled rule without a

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 256.851.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. **PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON MARCH 9, 1990 UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES.** To verify whether a hearing will be held, please call the Department of Human Services between March 1 and March 8 during the hours of 8:00 a.m. to 4:30 p.m. at (612) 296-2854.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on February 28, 1990.

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A free copy of this rule is available upon request for your review from: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816 or by calling (612) 296-7454.

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

The AFDC program provides assistance payments, social services, and medical care to families that include a child who is deprived of the support or care of one of the parents. This rule will affect AFDC recipients and local agencies.

Amendments are proposed to the AFDC rule in the definition section on county of financial responsibility, dependent child, full-time student, minor caretaker, recipient and residence. Additional amendments are proposed on determining an applicant's emergency needs; reducing time local agencies have to process outlining residency requirements; providing conditions under which a caretaker's or child's temporary absence from the home will not affect eligibility; specifying new limits on the amount of land and certain personal property that can be excluded in determining eligibility for AFDC; changing guidelines on excluded income concerning educational grants, insurance payments, self-employment, rental income and overpayments; revising guidelines on eligibility factors to be verified; clarifying composition of the family unit and application of standards; revising termination procedures; clarifying what must be considered in gross income and employment disregards; revising recoupment of overpayment procedures; clarifying payment procedures to protective vendor or second parties; revising applicant and recipient responsibilities with regard to late household report forms and social security numbers; revising agency requirements on mailing notices; revising state appropriation for special needs; clarifying payment of employment preparation expenses and emergency assistance; and clarifying county of responsibility and settlement of disputes about county of responsibility.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816 or by calling (612) 296-7454 upon request.

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Ann Wynia  
Commissioner

**Fiscal Note**

**I. BACKGROUND**

The proposed amendments incorporate recent Minnesota state and Federal Regulations on federal interpretative changes to the AFDC rule.

In an analysis conducted by the Department of Human Services, Reports & Statistics section, one amendment was identified as affecting costs of state and local governments administering the AFDC programs. The summary table below projects these costs.

**II. Summary Table**

	<u>Total Cost</u>	<u>State Share</u>	<u>Local Share</u>
Change in definition of Minor caretaker	138,828	73,329	65,499
Two year totals	277,656	146,658	130,998

**III. Explanation of Costs**

**9500.2060, subp. 90. Minor Caretaker**

This amendment changes the definition of "minor caretaker" to exclude currently included caretakers who are eighteen years of age, living with their parents, and attending school full-time.

The minor caretakers affected will be considered independently of their parents' income or other eligibility characteristics. This will result in new AFDC cases and increased costs.

Currently, there are only six cases in which an eighteen year old minor caretaker is living with her parents. These six minor caretakers will become new AFDC cases. Assuming that their original case was a family of four, the original case would lose \$184 per month when the minor caretaker is considered separately. The new case would receive \$437 per month in benefits. The net increase in costs per case per month would be the new case's benefits minus the original case's reduction ( $\$437 - \$184 = \$253$ ). The total annual cost for these cases would be \$18,216.

Number of 18 year old AFDC caretakers living with parents	X	6
Net increase in AFDC benefits Months	X	<u>\$253 12</u>
Total cost of amendment for current cases		\$18,216

There were 6,531 denied AFDC applications in fiscal year 1988. Approximately .7 percent of the current AFDC cases contain an eighteen year old dependent child living with her parents. If it is assumed that the same percent (.7%) of the denied cases contained eighteen year old dependents and that half of these eighteen year old dependents had children of their own and would have been eligible for AFDC under the proposed rules, then the estimated total annual cost for new cases would be \$120,612.

Number of denials in FY 1988	X	6,531
Estimated percent of denials containing an 18 year old minor caretaker living with parents	X	<u>0.35%</u>
Number of new average monthly cases		23
Average monthly benefit Months	X	<u>\$437 12</u>
Total cost of amendment for new cases		\$120,612
Cost for current cases (above)		<u>\$18,216</u>
Total		\$138,828

Ann Wynia  
Commissioner

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## Proposed Rules

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### **Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held in Conference Rooms 1A and 1B at the Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota, on March 9, 1990 commencing immediately following the conclusion of the hearing on *Minnesota Rules*, part 9500.2700, subpart 5, governing the Aid to Families with Dependent Children (AFDC) Program, which commences at 9:00 a.m. and continues until all interested or affected persons have an opportunity to participate. The hearing on *Minnesota Rules*, parts 9500.2060 to 9500.2880 will continue until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

**PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES.** To verify whether a hearing will be held, please call the Department of Human Services between March 1 and March 8, during the hours of 8:00 a.m. to 4:30 p.m. at (612) 296-2854.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The AFDC program provides assistance payments, social services, and medical care to families that include a child who is deprived of the support or care of one of the parents. This rule will affect AFDC recipients and local agencies.

Amendments are proposed to the AFDC rule in the definition section on county of financial responsibility, dependent child, full-time student, minor caretaker, recipient and residence. Additional amendments are proposed on determining an applicant's emergency needs; reducing time local agencies have to process outlining residency requirements; providing conditions under which a caretaker's or child's temporary absence from the home will not affect eligibility; specifying new limits on the amount of land and certain personal property that can be excluded in determining eligibility for AFDC; changing guidelines on excluded income concerning educational grants, insurance payments, self-employment, rental income and overpayments; revising guidelines on eligibility factors to be verified; clarifying composition of the family unit and application of standards; revising termination procedures; clarifying what must be considered in gross income and employment disregards; revising recoupment of overpayment procedures; clarifying payment procedures to protective vendor or second parties; revising applicant and recipient responsibilities with regard to late household report forms and social security numbers; revising agency requirements on mailing notices; revising state appropriation for special needs; clarifying payment of employment preparation expenses and emergency assistance; and clarifying county of responsibility and settlement of disputes about county of responsibility.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256.851. The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454. This rule is also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Kristy McGovern at (612) 296-0310.

**NOTICE:** Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law



Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

**NOTICE IS HEREBY GIVEN** that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ann Wynia  
Commissioner

## **Fiscal Note**

### **I. BACKGROUND**

The proposed amendments incorporate recent Minnesota state and Federal Regulations on federal interpretative changes to the AFDC rule.

In an analysis conducted by the Department of Human Services, Reports & Statistics section, one amendment was identified as affecting costs of state and local governments administering the AFDC programs. The summary table below projects these costs.

### **II. Summary Table**

	<u>Total Cost</u>	<u>State Share</u>	<u>Local Share</u>
Change in definition of Minor caretaker	138,828	73,329	65,499
Two year totals	277,656	146,658	130,998

### **III. Explanation of Costs**

#### **9500.2060, subp. 90. Minor Caretaker**

This amendment changes the definition of "minor caretaker" to exclude currently included caretakers who are eighteen years of age, living with their parents, and attending school full-time.

The minor caretakers affected will be considered independently of their parents' income or other eligibility characteristics. This will result in new AFDC cases and increased costs.

Currently, there are only six cases in which an eighteen year old minor caretaker is living with her parents. These six minor caretakers will become new AFDC cases. Assuming that their original case was a family of four, the original case would lose \$184 per month when the minor caretaker is considered separately. The new case would receive \$437 per month in benefits. The net increase in costs per case per month would be the new case's benefits minus the original case's reduction ( $\$437 - \$184 = \$253$ ). The total annual cost for these cases would be \$18,216.

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Number of 18 year old AFDC caretakers living with parents		6
Net increase in AFDC benefits	X	\$253
Months	X	<u>12</u>
Total cost of amendment for current cases		\$18,216

There were 6,531 denied AFDC applications in fiscal year 1988. Approximately .7 percent of the current AFDC cases contain an eighteen year old dependent child living with her parents. If it is assumed that the same percent (.7%) of the denied cases contained eighteen year old dependents and that half of these eighteen year old dependents had children of their own and would have been eligible for AFDC under the proposed rules, then the estimated total annual cost for new cases would be \$120,612.

Number of denials in FY 1988	X	6,531
Estimated percent of denials containing an 18 year old minor caretaker living with parents	X	<u>0.35%</u>
Number of new average monthly cases		23
Average monthly benefit	X	\$437
Months	X	<u>12</u>
Total cost of amendment for new cases		\$120,612
Cost for current cases (above)		<u>\$18,216</u>
Total		\$138,828

Ann Wynia  
Commissioner

### Rules as Proposed

#### 9500.2060 DEFINITIONS.

[For text of subps 1 to 34, see M.R.]

Subp. 35. **County of financial responsibility.** "County of financial responsibility" means the county liable for the county share of a recipient's assistance under Minnesota Statutes, chapter 256G.

[For text of subps 36 to 38, see M.R.]

Subp. 39. **Dependent child.** "Dependent child" means a child who is living in the home of a parent or other caretaker, who is deprived of the support or care of a parent as specified in parts 9500.2180 to 9500.2300, who is in financial need according to part 9500.2480, and who meets one of the conditions in items A to ~~C~~ and B:

A. is less than 18 years of age; or

B. is 18 years of age and is a full-time student, as defined in subpart 58, ~~item A, B, or F,~~ at an accredited high school or its equivalent in vocational or technical training, and is expected to graduate or complete the school program before reaching age 19; ~~or,~~

~~C. is 18 years of age and is a full-time student, as defined in subpart 58, item C.~~

[For text of subps 40 to 57, see M.R.]

Subp. 58. **Full-time student.** "Full-time student" means a person who is:

~~A. enrolled in and attending a graded or ungraded primary, intermediate, or secondary, GED preparatory, trade, technical, vocational, or postsecondary school, and attending classes at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled; or enrolled in and making satisfactory progress in a graded educational program approved by the school district when a physical, emotional, or mental impairment prevents classroom attendance; who meets the school's standard for full-time attendance.~~

~~B. enrolled in a trade or technical institute or in GED preparatory training which provides certification equivalent to a secondary education and attending at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled;~~

~~C. enrolled in and attending classes at least 20 hours a week in an ungraded educational or vocational program approved by the school district because that person has a physical, emotional, or mental impairment which precludes graded coursework;~~

D. enrolled in and attending a postsecondary technical institute for at least 20 hours a week, including the time spent in shop practice;

E. registered for and attending classes which total at least 12 quarter or semester credits at an accredited college or university; or

F. enrolled in a graded or ungraded primary, intermediate, secondary, trade, or technical institute, and attending that school when the school documents, at the request of the student, that the student meets the school's standard for full-time attendance.

[For text of subps 59 to 89, see M.R.]

Subp. 90. **Minor caretaker.** "Minor caretaker" means

A. a person under the age of 18 years or who is age 18 and meets the definition of a dependent child under subpart 39; and

B. who has applied as a caretaker on behalf of himself or herself and his or her dependent child.

[For text of subps 91 to 112, see M.R.]

Subp. 113. **Recipient.** "Recipient" means a person who is currently receiving assistance. A person who ~~returns fails to withdraw or access electronically any portion of his or her assistance payment by the end of the payment month transfer or who returns an uncashed assistance check and withdraws from the program is not a recipient.~~ A person who withdraws an assistance payment by electronic transfer or receives and cashes an assistance check and is subsequently determined to be ineligible for assistance for that period of time is a recipient, regardless of whether that assistance is repaid. The term "recipient" includes the caretaker relative and the dependent child whose needs are included in the assistance payment. A person in an assistance unit who does not receive an assistance ~~check~~ payment because he or she has been suspended from AFDC or because his or her need falls below the \$10 minimum payment level is a recipient.

[For text of subps 114 to 117, see M.R.]

Subp. 118. [See Repealer.]

[For text of subps 119 to 154, see M.R.]

#### **9500.2100 APPLICATION FOR ASSISTANCE.**

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Assessment of and issuance for initial needs.** When a person inquires about assistance, a local agency shall ask the person if immediate or emergency needs exist. When a person has emergency needs, the local agency shall determine that person's eligibility for emergency assistance unless the person's needs can be met through other sources or by promptly processing an application for monthly assistance.

~~A. When emergency assistance payment is issued for a person who makes application for AFDC, and that person is later determined to be eligible for assistance, the issuance under emergency assistance must be considered an assistance payment when:~~

~~(1) the emergency assistance payment is issued for basic needs included in the AFDC family allowance standard;~~

~~(2) the emergency assistance payment is issued for current needs for a payment month or months in which that person is also eligible for assistance; and~~

~~(3) the emergency assistance payment for a month does not exceed the amount that person is eligible to receive under part 9500.2620.~~

~~B. When a person qualifies under item A, subitems (1) and (2) must apply.~~

~~(1) When all of the emergency assistance payment is later counted as an assistance payment, the person shall not be considered a recipient of emergency assistance, and the limitations under part 9500.2820, subpart 12 must not apply.~~

~~(2) When emergency assistance payment for a current month's need is less than the assistance payment determined under part 9500.2620 for that same month, additional assistance must be issued for the difference.~~

~~C. When an emergency does not exist, a local agency may issue assistance before it completes the verification of eligibility. However, when an applicant is later found ineligible for that assistance, the local agency may not claim federal or state AFDC financial participation in the cost of the assistance issued. When federal and state AFDC financial participation is not available, the local agency~~

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may request general assistance state financial participation retroactive to the date of application for AFDC according to general assistance payment standards if the applicant was eligible for that program.

[For text of subp 5, see M.R.]

Subp. 6. **Processing application.** Upon receiving an application, a local agency shall determine the applicant's program eligibility, approve or deny the application, inform the applicant of its decision according to part 9500.2740, subpart 5, and issue assistance when the applicant is eligible. When a local agency is unable to process an application within ~~45~~ 30 days, the local agency shall inform the applicant of the reason in writing. When an applicant establishes the inability to provide required verification within the ~~45-day~~ 30-day processing period, the local agency may not use the expiration of that period as the basis for denial.

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Additional applications.** Until a local agency issues notice of approval or denial, additional applications submitted by an applicant are void. However, an application for monthly assistance and an application for emergency assistance may exist concurrently. More than one application for monthly assistance or emergency assistance may exist concurrently when the local agency decisions on one or more earlier applications have been appealed to the commissioner and the applicant asserts that a change in circumstances has occurred that would allow program eligibility.

A local agency shall require additional application forms or supplemental forms as prescribed by the commissioner when a payee changes his or her name, when the basis for program eligibility changes, ~~or~~ when a caretaker requests the addition of another person to the assistance unit, or when a person required to be in the filing unit must be added to the assistance unit.

An addendum to an existing application may be used to add persons to an assistance unit regardless of whether the persons being added are required to be in the filing unit. When a person is added by addendum to an assistance unit and that person is required to be in a filing unit, eligibility begins on the date the new member enters the home or the date the new member is required to be included in the assistance unit, whichever is later. When a person is added by addendum to an assistance unit and the person is not required to be included in the filing unit, eligibility begins on the date the signed addendum is submitted to the local agency or all eligibility criteria are met, whichever is later.

### 9500.2140 BASIC ELIGIBILITY REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Minnesota residence.** Minnesota residence is an eligibility requirement for AFDC. A person who enters Minnesota from another state and receives assistance from that state must not be considered a Minnesota resident until the last month in which that state issues an assistance payment. Minnesota residence is established according to the provisions in items A to E.

A. A person who lives in Minnesota and who entered Minnesota with a job commitment or to seek employment in Minnesota, whether or not that person is currently employed, is considered a resident of Minnesota. Neither a length of prior ~~or future~~ residence nor an intent to remain in Minnesota is required.

B. A person who voluntarily enters Minnesota for a reason other than seeking employment, and who intends to remain in Minnesota, is a resident of Minnesota. No length of prior residence is required.

[For text of items C to E, see M.R.]

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Physical presence.** To be eligible for AFDC, a dependent child and a caretaker must live together except as provided in items A to C.

[For text of items A and B, see M.R.]

C. The absence of a caretaker or child does not affect eligibility for the month of departure when he or she received assistance for that month and lived together immediately prior to the absence. Eligibility also exists in the following month when the absence ends on or before the tenth day of that month. A temporary absence of a caretaker or a child which continues beyond the month of departure must not affect eligibility when the home is maintained for the return of the absent family member, the caretaker continues to maintain responsibility for the support and care of the dependent child, and when one of subitems (1) to (7) apply:

(1) when a recipient caretaker or recipient child is absent due to illness or hospitalization, and the absence is expected to last no more than six months beyond the month of departure;

(2) when a recipient child is out of the home due to a placement in foster care placement as defined in Minnesota Statutes, section 260.015, subdivision 7, when the placement will not be paid through Title IV-E funds, and when the absence is expected to last no more than six months beyond the month of departure;

(3) when a recipient child is out of the home for a vacation, the vacation is not with an absent parent, and the absence is expected to last no more than two months beyond the month of departure;

(4) when a recipient child is out of the home due to a visit or vacation with an absent parent under part 9500.2260, the home of the child remains with the caretaker under part 9500.2260, subpart 3, the absence meets the conditions of part 9500.2260, subpart 4, item C, and the absence is expected to last no more than two months beyond the month of departure;

(5) when a recipient caretaker is out of the home due to a death or illness of a relative, incarceration, training, or employment search and suitable arrangements have been made for the care of the child, or when a recipient child is out of the home due to incarceration, and the absence is expected to last no more than two months beyond the month of departure;

(6) when a recipient caretaker and a recipient child are both absent from Minnesota due to a situation described in subitem (5) or vacation, and the absence is expected to last no more than one month beyond the month of the departure; or

(7) when a recipient child has run away from home, ~~and another person has not made application for that child or when a recipient child has been taken from home without the consent of the recipient caretaker or a court order and the caretaker has initiated legal action for the return of the child,~~ assistance must continue for no more than two months following the month of departure, provided another person has not made application for the recipient child.

[For text of subp 6, see M.R.]

### 9500.2340 PROPERTY LIMITATIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Real property limitations.** Ownership of real property by an applicant or recipient is subject to the limitations in items A and B.

A. A local agency shall exclude the homestead of an applicant or recipient, according to the provisions in subitems (1) to (3).

(1) An applicant or recipient who is purchasing real property through a contract for deed and using that property as a home is considered the owner of real property.

(2) The total amount of land that can be excluded under this subpart is limited to ~~two contiguous platted lots in an incorporated city or town; all contiguous acres in an incorporated city or town when that land is not platted into lots; and all contiguous acres in other areas~~ surrounding property which is not separated from the home by intervening property owned by others. Additional ~~contiguous platted lots~~ property must be assessed as to ~~their~~ its legal and actual availability according to subpart 1.

(3) When real property that has been used as a home by a recipient is sold, the local agency shall treat the cash proceeds from that sale as excluded property for a period of six months when the recipient intends to reinvest them in another home and maintains those proceeds, unused for other purposes, in a separate account.

[For text of item B, see M.R.]

Subp. 3. **Other property limitations.** The equity value of all nonexcluded real and personal property must not exceed \$1,000. To determine whether the value of an item of real or personal property is to be counted, a local agency shall exclude the value of real and personal property listed in items A to P:

[For text of item A, see M.R.]

B. The value of personal property needed to produce earned income, including tools, implements, farm animals, and inventory, ~~but excluding automobiles and other motor vehicles used to provide transportation of persons or goods~~ business checking and savings accounts used exclusively for the operation of a self-employment business, and any motor vehicles if the vehicles are essential for the self-employment business.

[For text of items C to G, see M.R.]

H. Money held in escrow under part 9500.2380, subpart 7, item B, by a self-employed person, when the money is used for those purposes at least ~~quarterly~~ annually.

[For text of item I, see M.R.]

J. Income received in a budget month ~~until~~ through the end of a ~~corresponding~~ payment ~~the~~ budget month.

[For text of items K to P, see M.R.]

Q. Lump sums that create a period of ineligibility are excluded from the date of receipt through the period of ineligibility. Lump sums that do not create a period of ineligibility are excluded only through the budget month.

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### 9500.2380 INCOME.

[For text of subpart 1, see M.R.]

Subp. 2. **Excluded income.** A local agency shall exclude items A to DD from income:

[For text of items A to E, see M.R.]

~~F. all educational grants to an undergraduate student for educational or rehabilitative purposes when that grant is made or insured under a program administered by the United States Commissioner of Education and loans, including income from work study programs;~~

~~G. educational grants issued by the Bureau of Indian Affairs, when assistance income was considered in determining the amount of the grant;~~

~~H. income from federally funded college work study;~~

~~I. loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;~~

~~J. H. loans from private individuals, regardless of purpose, provided an applicant or recipient documents that the lender expects repayment;~~

~~K. I. state and federal income tax refunds except for the earned income tax credit;~~

~~L. J. funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made from public agencies, issued by insurance companies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency subsequent to a presidential declaration of disaster;~~

~~M. payments issued by insurance companies which are specifically designated as compensation to a member of an assistance unit for partial or total permanent loss of function or body part or for payment of medical bills, as required by *Minnesota Statutes*, section 256.74, subdivision 1, clause (7);~~

~~K. the portion of an insurance settlement that is designated and used to pay medical, funeral, and burial expenses, or to repair or replace insured property;~~

~~N. L. reimbursements for medical expenses which cannot be paid by medical assistance;~~

~~O. M. payments by the vocational rehabilitation program administered by the state under *Minnesota Statutes*, chapter 129A, except those payments that are for current living expenses;~~

~~P. N. in-kind income, including any payments directly made by a third party to a provider of goods and services;~~

~~Q. O. assistance payments to correct underpayments in a previous, but only for the month in which the payment is received and for the following month;~~

~~R. P. payments to an applicant or recipient issued under part 9500.2820;~~

~~S. Q. payments issued under part 9500.2800;~~

~~T. R. Minnesota property tax refund credits received by an applicant or recipient who does not receive AFDC housing allowances under part 9500.2800, subpart 2;~~

~~U. S. nonrecurring cash gifts of \$30 or less, such as those received for holidays, birthdays, and graduations, the total amount excluded not to exceed \$30 per recipient in a calendar quarter;~~

~~V. T. tribal settlements excluded under Code of Federal Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and (m);~~

~~W. U. any form of energy assistance payment made by LIHEAP, payments made directly to energy providers by other public and private agencies, benefits issued by energy providers when the Minnesota Department of Jobs and Training determines that those payments qualify under Code of Federal Regulations, title 45, section 233.53, and any form of credit or rebate payment issued by energy providers;~~

~~X. V. the first \$50 of child support paid under Code of Federal Regulations, title 45, section 302.51(b)(1);~~

~~Y. W. income, including retroactive payments, from supplemental security income;~~

~~Z. X. income, including retroactive payments, from Minnesota supplemental aid;~~

~~AA. Y. proceeds from the sale of real or personal property;~~

~~BB. Z. payments made from state funds for subsidized adoptions under *Minnesota Statutes*, section 259.40;~~

~~AA. state-funded Family Subsidy Program payments made under *Minnesota Statutes*, section 252.32, to help families care for children with mental retardation or related conditions;~~

~~CC~~-BB, interest payments and dividends from property which is not excluded from and which does not exceed the \$1,000 limit under part 9500.2340, subpart 3;

~~DD~~-CC, income which is otherwise specifically excluded from AFDC program consideration in federal law, state law, or federal regulation.

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Self-employment deductions.** Self-employment expenses must be subtracted from gross receipts except for the expenses listed in items A to N:

[For text of items A to E, see M.R.]

F. transportation costs which exceed the ~~amount~~ maximum standard mileage rate allowed for use of a personal car in the United States Internal Revenue Code;

[For text of items G to N, see M.R.]

Subp. 7. **Self-employment budget period.** Except for farm income under subpart 8, the self-employment budget period begins in the month of application for AFDC applicants and in the first month of self-employment for AFDC recipients. Gross receipts from self-employment must be budgeted in the month in which they are received. Expenses must be budgeted against gross receipts in the month in which those expenses are paid except for items A to C.

[For text of items A to C, see M.R.]

[For text of subp 8, see M.R.]

Subp. 9. **Rental income.** Income from rental property must be considered self-employment earnings when ~~effort is expended by the owner to maintain or manage the property~~ the owner spends an average of 20 hours per week on maintenance or management of the property. A local agency must deduct an amount for upkeep and repairs according to subpart 6, item L, for real estate taxes, insurance, utilities, and interest on principal payments. When an applicant or recipient lives on the rental property, the local agency must divide the expenses for upkeep, taxes, insurance, utilities, and interest by the number of rooms to determine the expense per room. The local agency shall deduct expenses from rental income only for the number of rooms rented, not for rooms occupied by an assistance unit. When ~~no effort is expended by the owner to maintain or manage~~ an owner does not spend an average of 20 hours per week on maintenance or management of the property, income from rental property must be considered unearned income. The deductions described in this subpart must be subtracted from gross rental receipts.

[For text of subs 10 and 11, see M.R.]

#### **9500.2420 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.**

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Factors to be verified.** A local agency shall verify factors of program eligibility at the time of application, when a factor of eligibility changes, and at each redetermination of eligibility under subpart 5.

A. A local agency shall verify:

(1) the social security number of each adult and child applying for assistance;

(2) ~~the age, identity, and citizenship or resident alien status if required to establish eligibility;~~

(3) ~~the identity~~ of each adult ~~and child~~ applying for assistance;

(4) ~~the resident alien status of each adult and child applying for or receiving assistance if the applicant or recipient reports that he or she is not a citizen;~~

~~(5)~~ (5) the incapacity of a parent when the basis of eligibility is an incapacitated parent under part 9500.2220;

(4) (6) the wage and employment history for both parents for the period preceding application when the basis of eligibility is unemployed parent under part 9500.2300. When an applicant cannot document employment, a local agency shall verify the employment by contacting the employer. When this verification and other primary or alternate forms of verification are not available, a local agency shall accept an affidavit from an applicant as a satisfactory substitute for that verification;

~~(5)~~ (7) the first day of the third trimester when either program eligibility under part 9500.2140, subpart 4, or WIN exemption status under part 9500.2700, subpart 15, item M is based on pregnancy;

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- ~~(6) (8) school attendance and the date of anticipated completion of school for an 18 year old child;~~
- ~~(7) the WIN registration of a nonexempt adult or child in a WIN county;~~
- ~~(8) (9) the registration with a Job Service office of a principal wage earner living in a non-WIN county or exempt under part 9500.2700, subpart 15, item G;~~
- ~~(9) the marital status of a parent who applies for assistance on the basis of continued absence under part 9500.2260, when a stepparent of the child is living in the home;~~
- (10) the relationship of a caretaker to the child for whom application is made; and
- (11) a WIN exemption based on illness, injury, incapacity, or physical or mental impairment when an applicant or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15; residence.
- (12) a WIN exemption based on 30 hours of employment when an adult or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15; and
- (13) a WIN exemption based on school attendance for a 16 or 17-year old dependent child who lives in a county with a WIN program.

B. A local agency shall verify the information in subitems (1) to ~~(7)~~ (6) when it is either acknowledged by an applicant or recipient or obtained through a federally mandated verification system:

- (1) earned income, including gross receipts and business expenses from self-employment;
- (2) unearned income;
- (3) termination from employment;
- (4) real property;
- (5) personal property;
- (6) dependent care costs of an employed caretaker; and at the time of application, redetermination, or a change in provider.
- ~~(7) the number of hours a person is absent from a child when the person's WIN exemption is based on part 9500.2700, subpart 15, item I.~~

C. A local agency may verify additional program eligibility and assistance payment factors when it ~~either documents~~ determines that information on the application is inconsistent with statements made by the applicant, other information on the current application, information on previous applications, or other information received by the local agency. The local agency must document the reason for verifying the factor in the case record of an assistance unit or when it establishes written procedures that identify those circumstances in which additional verification may be required. A local agency may also verify additional program eligibility and assistance payment factors when it has received department approval to verify those factors on a county-wide basis because of unique circumstances.

Additional factors that may be verified, subject to the conditions of this item, are:

- (1) the presence of a child in the home;
- (2) death of a parent or spouse;
- (3) continued absence of a parent;
- (4) ~~residence~~ citizenship;
- (5) marital status, ~~except as provided under item A, subitem (9);~~ and
- (6) income and property that an applicant or recipient has not acknowledged receiving or having.

[For text of subp 5, see M.R.]

### 9500.2440 FAMILY COMPOSITION AND ASSISTANCE STANDARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Filing unit composition.** When an application for assistance is made for a dependent child, that child and all blood related and adoptive minor siblings of that child, including half-siblings, along with the parents of that child who live together, must be considered a single filing unit. Program eligibility may exist for a part of a filing unit even though one or more members are ineligible.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Application of standards.** The standards that apply to an assistance unit are set forth in items A to E.

[For text of items A to C, see M.R.]

D. The special child standard must be used for an assistance unit that contains no adult because a parent or parents are excluded



from an assistance unit either because of failure to register or cooperate with WIN under part 9500.2700, ~~subparts 16 and 17~~ parts 9500.2724 and 9500.2726, or because of failure to cooperate with child support enforcement under part 9500.2700, subpart 11, ~~and the parent or parents do not have income to meet their need under subpart 6~~. The special child standard must be used whenever the only adult or adults in the household receives supplemental security income or Minnesota supplemental aid or both. When an assistance unit includes more than one eligible child, the special child standard must be determined by substituting the first adult standard for the needs of the last eligible child in an assistance unit and combining that amount with the children standard for the remaining children.

[For text of item E, see M.R.]

[For text of subps 6 and 7, see M.R.]

#### **9500.2500 AFDC ELIGIBILITY TESTS.**

[For text of subpart 1, see M.R.]

Subp. 2. **When to terminate.** When an assistance unit is prospectively ineligible for AFDC for at least two consecutive months, assistance must end.

When an assistance unit is terminated prospectively for a payment month due to excess income, income received in the two budget months before termination must be reviewed. The local agency shall apply the payment eligibility test and the gross income test to determine whether there is an overpayment for one or both of these months. There is no overpayment any month both tests are met.

When an assistance unit is prospectively ineligible for only one month and is prospectively eligible the following month, assistance must not end. The income for the single month in which prospective ineligibility exists must be applied retrospectively as described in part 9500.2520, subpart 3 resulting in suspension for the corresponding payment month.

[For text of subp 3, see M.R.]

Subp. 4. **Gross income test.** A local agency shall apply a gross income test both prospectively and retrospectively for each month of program eligibility. An assistance unit is not eligible when income equals or exceeds 185 percent of the AFDC family allowance for the assistance unit. The income applied against the gross income test must include the income of a parent in the filing unit even when that parent is not included in the assistance unit. It must include the earned and unearned income of an eligible relative who seeks to be included in the assistance unit. It must include the unearned income of a dependent child who seeks to be included in the assistance unit. It must include the gross earned income of a dependent child in the assistance unit who is not a full-time student and whose income is from a source other than the Job Training Partnership Act. It must also include the earned or unearned income of a dependent child who is a member of the filing unit but is excluded from the assistance unit because of failure to register or cooperate with WIN. The income in items A to G must be considered in the gross income test:

[For text of items A to F, see M.R.]

G. Income as determined under items A to C of a stepparent, a parent of a minor caretaker, and a legal guardian of a minor caretaker who lives in the household and is not in the assistance unit. Subitems (1) to (6) must be deducted from this income:

- (1) child or spousal support paid to a person who lives outside of the household;
- (2) payments to meet the need of another person who lives outside of the household and who is or could be claimed as a dependent for federal personal income tax liability;
- (3) \$75 for work ~~expense when employment equals or exceeds 30 hours per week or \$74 when employment is less than 30 hours per week~~ expenses;
- (4) an amount for the needs of one parent or legal guardian of a minor caretaker or a stepparent at the first adult standard;
- (5) an amount for the needs of the second parent or legal guardian of a minor caretaker at the second adult standard; and
- (6) an amount for the needs of other persons who live in the household but are not included in the assistance unit and are or could be claimed by a parent of a minor caretaker, legal guardian of a minor caretaker, or stepparent as dependents for determining federal personal income tax liability. This amount must equal the AFDC family allowance for a family group of the same composition as the dependent persons described in this subitem.

[For text of subp 5, see M.R.]

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### 9500.2580 EMPLOYMENT DISREGARDS.

A local agency shall deduct the disregards in items A to D from gross earned income as defined in part 9500.2380:

[For text of item A, see M.R.]

B. A monthly deduction for ~~documented~~ costs for care of a dependent child or an adult dependent who is in the assistance unit. These costs must be documented according to part 9500.2420, subpart 4, item B, subitem 6. This disregard must only be deducted from the gross income of a member of an assistance unit or an ineligible parent, except that sanctioned persons who are not allowed allocations under part 9500.2600, item C must not receive this disregard. The deduction must not exceed ~~\$160 per~~ \$175 for each dependent age two or older, or \$200 for each dependent under the age of two when employment equals or exceeds 30 hours per week; ~~or \$159 per.~~ The deduction must not exceed \$174 for each dependent age two or older, or \$199 for each dependent under the age of two when employment is less than 30 hours per week. A deduction for dependent care costs is not allowed when the care is provided by a member of an assistance unit, by a parent of a dependent child, or by a spouse of a caretaker of a dependent child.

[For text of items C and D, see M.R.]

### 9500.2640 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Recouping overpayments from current recipient.** An overpayment may be repaid voluntarily, in part or in full, even if assistance is reduced under this subpart, until the total amount of the overpayment is repaid. When an assistance unit is currently eligible for assistance, the local agency shall recoup an overpayment by reducing one or more monthly assistance payments until the overpayment is repaid. To determine the amount of repayment to deduct from the monthly assistance payment, the local agency shall estimate the amount of income the assistance unit is expected to receive for the month of the assistance payment; ~~and~~ deduct anticipated work expenses according to this subpart; ~~and add the value of liquid assets available to the assistance unit at the beginning of that month using the verified information most recently reported by the caretaker 5.~~ Once the total of net income ~~and liquid assets~~ is determined, the local agency shall determine the amount of the repayment for that month. When an overpayment occurs due to client error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated net income ~~and current liquid assets~~, equals 95 percent of the AFDC family allowance. When an overpayment occurs due to agency error, or a combination of client and agency error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated ~~liquid assets and~~ net income, equals 99 percent of the AFDC family allowance. Once a state computerized client eligibility and information system is implemented in one or more counties, all local agencies shall reduce the assistance payment by three percent of the assistance unit's AFDC family allowance or the amount of the monthly payment, whichever is less, for all overpayments including those due solely to agency error. A local agency shall adjust the amount of recoupment when:

A. ~~an assistance unit documents prior to the first day of the payment month that actual liquid assets are less than the estimated liquid assets; or~~

~~B. an assistance unit documents prior to the last day of the month that actual income is less than the estimated income.~~

Subp. 5. **Determining net income.** A local agency shall determine net income for purposes of recoupment by ~~using~~ deducting:

A. ~~estimates of federal and state income taxes, social security withholding taxes, and mandatory retirement fund deductions the first \$75 of earned income and, for self-employed persons, the expenses directly related to and necessary for the production of goods and services; and~~

B. ~~an estimate for dependent care costs without regard to the \$159 and \$160 maximums in part 9500.2580, item B; an amount equal to the actual expenditures for the care of each dependent child or incapacitated person living in the same household and receiving aid, except that the amount deducted shall not exceed the maximums in part 9500.2580 for persons not engaged in full-time employment.~~

C. ~~other personal employment expenses equal to ten percent of an assistance unit's gross earned income unless the caretaker chooses to itemize these expenses. When a caretaker chooses to itemize expenses, the caretaker shall provide the local agency with documentation for those expenses. The local agency shall deduct the expenses in subitems (1) to (6) in lieu of the ten percent:~~

~~(1) transportation costs to and from work at the amount allowed by the Internal Revenue Service for personal car mileage;~~

~~(2) costs of work uniforms, union dues, and medical insurance premiums;~~

~~(3) costs of tools and equipment used on the job;~~

~~(4) \$1 per work day for the costs of meals eaten during employment;~~

~~(5) public liability insurance required by an employer when an automobile is used in employment and the cost is not reimbursed by the employer; and~~

~~(6) the amount paid by an employee from personal funds for business costs which are not reimbursed by the employer.~~

[For text of subps 6 to 9, see M.R.]

**9500.2680 PAYMENT PROVISIONS.**

Subpart 1. **Checks Payments.** This subpart applies to monthly assistance payments and corrective payments.

[For text of items A to C, see M.R.]

D. A local agency that makes payments by means other than check must also comply with the time limits in items B and C when issuing payments.

Subp. 2. **Protective, vendor, and two-party payments; when allowed.** Alternatives to paying assistance directly to a recipient may be used only:

[For text of items A to D, see M.R.]

E. When a caretaker has exhibited a continuing pattern of mismanaging funds under the conditions specified in Code of Federal Regulations, title 45, section 234.60(a)(2).

(1) The director of a local agency must approve a proposal for protective, vendor, or two-party payment for money mismanagement. During the time a protective, vendor, or two-party payment is being made, the local agency shall provide services designed to alleviate the causes of the mismanagement in accordance with Code of Federal Regulations, title 45, section 234.60(a)(8).

(2) The continuing need for and method of payment must be documented and reviewed every ~~six~~ 12 months. The director of a local agency must approve the continuation of protective, vendor, or two-party payment.

(3) When it appears that the need for protective, vendor, or two-party payments will continue or is likely to continue beyond two years because the local agency's efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a legal guardian or other legal representative must be sought by the local agency.

Subp. 3. **Choosing payees for protective, vendor, and two-party payments.** A local agency shall consult with a caretaker regarding the selection of the form of payment, the selection of a protective payee, and the distribution of the assistance payment to meet the various costs incurred by the assistance unit. The local agency shall notify the caretaker of a consultation date. If the caretaker fails to respond to the local agency's request for consultation by the effective date on the notice, the local agency shall choose a protective payee for that payment month and subsequent payment months until the caretaker responds to the agency's request for consultation. The local agency shall notify the caretaker of the right to appeal the determination that a protective, vendor, or two-party payment should be made or continued and to appeal the selection of the payee.

When a local agency is not able to find another protective payee, a local agency staff member may serve as a protective payee. A person who is not to serve as protective payee is: a member of the county board of commissioners; the local agency staff member determining financial eligibility for the family; special investigative or resource staff; the staff member handling accounting fiscal processes related to the recipient; or a landlord, grocer, or other vendor dealing directly with the recipient.

Subp. 4. **Discontinuing protective, vendor, and two-party payments.** A local agency shall discontinue protective, vendor, or two-party payments ~~in the month following compliance with WIN requirements under part 9500.2700, subpart 16;~~ in the month following ~~qualification as a member of an assistance unit when a WIN exemption is established under part 9500.2700, subpart 15~~ compliance with the employment search or employment requirements under part 9500.2728; in the month following cooperation with the child support enforcement unit under part 9500.2700, subpart 10; and in two years or in the month following the local agency's failure to grant six-month approval to a money management plan, whichever occurs first. At least once every ~~six~~ 12 months, a local agency shall review the performance of a protective payee acting under subpart 2, items A, B, and E to determine whether a new payee should be selected. When a recipient complains about the performance of a protective payee, a review must occur within 30 days.

**9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.**

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Late household report forms.** Items A to C apply to the requirements in subpart 5.

[For text of item A, see M.R.]

B. When a complete household report form is not received by a local agency before the last ten days of the month in which the form is due, the local agency shall send notice of proposed termination of assistance. When a recipient submits an incomplete form on or after the date the notice of proposed termination has been sent, the termination is valid unless the recipient submits a complete form before the end of the month. However, an assistance unit required to submit a household report form is considered to have continued its application for assistance effective the date the required report is received by the local agency if a complete

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household report form is received within a calendar month after the month in which assistance was received, except that no assistance shall be paid for the period beginning with the first day of the month in which the report was due and ending with the date the report was received by the local agency.

C. A local agency shall allow good cause exemptions from the ~~penalties~~ penalty under subpart 5, ~~items A and B,~~ when the factors in subitems (1) to (5), singly, or in combination, cause a recipient to fail to provide the local agency with a completed household report form before the end of the month in which the form is due.

- (1) an employer delays completion of employment verification;
- (2) a local agency does not help a recipient complete the household report form when the recipient asks for help;
- (3) a recipient does not receive a household report form due to mistake on the part of the department or the local agency or due to a reported change in address;
- (4) a recipient is ill, or physically or mentally incapacitated; or
- (5) some other circumstance occurs that a recipient could not avoid with reasonable care which prevents the recipient from providing a completed household report form before the end of the month in which the form is due.

[For text of subs 7 and 8, see M.R.]

Subp. 9. **Requirement to provide social security numbers.** To receive assistance, ~~an applicant or recipient~~ each member of the assistance unit shall provide his or her social security number to the local agency. When a social security number ~~and social security card are~~ is not provided to the local agency for verification, this requirement is satisfied when ~~an applicant or recipient~~ each member of the assistance unit cooperates with the procedures for verification of numbers, issuance of duplicate cards, and issuance of new numbers which have been established jointly between the Social Security Administration and the commissioner.

[For text of subs 10 to 12, see M.R.]

### 9500.2740 APPLICANT AND RECIPIENT RIGHTS AND LOCAL AGENCY RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Mailing of notice.** Notices under subparts 5 and 6 must be made according to items A to C:

[For text of items A and B, see M.R.]

C. A local agency shall mail a notice to a recipient no later than the effective date of the action when:

- (1) the local agency receives a recipient's ~~monthly or quarterly~~ household report form which includes facts that require payment reduction, suspension, or termination and which contains the recipient's signed acknowledgment that he or she understands that this information will be used to determine program eligibility or the assistance payment amount;
- (2) the local agency verifies the death of a recipient or the payee;
- (3) the local agency receives a signed statement from a recipient that assistance is no longer wanted;
- (4) the local agency receives a signed statement from a recipient that provides information which requires the termination or reduction of assistance, and the recipient shows in that statement that he or she understands the consequences of providing that information;
- (5) the local agency verifies that a recipient is hospitalized and does not qualify under part 9500.2140, subpart 5, item C, subitem (1);
- (6) the local agency verifies that a recipient has entered a state hospital or a licensed residential facility for medical or psychological treatment or rehabilitation;
- (7) the local agency verifies that a member of an assistance unit has been approved to receive assistance by another county or state;
- (8) the local agency verifies that a member of an assistance unit has been placed in foster care, except as specified in part 9500.2140, subpart 5, item C, subitem (2); or
- (9) the local agency cannot locate a caretaker's whereabouts and mail from the local agency has been returned by the post office showing that the post office has no forwarding address.

[For text of subs 8 to 12, see M.R.]

Subp. 13. **Right to protection.** Under the circumstances defined in this subpart, a local agency shall refer an applicant or recipient to the social services unit of the local agency. Neither a referral for social services nor an applicant's or recipient's cooperation with the referral is a condition of eligibility for continued assistance. Referral must be made according to items A and B.

A. Referral must be made when a minor caretaker does not live with his or her parent or legal guardian, or other adult caretaker or in a group or foster home licensed by the department. The local agency shall inform the minor caretaker that a referral is being made to the social services unit and that use of and cooperation with the social services unit is not a requirement for the receipt of assistance. Minor parents must be informed that all or part of their assistance may be paid in the form of protective or vendor payments if they do not participate and cooperate in the development of a social service plan.

[For text of item B, see M.R.]

#### **9500.2800 AFDC PAYMENTS FOR FUNERALS, HOUSING, AND SPECIAL NEEDS.**

[For text of subs 1 and 2, see M.R.]

Subp. 3. **State appropriation for special needs.** Payments for special need items, as defined and conditioned in subparts 4 to 9 10, must be paid to a recipient subject to the amount appropriated by the Minnesota legislature. Each quarter, the commissioner shall ~~allocate~~ provide a base allocation from this appropriation to a local agency in proportion to the number of assistance units the local agency served by that local agency through the AFDC program in the previous calendar year, compared to the number served in the state.

A. A local agency shall issue these funds to meet special needs of a recipient. Notwithstanding subparts 4 to 9 10, a local agency is not required to provide special need payments that are more than the amount allocated to the local agency by the commissioner. A local agency must develop written procedures for meeting priority needs of a recipient and may establish waiting lists. A local agency must inform inquirers of the procedures and assure that the procedures are applied consistently within a quarter. A local agency shall log requests for special need items and shall use this log to develop or modify procedures for future quarterly allocations. Dispositions of each request must be included in the log.

B. At the end of each quarter, a local agency shall report the amount of any remaining funds to the commissioner. The commissioner shall determine whether the quarterly statewide allocation is underspent or overspent and adjust future allocations in the same fiscal year so that the remaining funds are reallocated to local agencies which have provided special needs beyond their individual allocations. This reallocation must be made on a pro rata basis in proportion to the amount by which a local agency exceeded its allocation determined subject to the conditions in subitems (1) and (2).

(1) When the statewide allocation is underspent, local agencies that overspent their quarterly allocation will be compensated for their overexpenditures before any remaining funds are reallocated. Remaining funds will be reallocated to all local agencies using the allocation method described in the first paragraph of this subpart.

(2) When the statewide allocation is overspent, any remaining funds from underspent local agencies will be reallocated to local agencies who overspent their quarterly allocation. The reallocation shall be in proportion to the local agency's overexpenditures for that quarter, compared to the total for all local agencies with overexpenditures.

C. In all quarters, except the final quarter of each state fiscal year, special needs funds committed but unspent by local agencies may be reserved to prevent reallocation to over spent counties. Each quarter, committed funds plus expenditures will be limited to the local agency's quarterly allocation.

D. Local agencies which have overspent their allocation at the end of the state fiscal year will be required to reimburse the state for the state share of the overexpenditure.

[For text of subs 4 to 8, see M.R.]

Subp. 8a. **Employment preparation expenses.** A local agency may pay for child care, transportation, tuition, and other incidental expenses related to employment preparation provided funds for the nonfederal share of employment special needs expenses are available. Items A to G specify the restrictions which apply to special needs payments for employment preparation expenses.

A. The expense must be an obligation of the recipient.

B. The local agency must determine if the recipient is eligible for other funding which would cover all or part of the expense. If funding is available through another program, these funds should be used before using employment special needs to pay for the expense. Educational grants and scholarships are considered available resources only when considering an employment special need payment for tuition.

C. The need for the expense must be documented in an employability plan developed by an individual or agency approved by the local agency to develop employability plans.

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D. The local agency must provide prepayment approval for the expense.

E. A local agency must not make special needs payments for expenses directly related to on-the-job activities, including work study jobs, of an employed recipient.

F. A local agency must not make special needs payments for expenses resulting from participation in the Community Work Experience Program (CWEP) or the Employment Search Program (ESP).

G. A local agency shall make payment for employment preparation expenses directly to a recipient unless the recipient requests vendor payment. The types of employment preparation expenses that may be covered by employment special needs are listed in subitems (1) to (6):

(1) child care expenses up to the maximum child care rates allowed by the Child Care Fund under Minnesota Statutes, section 268.91, subdivision 8;

(2) transportation expenses;

(3) tuition expenses, excluding post-baccalaureate tuition, of a recipient who has applied for educational grants or scholarships and not received assistance sufficient to cover tuition expenses;

(4) payments for incidental expenses related to employment preparation, such as safety equipment needed for participation in an educational or training program;

(5) job search expenses; and

(6) vocational counseling or testing expenses.

Subp. 9. **Verification and preauthorization requirements.** Payments made under subparts 6 to 8 8a must be made only when a recipient's need for the item is verified by the local agency. A local agency may require prior authorization as a condition of payment, but when the need for a special need item occurs at a time outside of the local agency's business hours, this requirement is satisfied when a recipient contacts the local agency on the next working day to request authorization.

Subp. 10. Postpayment verification. Postpayment verification is required for all payments made under subpart 8a. Failure to provide postpayment verification shall result in an overpayment.

### **9500.2820 EMERGENCY ASSISTANCE.**

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Termination of utility service.** Assistance payments must be made when an otherwise eligible family has had a termination or is threatened with a termination of municipal water and sewer service, electric, gas, or heating fuel service, or lacks wood when that is the heating source, subject to the conditions of items A and B.

[For text of item A, see M.R.]

B. A local agency must not issue assistance for utility costs for an applicant who:

~~(1) effective October 1, 1986, and thereafter, paid less than four percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;~~

~~(2) effective October 1, 1987, and thereafter, paid less than six percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and~~

~~(3) effective October 1, 1988, and thereafter, paid less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.~~

C. Items A and B must not be construed to prevent the issuance of assistance when a local agency must take immediate and temporary action necessary to protect the life or health of a child.

Subp. 16. **Amounts of payment.** A local agency shall issue assistance for utility costs in an amount that is dependent upon the percent of the family's gross income paid toward utility costs and the percent of the total utility costs paid before the issuance of assistance. A local agency shall determine those amounts according to items A to E.

A. Payment of the balance owed to a utility provider must be paid in full for an applicant who:

~~(1) effective October 1, 1986, and thereafter, paid no less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;~~

~~(2) effective October 1, 1987, and thereafter, paid no less than 12 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and~~

~~(3) effective October 1, 1988, and thereafter, paid no less than 16 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.~~

B. Payment on the balance owed to a utility provider must be limited to the amounts under item C for an applicant who:

(1) effective October 1, 1986, and thereafter, paid at least four percent and less than eight percent of gross income toward utility costs due during the utility budget period or while the application is pending;

(2) effective October 1, 1987, and thereafter, paid at least six percent and less than 12 percent of gross income toward utility costs due during the utility budget period or while the application is pending; and

(3) effective October 1, 1988, and thereafter, paid at least eight percent and less than 16 percent of gross income toward utility costs due during the utility budget period or while the application is pending.

[For text of items C to E, see M.R.]

[For text of subs 17 to 19, see M.R.]

#### **9500.2880 COUNTY OF RESPONSIBILITY POLICIES AND DISPUTES.**

Subpart 1. **Determining the county of financial responsibility.** The county of financial responsibility is the county in which a dependent child lives on the date the application is signed, unless subpart 4 applies. The county in which a woman with no children lives on the date the application is signed under part 9500.2140, subpart 4 is the county of financial responsibility unless subpart 4 applies. When more than one county is financially responsible for the members of an assistance unit, ~~the caretaker's needs must be met by the county of financial responsibility for the most children. When each county is financially responsible for the same number of children, the county of financial responsibility for the oldest child is responsible for the needs of the caretaker. Financial responsibility must be assigned to a single county beginning the first day of the calendar month after the assistance unit members are required to be in a single assistance unit. Financial responsibility must be assigned to the county that was initially responsible for the assistance unit member with the earliest date of application. The county in which the assistance unit is currently residing becomes financially responsible for the entire assistance unit beginning two full calendar months after the month in which financial responsibility was consolidated in one county.~~

Subp. 2. **Change in residence.** When a dependent child ~~an assistance unit~~ moves from one county to another and continues to receive assistance, the new county of residence becomes the county of financial responsibility when that ~~child assistance unit~~ has lived in that county in nonexcluded status for two full calendar months; ~~unless subpart 4 applies. When a dependent child moves from one county to another to reside with a different caretaker, the caretaker in the former county is eligible to receive assistance for that child only through the last day of the month of the move. The caretaker in the new county becomes eligible to receive assistance for the child the first day of the month following the move or the date of application, whichever is later. Nonexcluded status means the period of residence that is not considered excluded time under Minnesota Statutes, section 256G.02, subdivision 6.~~

[For text of items A to C, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Out-of-county placement Excluded time.** ~~When a plan of treatment for health rehabilitation, foster care, child care or training, or a correctional plan requires that a recipient move from one county to another to meet the goals of the plan, the county in which the assistance unit lives at the time the plan is developed is the county of financial responsibility until the goals of the plan are met or until the plan is ended. When the family or child continues to live in the second county, the former county is the county of financial responsibility until two full calendar months have elapsed following the completion or end of the plan. This delay in the transfer of financial responsibility to another county also applies when a woman leaves her county of residence to enter a battered women's shelter or a maternity shelter in another county. When an applicant or recipient had contact with a local agency staff member before moving, the contact must be evaluated to determine whether the move was a placement pursuant to a plan of treatment or whether the local agency had an existing legal obligation to consider and undertake such a placement. When an applicant or recipient resides in an excluded time facility as described in Minnesota Statutes, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient last resided outside such a facility immediately before entering the facility. When an applicant or recipient has not resided in Minnesota for any time other than excluded time as defined in Minnesota Statutes, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient resides on the date the application is signed.~~

Subp. 5. **Settlement of disputes.** When a local agency receives an application for assistance or a request for transfer under subpart 2 and does not believe it is the county of financial responsibility, items A to E apply.

A. The local agency that has received the application or transfer request shall, simultaneously:

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## Proposed Rules

(1) accept the application, determine program eligibility, and when the applicant or recipient is eligible, calculate and issue the assistance payment; and

(2) refer the current case record within 15 days to the county it believes to be the county of financial responsibility send a copy of the application or transfer request, together with the record of any investigation it has made, to the local agency it believes is financially responsible. The copy and record must be sent within 60 days of the date the application or transfer request was received.

B. The local agency that is alleged to be the county of financial responsibility shall determine if it accepts financial responsibility, and, within 15 days of receipt of the current case record provided for under item A, the local agency shall: receiving the copy of the application and the record of the investigation, if any, must accept or reject financial responsibility within 30 days after receiving the copy and record. If the local agency receiving the copy and record fails to respond within the 30-day period, it becomes financially responsible. If the local agency receiving the copy and record rejects financial responsibility, it should provide the department and the initially responsible local agency with a statement of all facts and documents necessary for the department to determine financial responsibility. The statement must identify the specific basis upon which the submitting local agency is denying financial responsibility.

(1) notify the referring county that it accepts financial responsibility; or

(2) notify the referring county that it does not accept financial responsibility and the reasons. The referring county shall then either accept financial responsibility or submit the matter to the commissioner for a settlement.

C. The commissioner shall provide both counties with the opportunity to state their positions, review the case facts, and determine from the case facts which county is the county of financial responsibility. The commissioner's determination binds both counties unless it is appealed to district court within 30 days of the date of the determination and the commissioner's decision is reversed by that court. The initially responsible local agency has 15 days to provide the department with its position and any supporting evidence. If the initially responsible local agency does not submit its written position to the department, the department may issue a binding order based on the evidence received.

D. The county that accepts financial responsibility, or is determined by the commissioner to be the county of financial responsibility, shall reimburse the other county for costs the nonresponsible county previously paid. Reimbursement must be for the total costs incurred, rather than the county share, only when the nonresponsible county has not received AFDC federal and state reimbursement. The department shall decide disputes within 60 days of receipt of the initially responsible local agency's submission of its position and supporting evidence or 60 days after the deadline for submission of its position and evidence. The department may make any investigation it considers necessary to decide a dispute.

E. The provisions in this part must not be construed to require, authorize, or permit a local agency to delay either a determination of eligibility or issuance of an assistance payment when that local agency believes that another county may ultimately be financially responsible. The department's decision binds both local agencies unless the decision is appealed to the district court within 30 days after the decision is made and the decision is reversed by the district court. Assistance payments must continue, provided the recipient remains eligible, while the district court appeal is pending.

**REPEALER.** Minnesota Rules, part 9500.2060, subpart 118, is repealed.

## Department of Human Services

### Proposed Permanent Rules Relating to Aid to Families with Dependent Children; Applicant and Recipient Responsibilities

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held on March 9, 1990, in Conference rooms 1A and 1B at the Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the



record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

*Minnesota Rules*, parts 9500.2060 to 9500.2880 provides assistance payments, social services, and medical care to families that include a child who is deprived of the support or care of one of the parents. *Minnesota Rules*, part 9500.2700, subpart 5, eliminates the requirement for quarterly reporting for all AFDC assistance units not otherwise required to report on a monthly basis. This rule will affect AFDC recipients and local agencies.

The amendment proposed to the AFDC rule in the "Applicant and Recipient Responsibilities" section revises applicant and recipient responsibilities with regard to household reports. The proposed amendment will replace quarterly reporting of household income and other selected eligibility factors with annual reporting, thus saving work time and money. This proposed amendment also eliminates the requirement of reapplication when a household report form is received after the month in which it is due.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256.851.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454. A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Kristy McGovern, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3834, or by calling (612) 296-0310.

**NOTICE:** Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

**NOTICE IS HEREBY GIVEN** that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials;

or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ann Wynia  
Commissioner

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## Proposed Rules

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### Rules as Proposed

#### 9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Household reports.** Each ~~assistant~~ assistance unit with a member who has earned income or a recent work history, and each ~~assistant~~ assistance unit that has income allocated to it from a financially responsible person living with that unit who has earned income or a recent work history, shall complete a monthly household report form. "Recent work history" means the individual received earned income in any one of the three calendar months preceding the current payment month. Monthly reports must also be completed by each assistance unit in a category that has a greater proportion of the state's total program errors than that category's proportion of the state's total program caseload, as identified through the quality control review process, and when monthly reporting is expected to reduce the error rate for that category. ~~All other assistance units shall complete a quarterly household report form.~~ To be complete, a household report form must be signed and dated by a caretaker no earlier than the last day of the reporting period; all questions required to determine assistance payment eligibility must be answered, and documentation of earned income must be included. A recipient shall submit the household report form in time for the local agency to receive it by the eighth calendar day of the month following the reporting period covered by the form. When the eighth calendar day of the month falls on a weekend or holiday, a recipient must submit the household report form in time for the local agency to receive it by the first working day that follows the eighth calendar day. Delays in submitting the completed household report form may delay an assistance payment in the month following the month in which the form is due. When the household report form is late without good cause, except as qualified in subpart 6, item C, the recipient is subject to the ~~penalties in items A and B~~ following penalty:

~~A-~~ When a completed household report form is received by a local agency after the last day of the month following the month in which the form is due, and when the delayed household report form reports earned income, an assistance unit shall lose the earned income disregards under part 9500.2580 for the payment month corresponding to the last month covered by the household report form.

~~B-~~ When a household report form is received by a local agency on or after the first day of the month following the month in which the form is due, assistance must end. When a person requests further assistance, the local agency shall require the assistance unit to reapply. The assistance unit is eligible for assistance payment on the date of reapplication or the date all other eligibility factors are met, whichever is later.

[For text of subs 6 to 12, see M.R.]

## Minnesota Racing Commission

### Proposed Permanent Rules Relating to Trifecta and Twin Trifecta Wagering and Class C Licenses

#### Notice of Proposed Adoption of a Rule without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission proposes to adopt the above entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule in *Minnesota Statutes*, section 240.23 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Richard Krueger  
Minnesota Racing Commission  
11000 West 78th Street, Suite 201  
Eden Prairie, MN 55344  
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The effect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 8 January 1990

Richard Krueger  
Acting Director  
Minnesota Racing Commission

### **Rules as Proposed (all new material)**

#### **7873.0185 TRIFECTA.**

Subpart 1. **Scope.** The trifecta is a form of pari-mutuel wagering combining three horses in a single race. Each bettor selects horses that will finish in exact order, first, second, and third in a designated trifecta race. Payment of the ticket shall be made only to the purchasers who have selected the exact order of finish as officially posted, except as otherwise noted. All trifecta wagers are calculated on a separate trifecta pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Trifecta tickets shall be sold singly in not less than \$2 denominations. A box or wheel resulting in a minimum wager of \$6, may be made and will return to the bettor one-half of the minimum payoff.

Subp. 3. **Scratches.** If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating the horse and all previously issued trifecta tickets that include the scratched horse shall be refunded at any time and the money deducted from the gross pool.

Subp. 4. **Failure to select winning combination.** Items A to F govern payoffs in races where the winning combination has not been selected.

A. If no ticket is sold correctly selecting in exact order the first three horses, the net pool shall be paid equally on those trifecta tickets correctly selecting the first two horses in exact order with all other horses.

B. If no ticket is sold correctly selecting the first and second horse, the net pool shall be paid equally on those trifecta tickets selecting the horses that finished first and third, with all other horses finishing second.

C. If no ticket is sold correctly selecting the first and third horse, the net pool shall be paid equally on those trifecta tickets correctly selecting the horses that finished second and third, with all other horses to win.

D. If no ticket is sold correctly selecting the first and third horse, the net pool shall be paid equally on those trifecta tickets selecting the horse that finished first, with all other horses finishing second and third.

E. If no ticket is sold that would require distribution of the net trifecta pool as described in items A to D, a full refund of the trifecta pool for that race shall be made.

F. If less than three horses finish a trifecta race, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

Subp. 5. **Cancellation of trifecta race.** If a trifecta race is canceled, a full refund of all trifecta tickets will be made.

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## Proposed Rules

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Subp. 6. **Dead heat.** Items A to E govern payoffs in dead heats.

A. In the event of a dead heat for first, the winning combinations shall include the first two horses as finishing in either the first or second position and the horse finishing third. The payoffs will be calculated as a place pool.

B. In the event of a dead heat for second, the winning combinations shall be the horse finishing first and the two horses finishing in a dead heat for second, as finishing in either the second or third position. The payoffs will be calculated as a place pool.

C. In the event of a dead heat for third, the winning combinations shall be the horse finishing first, the horse finishing second, and the two horses finishing in a dead heat for third. The payoffs will be calculated as a place pool.

D. In the event of a dead heat for first, second, or third where there is no winning ticket on the one dead heat combination, the entire net pool will be paid to the other winning combination.

E. In all instances of multiple dead heats, the winning combinations shall be paid proportionately from the net trifecta pool.

Subp. 7. **Restrictions on trifecta races.** The restrictions in items A to D apply to trifecta races.

A. Coupled entries and mutuel fields are prohibited in trifecta races.

B. There must be a minimum of ten horses entered in a race with trifecta wagering.

C. There shall be no trifecta wagering on handicap races.

D. If fewer than eight horses are declared starters, trifecta wagering shall be canceled and all trifecta wagers shall be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

Subp. 8. **Displaying trifecta rules.** Trifecta rules shall be prominently displayed at each track conducting trifecta wagering. Printed copies of trifecta rules shall be provided to patrons upon request.

### 7873.0186 TWIN TRIFECTA.

Subpart 1. **Scope.** The twin trifecta is a form of pari-mutuel wagering in which the bettor selects the three horses that will finish first, second, and third in each of two consecutive designated twin trifecta races in the exact order as officially posted. All twin trifecta wagers will be calculated in an entirely separate pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Twin trifecta tickets shall be sold in not less than \$2 denominations.

Subp. 3. **Procedures.** The procedures in items A to E apply to twin trifecta races.

A. Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

B. After wagering closes for the first race of the twin trifecta, the net pool will be divided with 25 percent of the net pool going to the first race of the twin trifecta and 75 percent of the net pool going to the second race of the twin trifecta.

C. After the official declaration of the first race of the twin trifecta, 25 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

D. After the official declaration of the second race of the twin trifecta, the remaining 75 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

E. If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

Subp. 4. **Failure to select the winning combination.** Items A to C govern payoffs in races where the winning combination has not been selected.

A. In the first race of the twin trifecta only, if no ticket is sold correctly selecting in order the first three horses, the net pool for the first race shall be distributed according to part 7873.0185, subpart 4, governing failure to select winning trifecta combinations. However, tickets paid in these instances are not eligible to exchange for second race twin trifecta tickets. The second race twin trifecta net pool will automatically carry over in this case.

B. If a full refund is required under part 7873.0185, subpart 4, item E, any previous day's carryover will not be included and will carry over to the next consecutive race day.

C. In the second race of the twin trifecta only, if no ticket is exchanged correctly selecting the first three horses in exact order, the entire net pool for the second race of the twin trifecta shall be carried over to the next consecutive race day and combined with that race day's second race twin trifecta pool. Distribution of this combined second race twin trifecta pool will be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the second twin trifecta race that day.

Subp. 5. **Scratches.** If a horse is scratched or declared a nonstarter in the first race of the twin trifecta races, no further twin trifecta tickets may be issued designating the horse and all previously issued twin trifecta tickets, that include the scratched horse, shall be refunded and the money deducted from the gross pool.

If a horse is scratched in the second race of the twin trifecta races, public address announcements will be made and adequate time will be allowed for the exchange of tickets on the scratched horse. For the second race of the twin trifecta only, all horses will be declared starters once the starting gate has opened. In this instance the prevention to start rule will not apply.

Subp. 6. **Dead heat.** In the event of a dead heat in either the first or second race of the twin trifecta, all twin trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position dead heated, shall be winning tickets.

Subp. 7. **Mandatory payout.** On the final program of any official race meeting, the entire accumulated second race twin trifecta net pool must be distributed. In the event, on the final program, no second half twin trifecta tickets correctly select the officially declared first three finishers in exact order, then all second half twin trifecta tickets on that specific race shall be declared winners and the pool shall be distributed equally among them. In the event no tickets from the first race of the twin trifecta are eligible for exchange under the rules governing twin trifecta wagering, the accumulated second race twin trifecta net pool will not be paid out and the pool shall be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta pool for the next succeeding live racing date as an additional net amount to be distributed.

With the permission of the commission before the start of racing, a licensee may declare a mandatory payout on the next consecutive race day after the twin trifecta carryover pool has reached a previously approved amount. In this instance, if no bettor correctly selects in exact order the officially declared first three finishers of the second race, then all second race twin trifecta tickets on that race shall be declared winners and shall share equally in the net cumulated pool minus an amount previously approved by the commission, which will be carried over to the pool for the second race of the twin trifecta on the next consecutive race day. In the event there are no tickets from the first race of the twin trifecta that are eligible for exchange under the rules governing twin trifecta wagering, the accumulated second race net pool will not be paid and will be carried over to the second race twin trifecta on the next consecutive race day.

Subp. 8. **Cancellation of one or both twin trifecta races.** If for any reason the first race of the twin trifecta is canceled, a full refund of all twin trifecta tickets will be made. If fewer than three horses finish the first race of the twin trifecta, payoff shall be made equally on tickets selecting the actual finishing horses in order, ignoring the balance of the selection. In this event, there will be no exchange for the second race of the twin trifecta and the second race net pool will automatically carry over to the next consecutive race day.

If for any reason, the second race of the twin trifecta is canceled, not declared official, or less than three horses finish the race, the winning ticket holders on the first race of the twin trifecta will be entitled to equal distribution of the amount of the current program's net pool for the second half of the twin trifecta. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day.

Subp. 9. **Restrictions on twin trifecta races.** The restrictions in items A to D apply to twin trifecta races.

- A. Coupled entries and mutuel fields are prohibited in twin trifecta races.
- B. There must be a minimum of ten horses entered in a race with twin trifecta wagering.
- C. There shall be no twin trifecta wagering on handicap races.

D. If fewer than eight horses are declared starters for the first race of the twin trifecta, twin trifecta wagering shall be canceled for that day and all twin trifecta wagers shall be refunded. However, any accumulated second race twin trifecta carryover will not be affected and will carry over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the twin trifecta, all holders of exchange tickets to the second

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## Proposed Rules

race of the twin trifecta will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

Subp. 10. **Displaying twin trifecta rules.** Twin trifecta rules shall be prominently displayed at each track conducting twin trifecta wagering. Printed copies of twin trifecta rules shall be distributed to patrons upon request.

### Rules as Proposed

#### 7877.0120 FEES.

[For text of subpart 1, see M.R.]

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount of \$14 payable to "Federal Bureau of Investigation established by the Association of Racing Commissioners International or the Federal Bureau of Investigation."<sup>22</sup> Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency. This subpart does not apply to applications submitted by persons under the age of 18.

[For text of subps 3 and 4, see M.R.]

#### 7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subps 1 to 2a, see M.R.]

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

[For text of items A to K, see M.R.]

L. A jockey must wear the racing colors provided by the owner of the horse he or she is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. No symbols, words, or emblems shall be worn which, in the opinion of the commission, are not in keeping with the customs of the turf or are employed for advertising or promotional purposes.

[For text of items M to W, see M.R.]

[For text of subps 4 to 7, see M.R.]

Subp. 8. **Horsepersons' bookkeeper.** ~~The horsepersons' bookkeeper shall:~~ It shall be the responsibility of the association to administer the horsepersons' accounts by providing the services of a horsepersons' bookkeeper who shall be bonded in the amount of \$100,000.

The association must establish an interest-bearing trust account for the horsepersons' accounts. The horsepersons' trust account shall be separate and distinct from any other account. Deposits made into the horsepersons' trust account by the association are the property of the horsepersons' trust account and not of the association.

The horsepersons' bookkeeper shall be the custodian of the horsepersons' trust account and shall keep accurate records of all receipts, deposits, and disbursements and make those records available at all times for inspection by the commission. The horsepersons' bookkeeper shall not distribute any purse money to a person with an emergency license.

The association must deposit into the horsepersons' account:

A. be bonded by the end of the business day following the date of the race in which purses are earned, an amount to cover all of its obligations including breeders fund purse supplements, other supplements, guarantees, stated purses of official races, and, when due, any other payments that the association has agreed to make including agreements entered into under Minnesota Statutes, section 240.13, subdivision 5, paragraph (b); and

B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races;

C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission; and

D. not distribute any purse money to an individual with an emergency license by the end of the business day following the date of receipt by the association, all stakes, entrance money, starting fees, purchase money in claiming races, and deposits made by other parties.

[For text of subp 9, see M.R.]

## State Board of Vocational Technical Education

### Notice of Intent to Adopt a Rule without a Public Hearing

#### Proposed Permanent Rules Relating to Part-time Licenses, Financial Aid Administrator, and Certain New Venture Programs

**NOTICE IS HEREBY GIVEN** that the State Board of Vocational Technical Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., 1st day of March, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to either:

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule was published in the *State Register*, Volume 14, Number 6, page 276 on August 7, 1989.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jeanette Daines or Georgia Pomroy at the above address and phone, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule must submit the written request to either:

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

Helen Henrie, Acting Director  
Minnesota Technical College System

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Center for Arts Education

### Adopted Permanent Rules Relating to Education

The rules proposed and published at *State Register*, Volume 14, Number 11, pages 574-577, September 11, 1989 (14 S.R. 574) are adopted as proposed.

## Department of Commerce

### Adopted Permanent Rules Relating to Petroleum Tank Release Compensation Board

The rules proposed and published at *State Register*, Volume 14, Number 6, pages 269-271, August 7, 1989 (14 S.R. 269) are adopted as proposed.

## Board of Water and Soil Resources

### Adopted Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve Program

The rules proposed and published at *State Register*, Volume 14, Number 11, pages 609-616, September 11, 1989 (14 S.R. 609) are adopted with the following modifications:

#### Rules as Adopted

##### 8400.3030 DEFINITIONS.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation ~~sufficient in an attempt~~ to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.

Subp. 33. **Marginal agricultural land.** "Marginal agricultural land" for the RIM reserve program means land with cropland soils that are inherently unproductive for agricultural crop production or subject to significant potential soil productivity loss from erosion. The state board shall provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts may change the list as necessary to reflect local soil characteristics. Changes must be approved by the board. This list, with changes, is available at the state law library and at district offices, is subject to frequent change, and is incorporated by reference. In addition, land immediately surrounding a sinkhole is marginal agricultural land.

##### 8400.3160 CRITERIA FOR ELIGIBLE LAND.

Land eligible for the RIM reserve program must meet at least one of the following criteria:

- I. The land is a pastured hillside.

In addition, eligible land must have all of the following characteristics:

(2) The land has been owned by the landowner ~~on January 1, 1985, or owned by the landowner~~, or a parent or other blood relative of the landowner, for at least one year before the date of application.



# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Health

### Division of Environmental Health

### Adopted Emergency Rules Relating to Abatement Methods and Standards for Lead in Paint, Bare Soil, Dust, and Drinking Water From Public Fountains

The rules proposed and published at *State Register*, Volume 14, Number 14, pages 1133-1138, November 6, 1989 (14 S.R. 1133) are adopted with the following modifications:

#### Rules as Adopted

#### 4620.2000 [Emergency] DEFINITIONS.

Subp. 3. **Abrasive blasting or abrasive blasted.** “Abrasive blasting” or “abrasive blasted” means the use of pressurized airborne abrasive to remove surface coatings.

Subp. 3-4. **Assessment.** “Assessment” means sampling and analysis, as described in part 4620.2200 [Emergency], for sources of lead exposure in a residence or day care facility.

Subp. 4-5. **Board of health.** “Board of health” means a local administrative authority established under *Minnesota Statutes*, section 145A.03 or 145A.07.

Subp. 5. ~~Commissioner.~~ ~~“Commissioner” means the commissioner of health.~~

Subp. 12. **Residence.** “Residence” means:

B. a dwelling unit within a structure used or intended for use as multifamily habitation, including common areas located within the same lot but not including other dwelling units.

Subp. 13-14. ~~Sandblasting.~~ ~~“Sandblasting” means the use of pressurized airborne abrasive to remove surface coatings.~~

Subp. 14-13. **Standard tube auger.** “Standard tube auger” means a hollow 13/16 inch interior diameter soil sampling tool.

Subp. 15-14. **Vacuum blasting.** “Vacuum blasting” means the use of a vacuum device with sandblasting abrasive blasting to collect spent abrasive.

Subp. 16-15. **Waterblasting.** “Waterblasting” means the use of pressurized water to remove surface coatings.

Subp. 17-16. **Wet sandblasting abrasive blasting.** “Wet sandblasting abrasive blasting” means the use of water with sandblasting abrasive blasting to remove surface coatings.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Emergency Rules

Subp. ~~4~~ 17. **X-ray fluorometer.** "X-ray fluorometer" means a portable or laboratory instrument that measures lead by gamma ray induced fluorescence of lead atoms.

### 4620.2200 [Emergency] SAMPLING AND ANALYSIS.

Subpart 1. General. As required by *Minnesota Statutes, section 144.854, subdivision 1, boards of health must assess the residence of a child or pregnant woman who has a blood lead level of 25 micrograms per deciliter.*

~~Subpart 1.~~ Subp. 2. Paint. In conducting an assessment, paint on each wall, floor, window well, window sill, ceiling, and fixture must be tested by either:

Subp. ~~2.~~ 3. Soil. In conducting an assessment, bare soil and exterior dust must be collected and analyzed by the methods in items A to D.

D. Soil samples must be analyzed by a method approved by either:

(1) the U.S. Environmental Protection Agency as described in subpart ~~1~~ 2, item B; or

Subp. ~~3.~~ 4. Dust. In conducting an assessment, interior dust must be collected by the surface wipe method described in Industrial Hygiene Technical Manual, Chapter VIII and Appendix A, U.S. Department of Labor, Occupational Safety and Health Administration, May 24, 1984. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Interior dust must be analyzed by a method approved by the U.S. Environmental Protection Agency as described in subpart ~~1~~ 2, item B.

Subp. ~~4.~~ 5. Drinking water. Drinking water from public fountains must be collected by the method described for drinking fountains in "Lead in School's Drinking Water," prepared by the Office of Drinking Water, U.S. Environmental Protection Agency Document EPA 570/9-89-001, January 1989. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Drinking water must be analyzed by a method approved by the U.S. Environmental Protection Agency in Code of Federal Regulations, chapter 40, part 136, Table 1B "List of Approved Inorganic Test Procedures for Atomic Absorption or Inductively Coupled Plasma" (Washington, D.C., Government Printing Office).

### 4620.2300 [Emergency] LEAD ABATEMENT METHODS.

Subpart 1. **Paint abatement preparations.** Abatement of lead-based paint must not begin until the requirements in items A to F have been met.

A. An assessment of lead sources within the residence or day care facility must be completed by the board of health ~~or by the property owner.~~

B. Preparations must be taken made to minimize dust generation and dispersal during abatement and to contain any semisolid or liquid wastes generated during abatement. Double six mil or equivalent thickness plastic bags or leak-proof containers must be on-site to collect all debris, dust, and other waste generated by abatement. Waste must be disposed of according to chapter 7045.

D. For interior paint abatement:

(2) residents must be relocated and all personal possessions, carpeting, and furniture must be cleaned of lead ~~as needed~~ and relocated;

(6) other preparations due to unusual circumstances such as unique structural components affecting the work area must be taken made as needed to prevent dispersal of lead from abatement procedures.

F. For use of ~~sandblasting~~ abrasive blasting, waterblasting, and wet ~~sandblasting~~ abrasive blasting:

(2) the lead abatement contractor must notify occupants of any residence or operator of any day care facility within 30 feet of the surface to be abated of the schedule for ~~sandblasting~~ abrasive blasting, of the need to remove personal property from the lot nearest the surface to be ~~sandblasted~~ abrasive blasted, and of the need to keep windows and doors sealed with tape during ~~sandblasting~~ abrasive blasting;

(3) tarpaulins must either be:

(b) vertically extended at least four feet above the surface to be ~~sandblasted~~ abrasive blasted with horizontal tarpaulins covering the ground from the foundation to the vertical tarpaulins; and

(4) for wet ~~sandblasting~~ abrasive blasting or waterblasting, the edges of horizontal tarpaulins must be raised to contain all liquid wastes.

Subp. 2. **Paint abatement.** Except as prohibited in subpart ~~4~~ 3, paint that is in violation of part 4620.2100 [Emergency], subpart 1 or 2, must be abated by the methods in items A and B.

A. Deteriorating paint in violation of part 4620.2100 [Emergency] must either be:

(2) removed from the base material by wet or dry scraping or wire brushing; stripped with nontoxic and nonflammable chemical paint strippers either on-site or off-site with removal of chemical strippers from surfaces by scraping and direct placement into waterproof containers; heated with a heat gun that does not exceed 800 degrees Fahrenheit; ~~sandblasted exterior abrasive blasted~~, vacuum blasted, exterior waterblasted, or exterior wet sandblasted abrasive blasted. All damaged base material must be patched, sealed, and repainted or covered with material that complies with part 4620.2100 [Emergency].

Subp. 3. **Prohibited paint abatement methods.** Use of the following methods on paint in violation of part 4620.2100 [Emergency] is prohibited:

H. using silica sand for ~~sandblasting abrasive blasting~~;

I. ~~sandblasting abrasive blasting~~, waterblasting, and wet ~~sandblasting abrasive blasting~~ for interior work; and

J. ~~sandblasting abrasive blasting~~, wet ~~sandblasting abrasive blasting~~, and waterblasting for exterior work when average wind speed exceeds 15 miles per hour unless vertical tarpaulins extend from the ground to four feet above the surface to be abated.

Subp. 8. **Water abatement.** The owner of a public drinking water fountain that violates part 4620.2100 [Emergency] must disconnect or flush the public fountain daily according to the directions in "Lead in School's Drinking Water" as described in part 4620.2200 [Emergency], subpart 4 5, until compliance can be demonstrated by retesting.

#### **4620.2400 [Emergency] COMPLETION OF ABATEMENT.**

Subp. 2. **Paint.** Paint must be tested by collection of one interior dust sample from each of the walls and ~~windows~~ window wells and sills and from the floor in a room in which at least one of these surfaces was abated. Dust must be analyzed by an approved method as described in part 4620.2200 [Emergency], subpart 4, ~~item B 4~~.

Subp. 3. **Soil testing.** Two samples of bare soil, if any is present, must be collected within two feet of the foundation adjacent to each exterior wall that was abated. The soil must be analyzed with methods approved by either the U.S. Environmental Protection Agency or the University of Minnesota Soil Testing and Research Analytical Laboratory as described in part 4620.2200 [Emergency], subpart 2, ~~item D 3~~.

Subp. 4. **Dust testing.** One interior dust sample must be collected from each of the walls and ~~windows~~ window wells and sills and from the floor in a room in which at least one of these surfaces was abated and must be analyzed by an approved method as described in part 4620.2200 [Emergency], subpart 4, ~~item B 4~~.

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## **Commissioners' Orders**

### **Department of Natural Resources**

#### **Commissioner's Order No. 2362: Regulations for the Taking and Possession of Turtles in the Inland Waters of the State of Minnesota; Superseding Commissioner's Order No. 2131**

**PURSUANT TO AUTHORITY VESTED** in me by *Minnesota Statutes*, § 97A.475(41) and 97C.605, and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, do hereby prescribe the following regulations for the taking and possession of turtles in the inland waters of the State of Minnesota.

##### **Section 1. LICENSES.**

(a) Any person permitted by law to take fish by angling may take, possess and transport a limit of three (3) turtles. Turtles may be taken in any manner except by the use of nets other than anglers fishing nets, turtle hooks or traps, or by the use of explosives, drugs, poisons, lime and other harmful substances.

(b) A person may not take, possess, transport or purchase turtles for sale without a turtle seller's license.

(c) Any resident holding a turtle seller's license may take, possess, transport, buy and sell turtles without limit. Under the authority of this license turtles may be taken in any manner except by the use of explosives, drugs, poisons, lime, and other harmful substances or firearms.

(d) Only residents may purchase a turtle seller's license.

(e) A turtle seller's license is not required to buy turtles for retail sale to consumers:

(1) at a location licensed by the Departments of Agriculture or Health for sale or preparation of food;

## Commissioners' Orders

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- (2) of a person licensed by the Departments of Agriculture or Health for sale or preparation of food; or
- (3) of a person buying turtle at a retail outlet.

### Sec. 2. PERMITS.

- (a) Permits for the purpose of taking turtles with the aid of artificial lights may be issued by the commissioner or his authorized agent.
- (b) Turtles other than those identified in Sec. 3 of this order may be taken only with a proper permit.

### Sec. 3. SPECIES.

Only snapping turtles (*Chelydra serpentina*), mud or painted turtles (*Chrysemys picta*) and spiny soft-shell turtles (*Apalone spinifer*) may be harvested. All other turtles shall not be taken without a proper permit.

### Sec. 4. SIZE LIMIT.

Snapping turtles of the species *Chelydra serpentina* may not be possessed when the size is less than ten (10) inches wide including the curvature, measured from side to side across the shell at midpoint.

### Sec. 5. EQUIPMENT AND METHOD OF HARVEST.

- (a) When angling for turtles a person may not use more than one line with more one than hook attached including artificial lures.
- (b) Turtles may not be taken by snagging.
- (c) In addition to Section 1(c), turtles may be taken under the authority of a turtle seller's license by means of turtle traps, turtle hooks and other commercial fishing gear as authorized in Sec. 7(e) of this order.
  - (1) Turtle hooks are handheld devices consisting of a rigid pole with hooks attached to one end which facilitates taking turtles by "hooking" them beneath the surface of the water, lifting them out of the water and placing them in confinement.
  - (2) Turtle traps that are constructed of flexible webbing material (twine) shall be of mesh size not less than three and one-half (3-1/2) inches bar measure or seven (7) inches extension measure.
  - (3) Turtle traps that are constructed of rigid material (wire) shall be of mesh size not less than three and one-half (3-1/2) inches bar measure and shall have at least one (1) square opening in the top panel measuring at least four (4) inches on a side and one of the same dimension near the bottom in each of the side panels.

### Sec. 6. SEASON.

Turtles identified in Sec. 3 of this order may be taken, possessed, transported, bought and sold at any time under the authority of appropriate license.

### Sec. 7. OPERATIONS.

- (a) Traps must be set in water shallow enough to place the top no deeper than one (1) inch below the water surface.
- (b) Traps shall be checked and serviced at intervals not exceeding 48 hours.
- (c) No licensee may operate more than 40 traps.
- (d) When in use each trap shall have affixed on it a tag of permanent material (metal or plastic), visible from above, bearing the name, address and license number of the operator. This information shall be presented in an indelible manner (embossed, engraved or branded) on the tag. Such tag shall be of dimensions not less than two and one-half (2-1/2) inches in length by five-eighths (5/8) inches in width.
- (e) Turtles taken incidental to other commercial operations may be possessed, transported and sold provided the operator is a holder of a turtle seller's license.

### Sec. 8. REPORTS, RECORDS AND INSPECTIONS.

- (a) Reports shall be submitted, on forms provided, by holders of turtle seller's licenses at the time of license renewal or March 1, whichever comes first. The completed report shall be furnished to the Director of the Division of Fish and Wildlife or his agent. The forms shall record the numbers and pounds of turtles taken, by species, and other such information as specified.
- (b) Licensees who purchase turtles for resale or for processing and resale shall keep a correct and complete book record, in the English language, of all transactions and activities covered in his license, in accordance with provisions of *Minnesota Statutes* § 97A.425.

(c) Licensees are subject to inspection at all reasonable times by agents of the commissioner. Subjects of inspection shall include records as required by paragraph (b) of this section, business and operations premises, all boats, vehicles, gear and employees (for license and identification) utilized in a turtle harvest or processing operation.

Sec. 9. Commissioner's Order No. 2131 is hereby superseded.

Dated at Saint Paul, Minnesota, this 3rd day of January, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

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## Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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### Board of Animal Health

#### Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, February 23, 1990 at the Board offices at 9:30 a.m. The Board offices are located at 90 W. Plato Blvd., St. Paul, MN 55107.

Information about this meeting may be obtained by calling the Board offices at 612-296-5000.

Dated: 19 January 1990

Eugene H. Kirchoff  
Accounting Supervisor

### Department of Labor and Industry

#### Labor Standards Division

#### Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified October 1, 1989 for labor classifications 101—Labor, Common (Gen Labor Wrk) in Watonwan county for Highway/Heavy construction projects has been corrected.

Copies of the correct certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson  
Commissioner

### Department of Revenue

#### Appeals and Legal Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Sales Tax on Automatic Data Processing

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing Sales Tax on Automatic Data Processing. The adoption of the rule is authorized by *Minnesota Statutes* section 297A.29, which requires the agency to promulgate all needful rules for the administration and enforcement of *Minnesota Statutes* sections 297A.01 to 297A.44 not inconsistent with its provisions.

Outside opinion is also being solicited as to how this rule will affect small businesses as defined by *Minnesota Statutes* section 14.115, subdivision 1.

## Official Notices

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The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Terese Koenig Smith  
Minnesota Department of Revenue  
Appeals and Legal Services Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, Minnesota 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-3438 and in person at the above address.

All statements of information and opinions shall be accepted until February 16, 1990. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 18 January 1990

Terese Koenig Smith  
Attorney

## Board of Water and Soil Resources

### Outside Information or Opinions Sought Regarding a Proposed Program to Cost-Share the Sealing of Improperly Abandoned Wells

**NOTICE IS HEREBY GIVEN** that the Board of Water and Soil Resources is seeking specific information or opinions from sources outside the agency in developing a program to cost-share the sealing of improperly abandoned wells. Establishment of this program is authorized by *Minnesota Statutes*, Chapter 1031.331.

The Board requests information and opinions concerning criteria for selecting counties for well sealing and well sealing priorities. Comments must address the criteria listed in *Minnesota Statutes*, Chapter 1031.331, subdivisions 2 and 3. Interested persons or groups may submit data or views in writing concerning the criteria listed in subdivisions 2 or 3. Statements should be addressed to: **Eric Mohring, Board of Water and Soil Resources, 155 South Wabasha Street, Suite 104, St. Paul, Minn. 55107.**

Statements will be accepted until February 26, 1990.

Dated: 19 January 1990

James Birkholz, Executive Director  
Board of Water and Soil Resources

## Board of Water and Soil Resources

### Outside Information or Opinions Sought Regarding Proposed Rule Revisions Governing a Cost-Sharing Program for Erosion Control and Water Quality Practices

**NOTICE IS HEREBY GIVEN** that the Board of Water and Soil Resources is seeking information or opinions from sources outside the agency in preparing to propose revisions to the rule governing a cost-sharing program for erosion control and water quality practices. The current rule is cited as 8400.0100 to 8400.2800 and is authorized by *Minnesota Statutes*, Chapter 40.036.

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: **Greg Larson, Board of Water and Soil Resources, 155 South Wabasha Street, Suite 104, St. Paul, Minn. 55107.** Oral statements will be received during regular business hours over the telephone at 296-3767 and in person at the above address.

All statements of information and opinions shall be accepted until February 26, 1990. Any written material received by the Board of Water and Soil Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 18 January 1990

James Birkholz, Executive Director  
Board of Water and Soil Resources

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** 2 and 3 part forms  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** January 31  
**Agency:** Community College System  
**Deliver to:** St. Paul  
**Requisition #:** 27138 51506

**Commodity:** Light standards  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** February 2  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79050 23865

**Commodity:** Latex traffic marking paint  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** February 8  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79100 09081

**Commodity:** Signage  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** February 2  
**Agency:** Community College  
**Deliver to:** Brainerd  
**Requisition #:** 02310 17610

**Commodity:** Fingerlings  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** February 2  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29006 00420

**Commodity:** Buses—Rebid  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** February 9  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79000 02949 1

**Commodity:** Elec. floor sweeper  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** January 31  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070 13963

**Commodity:** Multidetector  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** February 5  
**Agency:** MN Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12400 44956

**Commodity:** License plate materials  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** February 15  
**Agency:** Corrections Department  
**Deliver to:** St. Cloud  
**Requisition #:** Price Contract

**Commodity:** Copier rental—short term  
**Contact:** Theresa Ryan 296-3775  
**Bid due date at 4:30pm:** January 31  
**Agency:** State Lottery  
**Deliver to:** Roseville  
**Requisition #:** 09400 00054 01

**Commodity:** Superimposition systems for wild B8S stereoplotters  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** February 5  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 03914

**Commodity:** Northgate computer—rebid  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** February 6  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12200 44665

**Commodity:** 36 month lease—Bronco  
**Contact:** Brenda Thielen 296-9075  
**Bid due date at 2pm:** January 31  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07300 65474

**Commodity:** Telephone system  
**Contact:** Joseph Gibbs 296-3750  
**Bid due at date 4:30pm:** February 7  
**Agency:** Administration Department—PrintComm Bookstore  
**Deliver to:** St. Paul  
**Requisition #:** 02515 00792

**Commodity:** Entertainment lighting system  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** February 6  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070 13955

## State Contracts and Advertised Bids

**Commodity:** Briefcases, business cases and portfolios  
**Contact:** Norma Cameron 296-2546  
**Bid due date at 2pm:** February 5  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Item:** Novel cards  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date 4:30pm:** February 2  
**Agency:** Metropolitan State University  
**Deliver to:** St. Paul  
**Requisition #:** 26176 03041

**Commodity:** Drafting supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** February 6  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 03753

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** Apprenticeship certification card, 6M cards 2½"x4" printed 10 up on 8"x14" stock, ¼" perf on top/bottom, camera ready, 1-sided, must have union bug  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 31  
**Agency:** Labor & Industry Department  
**Deliver to:** St. Paul  
**Requisition #:** 4553

**Commodity:** Fire prevention posters, 110 sets of 29 posters, 12"x18", Mylar overlays, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 31  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 4548

**Commodity:** Labels, 10M 3"x¼", 500 per roll, type to set, 1-sided, pressure sensitive  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 31  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 4573

**Commodity:** Fire warden "Years of Service" certificate, 2M 14"x11", camera ready, 1-sided, 5-colors with bleeds four sides  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 31  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 4546

**Commodity:** Prebill envelopes, 500M 8"x3¾" with poly window, camera ready, 2-sided; and MV sticker envelope, 300M 6½"x3⅝" with poly window, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 31  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 4584 and 4585

**Commodity:** Commercial driver license manual, 100M books 96-pages + cover, 5½"x8½", saddle stitch, previous negs + type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 5  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 4512



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## Professional, Technical & Consulting Contracts

**Commodity:** Child care license, 30M continuous sheets 9½"x4" incl. pinfeed strips, negs available, 1-sided, with state seal screened  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 2  
**Agency:** Human Services Department  
**Deliver to:** New Brighton Storage Warehouse  
**Requisition #:** 4639

**Commodity:** Gross Earnings Tax Declaration Payment Voucher, 400 one-part continuous form, fan fold 14⅞"x7" includes ½" pinfeed strips, type to set + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 2  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 4475

**Commodity:** Notice of Delinquent Quarterly Employment and Wage Report, 3,500 continuous form with unperforated feed strips, 8½"x11", camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 2  
**Agency:** Jobs and Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 4409

**Commodity:** Department Purchase Order, 5M 6-part sets continuous feed, type to set + camera ready + negs, 1-sided, preprinted numbering  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 1  
**Agency:** Administration Department—Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 4617

**Commodity:** Capital Budget, 2 books: *Summary book*, 800, 8½"x11" saddle stitch, type to set on cover, inside pages camera ready, approx. 70 pages *Detail Book*, 8½"x11" 200 sets, 2 vols., @ 23 tabs, wire spiral bound.  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 1  
**Agency:** Finance Department  
**Deliver to:** St. Paul  
**Requisition #:** 4401

**Commodity:** Mycoplasma Control Program, 2M 3-part forms, 5¾"x8", type to set, 1-sided (economically disadvantaged bidders located in Minn. will receive a maximum 5% preference on the award of this bid)  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 1  
**Agency:** Animal Health Board  
**Deliver to:** St. Paul  
**Requisition #:** 4583

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## Professional, Technical & Consulting Contracts

### Health Department

#### Request for Proposals for Project to Clear Obstructed, Abandoned Wells

The Minnesota Department of Health is seeking proposals for a project to investigate and apply existing techniques used in the petroleum, geotechnical, and mineral exploration industries which may be appropriate and cost-effective for use by the Minnesota water well industry in clearing obstructed, abandoned wells.

Proposals must include a description of the responder's background and experience, any prior knowledge or experience in the subject area, resumes and background information for staff who will work on the project, prior experience working with State government projects, assistance expected from the project sponsor, and evidence of compliance with deadlines on previous projects.

Potential contractors must submit a detailed cost and work plan which identifies the major tasks to be accomplished, timelines, and costs. A copy of the Request for Proposals containing more detailed information and other expectations of potential contractors may be obtained from the Department of Health. The estimated cost of the project should not exceed \$117,000.

The contractor will begin work in May or June. Periodic review of progress will be required. The contractor will have to complete a report covering the investigation of existing techniques by July 31, 1990, and a final project report covering the field application of selected techniques by June 1, 1991.

Proposals must be received by the Department of Health no later than 4:30 p.m., Thursday, March 1, 1990. Please direct proposals and inquiries to:

Tomas Klaseus  
Minnesota Department of Health  
717 Delaware Street S.E.  
P.O. Box 59040  
Minneapolis, MN 55459-0040

## Professional, Technical & Consulting Contracts

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### Health Department

#### Request for Proposals for Project to Detect Leaking Monitoring Wells

The Minnesota Department of Health is seeking proposals for a project which is intended to: 1) investigate and identify appropriate testing techniques for detecting leaking monitoring wells; and 2) apply appropriate testing techniques in selected field situations to detect leakage through monitoring well joints, casings, and grouts.

Proposals must include a description of the responder's background and experience, any prior knowledge or experience in the subject area, resumes and background information for staff who will work on the project, prior experience working with State government projects, assistance expected from the project sponsor, and evidence of compliance with deadlines on previous projects.

Potential contractors must submit a detailed cost and work plan which identifies the major tasks to be accomplished, timelines, and costs. A copy of the Request for Proposals containing detailed information and other expectations of potential contractors may be obtained from the Department of Health. The estimated cost of the project should not exceed \$72,000.

The contractor will begin work in May or June. Periodic review of progress will be required. The contractor will have to complete a report covering Item No. 1 above by July 31, 1990, and a final project report covering Item No. 2 above by June 1, 1991.

Proposals must be received by the Department of Health no later than 4:30 p.m., Thursday, March 1, 1990. Please direct proposals and inquiries to:

Tomas Klaseus  
Minnesota Department of Health  
717 Delaware Street S.E.  
P.O. Box 59040  
Minneapolis, MN 55459-0040

### Department of Human Services

#### Family Support Programs Refugee and Immigrant Assistance Division

#### Request for Proposals for Language Interpretation Services for Medical Assistance Covered Health and Mental Health Services

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Assistance Division, Family Support Programs, Minnesota Department of Human Services, is seeking proposals for language interpretation services to improve access and appropriate use of health and mental health services, by Medical Assistance recipients.

Funding is from the State of Minnesota in the amount of \$290,000. The objective of the grant is to provide language interpreters so Medical Assistance recipients in Minnesota who speak little or no English can access medical assistance covered health and mental health services.

Allocations of the grant will be based on an estimate of the population who need the services in regions of the State. We anticipate issuing 14-month contracts beginning May 1, 1990.

To be considered for funding, proposals must be *received* by the Refugee and Immigrant Assistance Division by 4:20 p.m., CDT, February 23, 1990. We reserve the right to not act on this RFP.

Please direct all questions and request for copies of the full Request for Proposals to:

Minnesota Department of Human Services  
Refugee and Immigrant Assistant Division  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3837  
612-296-1383

## Department of Human Services

### Health Care Programs

#### Notice of Availability of Primary Care Physician Case Management Contracts

The Department of Human Services is seeking to contract with primary care physicians to provide case management services to Medical Assistance/General Assistance recipients who have been identified as using services at a frequency or amount that is not medically necessary. In return for a monthly per capita case management fee, the primary care case manager will be required to review the profile of utilization for each recipient, develop an individualized case management plan, and prior authorize all non-emergency services used by the recipient.

In order to participate as a primary care case manager, the primary care physician must have a current provider agreement on file with the department and must enter into an administrative contract with the department to provide case management services. Interested primary care physicians should submit written notification to the department by February 28, 1990. Please direct all correspondence and inquiries to:

Rick Chiat  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3854  
Phone: 612/296-1481

## Department of Human Services

### Health Care Programs Division

#### Notice of Request for Proposal for Prepaid Health Plans

The Department of Human Services is seeking proposals from prepaid health plans to provide health care services to General Assistance Medical Care recipients in Hennepin County. Prepaid health plans must be organized to provide all GAMC covered services and must be able to accept financial risk. Capitation rates will be set by the department in consultation with an independent actuary. Contracts will be awarded based on: (1.) geographic accessibility of service delivery sites. (2.) ability to provide service to the entire range of the GAMC population. (3.) financial and risk capability, and (4.) ability to meet quality assurance, complaint and appeal and service delivery standards. The commissioner reserves the right to reject any and all proposals or to contract with a single prepaid health plan entity.

The formal request for proposal which contains detailed specifications may be requested from the department and will be available for distribution on February 12, 1990. The deadline for submitting a proposal is 4:30 p.m., March 12, 1990. Selection of health plan contractor(s) will be made prior to April, 1990. Please direct inquiries and proposals to:

Rick Chiat  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3854  
Phone: 612/296-1481

## Department of Human Services

### Office of Child Support Enforcement

#### Request for Proposals for Consultant Services to Analyze, Evaluate, and Make Recommendations for Improvements to Child Support Guidelines

##### Scope of Proposal

The Office of Child Support Enforcement is seeking proposals from qualified firms and individuals experienced in child support enforcement law to analyze, evaluate, and make recommendations for improvements to the guidelines used for setting child support in Minnesota.

Responsibilities under this contract will include:

1. Review legislative history of Minnesota child support guidelines and prepare a written summary of this history.

## Professional, Technical & Consulting Contracts

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2. Review and analyze concerns and inequities of Minnesota child support guidelines as detailed in the reports of the Gender Fairness Commission and the **Economic Consequences of Divorce for Men, Women, and Children in Minnesota** by Lois Yellowthunder and Kathryn Rettig. Review and incorporate findings of additional existing studies which relate ability to pay support with support awards.

3. Publicize statewide and conduct a total of three public hearings at northern, central, and southern locations to seek input on concerns and recommendations for changes to the child support guidelines.

4. Through correspondence and interviews, seek direct input from various interest groups on guidelines. At a minimum, input must be solicited from the following groups and agencies:

- Minnesota County Attorneys Association
- Commission on the Economic Status of Women
- Gender Fairness Implementation Commission
- Remember our Kids in Divorce Settlements (R-KIDS)
- Association for Children for Enforcement of Support (ACES)
- Minnesota Family Support and Recovery Council
- Children's Defense Fund
- Minnesota Bar Association
- Minnesota District Judges Association
- Minnesota Trial Lawyers
- State Court Administrators Office
- Department of Human Services

5. Obtain, review, and analyze a minimum of three guidelines models that are currently in use in other States, one of which shall be the income equivalence or income shares model.

6. Provide a series of written reports of activities undertaken and outcomes from items 1-5 above within 30 days of the completion of each activity.

7. Prepare at a minimum two alternative models for establishing equitable support awards. Both alternatives must meet federal regulatory requirements as well as reduce the economic disparity in families after dissolution.

8. Provide detailed explanations of both alternatives and specific recommendations to support both the alternatives. The documentation shall include:

- a narrative description of the analysis that formed the basis for the alternative;
- a narrative explanation of why the alternative selected is consistent with and supported by the results of the analysis;
- a detailed explanation of any situations not fitting the guidelines as provided by the alternative, and a recommendation for determining support awards in these instances; and
- a detailed explanation of why this alternative is superior to the present statutory support guidelines.

9. Draft legislation for the alternative selected by the state.

10. Provide testimony as an expert witness as requested by the state.

### Proposal Contents

The following will be considered minimum contents of a proposal:

- 1) Narrative project proposal identifying and describing the services and products to be provided.
- 2) Resumes outlining the responder's capabilities and experience.
- 3) Identification of the personnel who will supervise and conduct this project and a detailed description of their training and work experience. No change in personnel will be permitted without approval of the Office of Child Support Enforcement.
- 4) Cost breakdown, work plan, and project schedule that identify major tasks to be accomplished and deliverables to be provided. Breakdown by activity on costs to be billed (Items 1-9 listed in Scope of Proposal) should be provided by responder.

### Submission of Proposals

This Request for Proposals does not obligate the Office of Child Support Enforcement to complete the project. The Office of Child

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## Professional, Technical & Consulting Contracts

Support Enforcement reserves the right to accept or reject any or all proposals. A formal contract will be executed prior to initiation of the project.

Additional information on project requirements may be obtained by contacting Bonnie L. Becker (612) 296-2499.

Qualified firms or individuals with experience in child support enforcement guidelines will be considered for this project. Responder experience and qualifications, quality of proposal, and cost will be considered in awarding the contract. Upon completion of evaluation and selection, results will be sent by mail to all responders. It is anticipated that a contractor will have been selected and work begun under this contract by May 1, 1990 with all contract obligations, with the exception of expert witness testimony, fulfilled by October 1, 1990.

Submit two copies of the proposal in an 8½ x 11 format. Price and terms must be valid for the length of the project and shall be presented on a fixed price basis.

All proposals must be sent to: Bonnie L. Becker, Director, Office of Child Support Enforcement, 444 Lafayette Road, 4th Floor, St. Paul, Minnesota 55155-3846, (612) 296-2499. All proposals must be received no later than the close of the business day (4:30 p.m.) Thursday, March 1, 1990. Late proposals will not be accepted.

Estimated cost \$45,000-\$60,000.

## Department of Jobs and Training

### Division of Rehabilitation Services

### Minnesota Supported Employment Project

#### Notice of Proposed Contract for Cost Study Design Consultation Services

The Minnesota Supported Employment Project, Division of Rehabilitation Services is seeking to employ a Consultant who can assist in the design and possible analysis of a comprehensive Cost Study of services for Supported Employment in Minnesota.

Emphasis will be placed on cash and non-cash benefits obtained through supported employment of persons with severe disabilities. Activities will be coordinated through the Minnesota Supported Employment Project, Division of Rehabilitation Services, Department of Jobs & Training, located at 390 N. Robert Street, St. Paul, MN. A total of \$5000 to \$10,000 is available for the period from February 20, 1990 to April 15, 1990. The potential Analysis and Report phase would occur between October 1, 1990 to December 31, 1990.

Inquiries should be directed to:

Minnesota Supported Employment Project  
Division of Rehabilitation Services  
390 N. Robert St., 5th Floor  
St. Paul, MN 55101

Attn: Ms. M.E. Myk McArdle

Proposals must be received by 4:30 p.m. on February 7, 1990.

## Legislative Coordinating Commission

### Subcommittee on Redistricting

#### Request for Proposals for Computerized Redistricting System

The Legislative Coordinating Commission (LCC) is responsible for providing the necessary computer facilities to enable the Senate and House of Representatives to draw legislative and congressional redistricting plans for consideration by the Legislature at its 1992 regular session. The LCC has appointed a Subcommittee on Redistricting to plan for and acquire a computerized redistricting system for this purpose.

On September 25, 1989, the Subcommittee published a Request for Information to assist it in developing the specifications for the system. During November and December, several vendors demonstrated their redistricting software and hardware for the Subcommittee.

The Subcommittee is now requesting proposals from vendors to create the data base and sell the Subcommittee the hardware and software needed for caucus staff to produce redistricting plans.

## Professional, Technical & Consulting Contracts

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Copies of the Request for Proposals may be obtained from:

Janet Lund, Director  
Legislative Coordinating Commission  
85 State Office Building  
St. Paul, Minnesota 55155  
(612) 297-3697

The deadline for submitting proposals is 12 o'clock noon, February 16, 1990.

## Department of Transportation

### Technical Services Division

### Research Administration and Development

### Notice of Availability of Contract for Implementation of Research Findings

The Department of Transportation, acting as the agent for the Local Road Research Board, requires the services of a consultant for implementation of research findings applicable to county highway and municipal streets in Minnesota. This contract involves the review and evaluation of selected state-of-the-practice technology and research findings and the performance of effective implementation activities. The impetus of this contract is the application of that information to the management of roads and streets at the county and municipal level. The consultant will be guided by an Advisory Committee which has chosen topics for implementation. Concurrent activity on implementation tasks may be anticipated.

A seasoned professional or team with engineering and educational experience, familiar with design, construction and maintenance practices and problems on Minnesota streets and highways, as well as national research trends, is desired.

The Local Road Research Board has budgeted a maximum of \$100,000.00 per calendar year for this two year contract. Interested bidders should note that the Board may extend this project for an additional two years if they should decide to continue the project beyond the initial two year period.

Those interested may obtain a Request for Proposal from:

John Hale, Technical Transfer Specialist  
Research and Development Administration  
Minnesota Department of Transportation  
Materials and Research Laboratory  
1400 Gervais Avenue  
Maplewood, MN 55109  
Telephone: (612) 779-5514

Request for Proposal forms will be available through 4:00 p.m., February 9, 1990. All proposals will be due no later than 4:00 p.m., March 2, 1990.

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Education

### Indian Education Grants

The Request for Proposals (RFPs) for funding under the Indian Education Act (IEA) of 1988 (formerly known as the American Indian Language and Culture Education Act—AILCE) will be mailed within 30 days of today's date. Following is the timeline established by the State Board of Education for applications and funding under the American Indian Language and Culture Program:

February 10, 1990	RFP mailing statewide
April 3, 1990	Applications DUE
April 17-20, 1990	Committee meets to form recommendations
May 7 and 8, 1990	Recommendations to State Board for discussion and final grant decisions
May 30, 1990	Notices to Grantees on this date

There will be no exceptions nor variances granted to this timeline. Applications must be postmarked no later than the due date listed above *and* must be received **BEFORE** the Committee meets. It will be the applicant's responsibility to ensure and confirm receipt of their proposal. The Department of Education and the State Board of Education maintain no responsibility for lost or delayed mail.

**The State Board of Education will make grants not exceeding \$50,000.00 for the project year 1990-91.** The RFP will list complete details of the application process.

No major changes have been made in the legislative intent of the grants, nor in the application process or proposal format. See *Minnesota Statutes* 126.45 to 126.55 for information on projects funded under this grant.

RFPs will be mailed to all Minnesota Title IV-A participants, previous recipients of state Indian education grants, and statewide tribal agencies and organizations. Interested educational programs who do not receive an RFP by the end of February should call the Minnesota Department of Education, Indian Education Section at 296-6458 to obtain an RFP packet.

## Department of Jobs and Training

### Notice of Availability of Funds for the Emergency Shelter Grants Program

The Minnesota Department of Jobs and Training announces the availability of Emergency Shelter Grants Program (ESGP) funds. The purpose of this grant is to assist programs that provide shelter or transitional housing to homeless individuals, or provide homeless prevention services. Eligible activities are:

- 1) Renovation or rehabilitation or conversion of buildings to be used as shelters or transitional housing for the homeless;
- 2) Payment for the operating costs of shelter or transitional housing programs including rent, maintenance, insurance, utilities, or furnishings, but excluding staff;
- 3) Payment for essential services provisions to individuals in shelter or transitional housing programs including (but not limited to) services concerned with employment, physical health, mental health, substance abuse, education, or food, including the staff salary necessary to provide these services.
- 4) Homelessness prevention activities in the form of tenant/landlord mediation, tenant counseling or legal advocacy on behalf of the tenant.

Expenditures for essential services are currently restricted to 20% of the total State grant amount. The Department of Jobs and Training will be submitting a waiver request to remove this limitation. Applicants are therefore encouraged to request whatever level of essential service expenditure level is appropriate. Approval of such requests are contingent on approval of the waiver request.

#### FUNDING CATEGORIES

A total of \$596,710 is available to be awarded in five categories as follows:

**Category I**—\$325,000 will be set aside for those areas of the state which provided more than 1% of the total shelter/transitional housing beds in the past year as determined by the Department's Shelter Survey. Areas qualifying for a set aside are listed on the page below:

AREA	AMOUNT
Anoka	\$ 32,315
Bemidji	15,100
Crookston	25,294
Hennepin County	150,325
Mankato	21,137
Moorhead	24,749
Rochester	27,056
St. Cloud	29,023
<b>TOTAL</b>	<b>\$325,000</b>

## State Grants

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**Category II**—\$131,710 will be awarded through a statewide competition to new programs or the cities or counties applying on behalf of new programs which serve the homeless which began operation after January 1, 1989, or areas which do not qualify under Category I as having served more than 1% of the State's that shelter/transitional housing population in the past year.

**Category III**—\$75,000 will be awarded to applicants from those areas of the state which must rely on the use of motels or other commercial facilities because of a demonstrated shortage of shelter space. Program regulations require that applicants under this category demonstrate that the rate charged by the motel or commercial facility will be substantially less than the daily room rate otherwise charged by the facility and that the use of these motels or other commercial facilities is the most costs effective means of providing emergency shelter for the homeless in the particular jurisdiction.

**Category IV**—\$50,000 will be awarded through a statewide competition to programs which provide homelessness prevention services such as legal advocacy on behalf of the tenant, tenant/landlord mediation, or tenant life skills counseling and/or training. Rental assistance will not be considered as an eligible activity under this grant.

**Category V**—\$15,000 will be awarded through a stateside competition to grantees wishing to increase the energy efficiency of their shelter or transitional facility by way of structural improvements. These funds will be awarded in conjunction with special demonstration funding under the Department of Energy's Weatherization program.

### ELIGIBLE APPLICANTS

Eligible applicants include units of general local government and private non-profit organizations. A private non-profit organization may apply for direct assistance if the local government for the jurisdiction in which the project is located certifies that it approves the project. The State, however, encourages local units of government to apply on behalf of non-profit agencies. The types of programs that may be funded include overnight shelters, transitional housing programs, battered women's shelters, runaway/throwaway youth shelters, programs which provide motel or commercial facility vouchers, or programs which provide homeless prevention funding. Availability of other funding sources will be taken into account in prioritizing proposals.

A final rule governing the Emergency Shelter Grants Program 24CFR Part 576 was published in the Tuesday, November 7, 1989 *Federal Register* Volume 54, Number 214. Applicants should refer to this notice for further information.

Application packages can be obtained by calling Cheryl Zasada in the Economic Opportunity Office at (612) 296-7627. Applicants will be required to designate the particular activities (i.e. rehabilitation, operations or essential services) for the purpose to use the funding. They will also need to designate which category or categories they are applying under. A proposal must also include an indication of how matching funds will be provided. Local units of government applying on behalf of non-profit agencies must supply the above information on all the programs they are applying on behalf of.

All applications must be received by the Economic Opportunity Office no later than 5:00 p.m., March 5th, 1990. Further information can be obtained by calling Patrick Leary in the EOO Office at (612) 297-3409 or Mark Kaszynski at (612) 297-2590.

## Department of Trade and Economic Development

### Community Development Division

### Final Statement on Distribution of 1990 Small Cities Community Development Block Grant Funds

Federal fiscal year 1990 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. A draft Final Statement was published in the *State Register* on December 26, 1989, and a public hearing to receive comments was conducted on January 8, 1990. The text of the Final Statement follows:

#### CHAPTER 4300 COMMUNITY BLOCK GRANTS

Subp. 1. **Scope.** As used in this chapter, the following terms have the meanings given them.

Subp. 2. **Application year.** "Application year" means the state fiscal year beginning July 1 and ending June 30.

Subp. 2a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Trade and Economic Development.

Subp. 2b. **Community development application.** "Community development application" means the official consolidated application form as developed by the Department of Trade and Economic Development to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.



Subp. 3. **Community development need.** "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

Subp. 4. **Competitive grant.** "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

Subp. 5. **Comprehensive program.** "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

Subp. 5a. **Division.** "Division" means the Community Development Division in the Department of Trade and Economic Development to which the program is assigned.

Subp. 6. **Economic development project.** "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

Subp. 7. **Eligible activities.** "Eligible activities" means those activities so designated in *United States Code*, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

Subp. 8. **General purpose local government.** "General purpose local government" means townships as described in *Minnesota Statutes*, chapter 365; cities as described in *Minnesota Statutes*, chapters 410 and 412; and counties.

Subp. 9. **Grant.** "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

Subp. 10. **Grant closeout.** "Grant closeout" means the process by which the division determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

Subp. 11. **Grant year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301-5316 (1981), and includes the period of time during which the division solicits applications and makes grant awards.

Subp. 11a. **Housing and community development needs assessment.** "Housing and community development needs assessment" means an analysis of priority community needs as required by Section 104 of the Housing and Community Development Act of 1974, *United States Code*, title 42, section 5304(b)(3).

Subp. 12. **Infrastructure.** "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

Subp. 13. **Low and moderate income.** "Low and moderate income" means income which does not exceed 80 percent of the median income for the area.

Subp. 14. **Metropolitan city.** "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code*, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

Subp. 15. **Nonentitlement area.** "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

Subp. 16. **[Repealed, 14 SR 1098].**

Subp. 17. **Per capita assessed valuation.** "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

Subp. 18. **Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, subd. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 116K.04, subd. 4, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

Subp. 19. **Poverty persons.** "Poverty persons" means individuals or families whose incomes are below poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

Subp. 20. **Program.** "Program" means the community development block grant program for nonentitlement areas.

Subp. 21. **Program area.** "Program area" means a defined geographic area within which an applicant has determined that there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

Subp. 22. **Program income.** "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

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Subp. 23. **Project.** "Project" means one or more activities designed to meet a specific community development need.

Subp. 24. **[Repealed, 14 SR 1098].**

Subp. 25. **Slums and blight.** "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes* § 273.73, subd. 10.

Subp. 26. **Single-purpose project.** "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need within a defined program area.

Subp. 27. **Urban county.** "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code*, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development. *Minnesota Statutes*, § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1098

**NOTE:** *Minnesota Statutes*, section 275.53, was repealed by *Laws of Minnesota 1981*, First Special Session, chapter 1, article 5, section 13.

### **4300.0200. Purpose**

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Trade and Economic Development under *United States Code*, title 42, sections 5301-5316 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570, and under *Minnesota Statutes*, section 116J.873.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1098

### **4300.0300. Objective of the Program**

The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

A. Benefit low- and moderate-income persons;

B. Prevent or eliminate slums and blight; or

C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

*Minnesota Statutes* § 116J.401; 116J.403

8 *State Register* 1263; L 1987 c 312 art 1

### **4300.0400. Application of Federal Law**

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law, federal law controls to the extent necessary to eliminate the conflict.

*Minnesota Statutes* § 116J.401; 116J.403

*Laws of 1987 c 312 art 1*

## **GRANT APPLICATION, EVALUATION, AND DETERMINATION**

### **4300.1100. Types of Competitive Grants Available**

Subp. 1. **Single-purpose grants.** The division shall approve grant applications for funding for single-purpose projects. The division shall place single-purpose grant applications in one of the following categories for purposes of evaluation:

A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

Subp. 2. **Comprehensive grants.** The division shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

Subp. 3. **[Repealed 11 SR 2416].**

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

**4300.1101. Economic Development Grants, Noncompetitive**

The division shall approve grants for economic development projects for funding throughout the application year, or until the funds reserved have been exhausted.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1098

**4300.1200. Application Process and Requirements**

Subp. 1. **Community development application manual.** The division shall make the community development application manual, additional instructional materials, and forms available on a year-round basis. The manual and additional materials and forms shall instruct applicants in the preparation of applications and describe the method by which the division will evaluate and rank applications.

Subp. 2. **Eligibility requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may receive only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may receive one economic development grant in addition to a competitive grant each application year.

Subp. 3. **Disqualification of applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these parts or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the division that any of the following conditions exist:

A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

Subp. 4. **Contents of community development application.** The contents of a community development application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the division. A complete community development application shall include, but not be limited to:

A. Needs narrative, summarizing the needs for the proposed projects;

B. Project summary, summarizing the activities to be completed and the scope of the project;

C. Activities and budget, detailing the estimates associated with each proposed activity;

D. Assurances, necessary to comply with the federal or state requirements as a prerequisite to receiving state or federal funding;

E. Resolution, from the submission of the local government applicant approving the application and authorizing execution of the grant agreement according to the requirements of the Community Development Division if funds are made available; and

F. Supporting materials, attachments that are designed to verify or support information in items A to E.

The division may request additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 5. **Time limit for submitting applications.** While competitive applications may be submitted at any time during the year, a formal yearly closing date for receipt of applications shall be established. Complete competitive applications shall be evaluated following the closing date for competitive applications. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the application year.

Subp. 6. **Regional review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes* § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

**4300.1300. Evaluation of Applications**

All applications shall be evaluated by the division. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria according to parts 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

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*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 41 SR 1384

### **4300.1400. Comparison of all Competitive Applications, Demographic Points**

Subp. 1. **[Repealed, 14 SR 1384].**

Subp. 2. **Evaluation of community need.** Up to 30 demographic points shall be awarded based on evaluation of community need, which shall include:

A. The number of poverty persons in the area under the applicant's jurisdiction;

B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and

C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

Subp. 3. **[Repealed, 14 SR 1384].**

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1098; 14 SR 1384

### **4300.1500. Comparison of Competitive Applications Within Categories**

After completing the general competition described in 4300.1400, the division shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, and comprehensive programs. Two hundred and ten of the total 240 points available for each application shall be awarded based on a comparison of the applications within each of the categories as further described in parts 4300.1600 to 4300.1900.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1384

### **4300.1600. Evaluation of Housing Projects**

Subp. 1. **Project need.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

A. Housing units that are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;

B. An inadequate supply of affordable housing for low- or moderate-income persons; or

C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

Subp. 2. **Project impact.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will eliminate deficiencies in the housing stock serving low- and moderate-income persons.

Subp. 3. **Project cost-effectiveness.** Up to 30 of the points available in the housing category competition shall be awarded by the division based on:

A. Evaluation of the extent to which the proposed activities will make cost-effective use of grant funds including coordination with, and use of, funds from other public and private sources; and

B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

*Laws of 1987 c 312 art 1; 14 SR 1384*

### **4300.1700. Evaluation of Public Facilities Projects**

Subp. 1. **Project need.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

Subp. 2. **Project impact.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1, and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

Subp. 3. **Project cost-effectiveness.** Up to 30 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will make cost-effective use of grant funds, including consideration of:

A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;

B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and

C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

*Laws of 1987 c 312 art 1; 14 SR 1384*

**4300.1800. [Repealed, 8 SR 1273].**

**4300.1900. Evaluation of Comprehensive Program Projects**

Subp. 1. **Program need.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of need for the proposed comprehensive program, including consideration of:

A. The number of low- and moderate-income persons in the program area;

B. The percentage of residents in the program area which are of low- or moderate-income; and

C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

Subp. 2. **Program impact.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

Subp. 3. **Program cost-effectiveness.** Up to 30 of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost-effective use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

*Laws of 1987 c 312 art 1; 14 SR 1384*

**4300.1901. Evaluation of Economic Development Projects**

Subp. 1. **In general.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be reviewed and resubmitted.

Subp. 2. **Federal and state eligibility thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives:

A. Creation or retention of permanent private sector jobs;

B. Stimulation or leverage of private investment; or

C. Increase in local tax base.

Subp. 3. **Project review.** Applications that meet eligibility thresholds will be awarded points by the division based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least 400 of the 600 available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Four hundred points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

Two hundred points will be awarded based on an evaluation of the effective use of program funds to induce economic development.

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Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

Subp. 4. **Funding recommendations.** Applications that attain at least 400 points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; L 1987 c 312 art 1; 14 SR 1384

### **4300.2000. Determination of Grant Awards**

Subp. 1. **Funds available for grants.** The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the state under *United States Code*, title 42, section 5306, after subtracting an amount for costs available to the division for administration of the program, as allowed by that law, plus any money made available by the state legislature. The division is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

Subp. 2. **Division of funds.** Of the federal funds available for grants in each grant year, 30 percent shall be reserved by the division to fund single-purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the division to fund comprehensive grants. However the division may modify the proportions of funds available for single-purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

At least 30 percent of the funds made available for single-purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the division solely for the purpose of meeting this requirement.

If there are unawarded economic development funds available at the end of the application year, two-thirds of the remaining funds will be available for competitive single-purpose projects and one-third will be available for economic development projects during the next application year.

Subp. 3. **Funding list.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher demographic points shall receive the higher ranking on the list.

Subp. 4. **Approval by commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the division to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

Subp. 5. **Reduction in amount requested.** The division may recommend an application for funding in an amount less than requested if, in the opinion of the division, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

Subp. 6. **Grant ceilings.** No competitive single-purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$1,400,000. No economic development grant may be approved for an amount over \$500,000.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

8 *State Register* 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

## CONTRACTS AND RECORDS

### **4300.3100. Grant Agreements**

Subp. 1. **Grant contract required.** A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. **Contents of grant contract.** The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;

B. A description of the manner in which payments will be made to grant recipients; and

C. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

Subp. 3. **Use of program income.** Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities.

The division shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed. In accordance with *Code of Federal Regulations*, title 24, section 570.494(b)(4), interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States treasury.

Subp. 4. **Grant account required.** Grant recipients must establish and maintain separate accounts for grant funds.

Subp. 5. **Restrictions on use of funds.** No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the division will take whatever action is necessary to recover improperly spent funds.

Subp. 6. **Suspension of payment.** The division shall suspend payments of funds to grant recipients that are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

Subp. 7. **Amendments to the agreement.** Amendments to the grant agreement must be in writing.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

11 *State Register* 1042; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

#### **4300.3200. Recordkeeping and Monitoring**

Subp. 1. **Financial records.** Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the division under the responsibilities it assumes under *Code of Federal Regulations*, title 24, section 570.497(b). Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

Subp. 2. **Audits.** Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as *United States Code*, title 31, sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

Subp. 3. **Financial status reports.** Grant recipients shall file financial status reports at the close of each reporting period as designated by the division and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the division. The division may not require these reports more often than quarterly.

Subp. 4. **Performance report.** Grant recipients shall also file performance reports at the close of each reporting period as designated by the division and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the division. The division may not require these reports more often than quarterly.

Subp. 5. **Access to records.** Representatives of the department, either the state auditor or legislative auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, reports, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with parts 4300.0100 to 4300.3200.

*Minnesota Statutes* § 116J.401; 116J.403; 116J.873

11 *State Register* 2416; L 1987 c 312 art 1; 14 SR 1384

#### **Proposed Distribution of Funds**

The amount of Federal FY 1990 CDBG funds for use by the Small Cities Development Program is expected to be between \$16.8 and \$18.3 million. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants; 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program.

#### **Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income**

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums and blight; or
- c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

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Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

### Recaptured and Reallocated Funds

If FY '83 through FY '90 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or
2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '83 through FY '90 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

- a. Applications for emergency urgent need could be submitted at any time during the year.
- b. The problem poses a serious and immediate threat to the health or welfare of the community.
- c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.
- d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.
- e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle.

The recaptured and reallocated fund distribution methodology identified above is the same methodology which appeared in the previous Final Statement.

### Distribution of Program Income

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities provided it is used for the same activity. For instance, residential rehabilitation can generate program income if the local grantee establishes a revolving loan fund and receives loan repayments. Under the state's program income policy, the grantee may retain the program income provided it is used for residential rehabilitation. Thus, the state will not have the use of program income for distribution in FY '90.

### Description of the Use of Funds in the 1989 Small Cities Community Development Block Grant Program

For the 1989 grant program, \$17,841,000 in federal fiscal year 1989 funds was available for grants to eligible applicants for the Small Cities Development Program. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of January 27, 1989. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 30 awards were made on June 1, 1989. The Department of Trade and Economic Development concludes, and HUD monitoring staff concurs, that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the HUD Minneapolis/St. Paul office.

### Assessment of the Relationship of 1989 Funds to State and Federal Objectives

As in previous years, for the 1989 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums or blight; or
- c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.



Based on the FY '89 award, at least 60% must be awarded for activities designed to benefit persons of low and moderate income. To date, DTED has awarded over 77 percent of our total FY '89 grant award for activities which benefit low- and moderate-income persons. (This figure was monitored and verified by HUD staff). The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight.

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1989 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1989 grant recipients budgeted slightly more than \$1.0 million for planning and administration. These funds amount to just over five percent of the block grant, well below the 20.0 percent limit. Again, these figures were monitored and verified by HUD staff.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least two of the following state objectives:

- a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
- b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
- c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, jobs will be held by, and/or available to low- and moderate-income persons.

Based upon analysis of the 1989 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division, concludes that the 1989 grant program fully met state and national objectives for award of funds.

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## Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

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### Cases Scheduled to Be Heard during February, 1989

Compiled by Dale A. Hansen, (612) 297-4050.

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155, (612) 296-2581.

#### Wednesday 31 January 1990 9:00 A.M.

**CX-81-1120 In Re Petition for Disciplinary Action against HARRY N. RAY, an Attorney at Law of the State of Minnesota** (Attorney for Respondent: Jack S. Nordby of Meshbesh, Singer & Spence). Petition for Disciplinary Action.

**C3-89-1784 DEAN W. STILLSON, deceased, by MARY STILLSON, Respondent** (Attorney: Steven D. Hawn of Hertogs, Fluegel, Sieben, Polk, Jones & LaVerdiere) vs. **PETERSON & HEDE COMPANY and EMPLOYERS INSURANCE OF WAUSAU, Relators** (Attorney: Candice E. Hektner of Chadwick, Johnson & Condon), and **ASBESTOS PRODUCTS, INC. and GENERAL INSURANCE COMPANY OF AMERICA, Respondents** (Attorney: Patrick E. Mahoney of Mahoney, Dougherty & Mahoney), **WILLIAM POPPENBERGER & SONS, INC. and EMPLOYERS INSURANCE OF WAUSAU, Respondents** (Attorney: Joseph A. Klimek of Larsen, Heck & Klimek), **CONROY BROTHERS and BITUMINOUS INSURANCE COMPANY, Respondents** (Attorney: John R. Bridell), **SANDER & COMPANY, INC. and AGRICULTURAL INSURANCE COMPANY, Respondents** (Attorney: Larry J. Peterson), **ARTCRAFT COMPANY and FEDERATED MUTUAL INSURANCE COMPANY, Respondents** (Attorney: Mark A. Fonken of Jardine, Logan & O'Brien), **JOHNSON BROTHERS, Lower Court Respondent, FMC CORPORATION and LIBERTY MUTUAL INSURANCE COMPANY, Respondents** (Attorney: Bruce B. Bundgaard of Law

## Supreme Court Calendar

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Offices of Daniel J. Buivid), and **ST. PAUL LIFE INSURANCE COMPANY, intervenor, Respondent** (Attorney: Marjorie M. Kress-Joanis, **GROUP HEALTH PLAN, INC., intervenor, Respondent** (Randall W. Sayers of Hansen, Dordell, Bradt, Odlaug & Bradt), and **STATE TREASURER, CUSTODIAN OF THE SPECIAL COMPENSATION FUND, Respondent** (Attorney: William R. Howard, Assistant State Attorney General). Order Workers' Compensation Court of Appeals.

Did the Workers' Compensation Court of Appeals (WCCA) lack subject matter jurisdiction over the compensation judge's finding that Respondent's lung cancer was a consequence of the asbestosis condition?

Was the WCCA's rejection of the compensation judge's finding that Respondent's lung cancer was a consequence of the asbestosis and effective substitution of its own finding clear and erroneous and must it be set aside and the original findings of the compensation judge reinstated?

Does the statute of repose, *Minnesota Statutes* § 176.66, subd. 3 (1967), repealed in 1973, serve as a bar to the claims of Respondent based upon pulmonary asbestosis resulting in disablement after the repeal of the statute of repose?

Does the statute of repose serve as a bar to Respondent's claims based upon metastatic lung cancer?

If the Employee's claims of asbestosis and lung cancer are barred, is the derivative dependency benefits claim also barred by the statute of repose?

Is permanent partial disability properly payable where the exposure to asbestos takes place before the adoption of the internal organ statute but disablement due to the asbestos exposure occurs after the adoption of statutes or rules including compensation for permanent impairment to internal organs?

May Appellant raise, before the supreme court, an issue concerning a third party settlement when that issue was neither litigated before, nor decided by, the compensation judge?

Does the third party settlement by Respondent and his dependents require a determination of a future credit against any workers' compensation benefits?

Does the substantive evidence exist to support the determination of the compensation judge, as affirmed by the WCCA, that Respondent's last significant exposure to asbestos took place during the Peterson & Hede employment and not the Artcraft employment?

### Thursday 1 February 1990 9:00 A.M.

**C8-89-95 STATE OF MINNESOTA, Respondent** (Attorney: Paul R. Kempainen, Assistant State Attorney General) vs. **DAVID G. LANAM, petitioner, Appellant** (Attorney: Mark F. Anderson, Assistant State Public Defender). Opinion Court of Appeals.

Were the hearsay statements of the four-year-old child victim in this case constitutionally admitted in accordance with *Minnesota Statutes* § 595.02, subd. 3 (1988)?

**CX-88-2551 STEVEN L. IMLAY, ET AL., petitioners, Appellants** (Attorneys: Mary C. Cade and David J. Moskal of Schwebel, Goetz & Sieben and John M. Riedy of McLean, Peterson Law Firm) vs. **CITY OF LAKE CRYSTAL d/b/a LAKE CRYSTAL MUNICIPAL LIQUOR STORE, ET AL., defendants and third-party plaintiffs, Respondents** (Attorneys: Katherine L. MacKinnon and Lindsay G. Arthur, Jr. of Arthur, Chapman & McDonough) vs. **VICKI CARVER, Administrator of the Estate of VIRGIL H. MILLER, Deceased, Third-Party Defendant, STATE OF MINNESOTA, Intervenor** (Attorney: P. Kenneth Kohnstamm, Assistant State Attorney General). Opinion Court of Appeals.

### Monday 5 February 1990 9:00 A.M.

**CX-89-504 THERESE SORENSON and the Heirs and Next of Kin of JOHN SORENSON by their trustee, KEVIN SORENSON, Respondents** (Attorney: William E. Jepsen of Karon, Jepsen & Daly, P.A.) vs. **ST. PAUL RAMSEY MEDICAL CENTER, ET AL., petitioners, Appellants** (Attorneys: Thomas M. Countryman and Pat J. Skoglund of Jardine, Logan & O'Brien), **REBECCA BRICK, Certified Nurse Midwife, possibly known as B. Birch, petitioner, Appellant** (Attorneys: Britton W. Weimer and Clarence E. Hagglund of Hagglund Law Firm, P.A.), **DR. GORDON M. DITZMANSON, ET AL., Appellants** (Attorney: Michael F. Barg of Geraghty, O'Laughlin & Kenney, P.A.), **DR. JOHN DOE, ET AL., Defendants**. Opinion Court of Appeals.

Is strict compliance with the expert review statute, *Minnesota Statutes* § 145.682, subd. 4, required to avoid a summary dismissal of a medical malpractice action?

Did the trial court abuse its discretion by granting mandatory dismissal of Respondent's claim pursuant to the *Minnesota Statutes* § 145.682, subd. 6?

Did Respondent's affidavit comply with the requirements of the expert review statute?

**C9-89-1241 STATE OF MINNESOTA, Respondent** (Attorney: Lisa A. Berg, Assistant Hennepin County Attorney) vs. **JOSEPH JOHN BERGERON, Appellant** (Attorney: Marie L. Wolf, Assistant State Public Defender). Judgment Hennepin County.

**Tuesday 6 February 1990 9:00 A.M.**

**C8-89-33 and C7-89-167 ALVIN WEBER, individually, as natural guardian for SHEILA WEBER, and as Trustee in the wrongful death of TROY WEBER, Decedent; et al., petitioners, Respondents (Attorney: Gerald W. Von Korff) vs. GERADS DEVELOPMENT, ET AL., petitioners, Appellants (Attorneys: Kevin A. Spellacy and Steven R. Schwegman of Quinlivan, Sherwood, Spellacy & Tarvestad, P.A.), CREST ULTRASONICS CORPORATION, ET AL., Defendants, and ALLIED CHEMICAL CORPORATION, Defendant and Third-Party Plaintiff vs. LANTZ LEASES, Third-Party Defendant.** Opinion Court of Appeals.

May a wrongful death action be brought against co-employees who wilfully decide illegally to assign a minor to work with hazardous chemicals, despite repeated requests of a subordinate that they stop assigning minors to hazardous employment?

Does *Minnesota Statutes* § 181A.12, subd. 2 establish that the duty to keep minors from illegal employment is not exclusively that of the employer, but also the duty of those who assist the employer?

Is a manufacturer engaged "in the business of generating, transporting, storing, treating or disposing" of a hazardous substance when (1) it stores drums of hazardous substances, (2) it utilizes hazardous substances extensively in its manufacturing process, (3) state and federal law requires it to maintain a hazardous waste management policy, and (4) it utilizes a hazardous waste settling and filtration process?

Did Defendants take actions "which significantly contributed to the release" of a hazardous substance? *Minnesota Statutes* § 115B.03.

Does wilful conduct by co-employees causing the death of a minor employee constitute actionable gross negligence under *Minnesota Statutes* § 115B.05, subd. 3 and *Minnesota Statutes* § 176.061, subd. 5?

**Wednesday 7 February 1990 11:00 A.M. University of Minnesota Law Center**

**C8-88-2614 JON CLIFFORD JOHNSON, ET AL., Respondents (Attorney: Andrew A. Willaert of Hottinger Law Offices) vs. RONALD MORRIS, individually and as a police officer in the LAKEFIELD POLICE DEPARTMENT, ET AL., Respondents (Attorney: Kelton Gage of Blethen, Gage & Krause), STEVEN VAN HAL, individually and as Deputy Sheriff in the COUNTY OF JACKSON, ET AL., petitioners, Appellants (Attorney: Ruth Ann Webster of Gislason, Dosland, Hunter & Malecki), STATE OF MINNESOTA, Defendant.** Opinion Court of Appeals.

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**Supreme Court Decisions, Opinions & Rules****Decisions Filed 26 January 1990**

**CX-88-2226 Howard E. Harms v. Independent School District No. 300, LaCrescent, Minnesota, petitioner, Appellant.** Court of Appeals.

1. When school districts reinstate teachers from unrequested leaves of absence, teacher seniority rights should be protected even if reasonable realignment of teacher positions is necessary.
2. Although seniority and licensure are primary factors for school boards to consider when reinstating teachers from unrequested leave, it is necessary also to consider the time of the school year since it may be unreasonable to realign during a school year if it would disrupt other classes and students.
3. Under the facts in this matter, respondent teacher's requested realignments were practical and reasonable, and the teacher should be reinstated.

Affirmed as modified. Popovich, C.J.

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**Announcements**

**Environmental Quality Board (EQB):** Comments are due February 1 on EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **Washington County Law Enforcement Center**, Washington County (612) 779-5194; **National Guard Armory Demolition in Minneapolis**, Patricia J. Leonard-Mayer, First Lieutenant, Dept. of Military Affairs, Minnesota Army National Guard, Veterans Service Bldg., St. Paul, MN 55155-2098 (612) 296-4662; **Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. Freight House Demolition**, City of Minneapolis (612) 673-2351; **New Market Mining Site**, Scott County, Brian Nasi, Office of the Scott County Attorney, Scott County Courthouse,

## Announcements

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Shakopee, MN 55379. • A petition for environmental review has been received for the **Lower Nine Mile Creek Improvements**; contact Aileen Kulak, President, Nine Mile Creek Watershed District, 3320 West 90th Street, Bloomington, MN 55431. • A scoping meeting and document for review are set for the **Northeast Corridor Light Rail Transit System**. Copies of the document can be reviewed at the Hennepin County and Anoka County Regional Railroad Authorities. Meetings are scheduled for Feb. 13 at 11:00 a.m. in the Anoka County Railroad Authority Board Rm., 325 E. Main St., Anoka, MN 55303 and on Feb. 13 at 2:00 p.m. in the Hennepin County Regional Railroad Authority Board Room, 2400 Gov't Center, Minneapolis, MN 55487. Written comments on the EAW are Draft Scoping Decision are due Feb. 21. At Anoka County, call (612) 421-4760; at Hennepin County, call (612) 348-9260. • An EIS (environmental impact statement) is being prepared for the proposed reconstruction and expansion of the **Potlatch Corp. kraft pulp production and support facilities** in Cloquet, MN. For information call (612) 296-7796. • A Draft EIS is available for the **Dakota County Resource Recovery Project**. A public meeting is slated for Feb. 12 at 7:00 p.m. in the Rosemount Senior High School Student Center, 3335 - 142nd St. West, Rosemount, MN. For information, or to speak, call Metro Council Solid Waste Division at (612) 291-6500. • A hearing will be held in the matter of water appropriation from the **Poplar River for Irrigating a Golf Course** by the Cook County Economic Development Authority. The hearing will take place Jan. 30 at 10 a.m. in the conference room at Lutsen Resort, Lutsen, MN.

**Task Force on Nursing Home Deaths:** Commissioner of Health, Sister Mary Madonna Ashton, has appointed **Ruth Stryker-Gordon**, to chair the new state task force on nursing home deaths. The group will examine the problem of nursing home deaths and alleged neglect or abuse, in Minnesota nursing homes. Other members include: **Susan Bannick-Mohrland**, Maplewood; **Mary Borthke**, Robbinsdale; **Martha Bruns**, Cambridge; **Marie Burley**, Aitkin; **Craig Doughty**, Renville; **Iris Freeman**, Minneapolis; **Barbara Halper**, Edina; **Ann Long**, St. Paul; **Ann Lutterman**, St. Paul; **R. Peter Madel Jr.**, Waseca; **Virginia McCanna**, Edina; **Robert Shannon**, Northfield; **Mary Jane Thompson**, New Hope; **Evelyn Van Allen**, Minneapolis. Serving as ex-officio members of the task force will be **Janet Newberg** and **James Varpness**.

**Zoo Board Officials:** At a meeting of the Minnesota Zoo Board, **Bernadette Klein** was re-elected as chair, and **Edward Dayton** was re-elected as vice chair. Both will serve until July, 1990. New appointments to the board are **Sally Kling** and **Darril Wegscheid** elected to fill two vacancies and to serve until January 1994. Governor Rudy Perpich re-appointed **Nancy Azzam** for a four year term and appointed **Winston Wallin** to a vacancy. Fifteen of the board's 30 members are chosen by the board itself, and 15 are appointed by the governor.

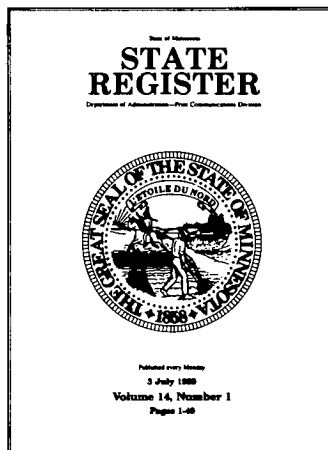
**Metro Council News:** New appointments to the Metropolitan Council's Transportation Advisory Board are: **Vern Johnson**, Roseville; **Glenn McKee**, Burnsville; **Joan Campbell**, Minneapolis; **Dennis Hegberg**, Forest Lake; and **Margaret Langfeld**, Blaine. Their terms expire in January 1992. The 30-member board (17 are local elected officials), assists the council in developing plans and programs to meet transportation needs in the Twin Cities.

**Governor's Appointments:** Governor Rudy Perpich announced the following appointments to state boards and agencies: Reappointed to the **Minnesota Amateur Sports Commission** are **John Daniels**, Minneapolis; **Margaret Lucas**, Minneapolis, and **T. Scott Mitchell**, Minnetonka. All the appointments are to three-year terms. The commission supports amateur sport associations and promotes amateur sporting events in the state. • The **Higher Education Coordinating Board** analyzes and develops plans to meet present and long-range higher education needs. Reappointed to the board is **Duane Scribner**, Minneapolis, to a six-year term. **Mark Bergman**, Winona, was newly appointed to a two-year term. • Reappointed to the **Board of Unlicensed Mental Health Service Providers** are **Lori Sternal Carlson**, Duluth; **Don Cavalier**, Crookston; and **Geraldine Rudd**, Lilydale, all to four-year terms. Newly appointed to the board is **Julie Nerass**, Minneapolis, to a four-year term. The board adopts and enforces rules governing unlicensed mental health service providers. • Newly appointed to the **Ethical Practices Board** is **Vanne Hayes**, St. Paul, to a four-year term. The board administers campaign financing for state candidates and oversees conflict of interest proceedings for state public officials. • The **Board of Psychology** examines and licenses psychologists and investigates complaints. Reappointed to the board is **Barbara Seldin**, Edina, to a four-year term. New appointees to the board are **Lou Fuller**, Minneapolis; **Peter Flint**, Plymouth; and **Robert Hoffman**, Duluth, all to four-year terms. • Reappointed to the **Minnesota Academic Excellence Foundation** are **Virginia Ann Gearhart**, McGregor; **Helena Johnson**, Roseville; **Jean Olson**, Duluth; and **Ron Otterson**, Minneapolis. All the reappointments are to four-year terms. The foundation promotes excellence in public schools through a public-private partnership. • The **Veterans Home Board** sets policies and rules that govern the operation of Veterans Homes. Reappointed to the board are **Harvey Aaron**, St. Paul, and **Robert Hansen**, Mendota Heights, to four-year terms. • **Shirley Brekken**, Crookston, was reappointed to the Board of Nursing to a four-year term. New appointments are **Martha Stevenson**, St. Paul, and **Marilyn Wolfe**, Jackson, both to four-year terms. The board licenses professional and practical nurses, renews licenses, and registers nurses aides working in long term care facilities. • The Minnesota Zoological Board operates and maintains the Minnesota zoological garden. **Nancy Azzam**, Golden Valley, was reappointed to a four-year term. **Winston Wallin**, Fridley, was a new appointee to a four-year term. • Reappointed to the **Environmental Trust Fund** are **Al Brodie**, Faribault; **Robert DeVries**, Brooklyn Center; and **Darby Nelson**, Champlin, all to four-year terms. The committee advises the Minnesota Future Resource Commission on project proposals to receive money from the fund. • The **Board of Abstractors** examines and licenses abstractors and handles complaints from the public. **Leon Schefers**, Moorhead, was newly appointed to a four-year term. • Reappointed to the **Board of Water and Soil Resources** are **John Boulton**, Porter; **Don Ogaard**, Ada; and **Natalie Haas Steffen**, Anoka. All the appointments are to four-year terms. The

board coordinates water and soil management activities of local units of government and administers state grants and cost-sharing contracts. • The **Minnesota Rural Finance Authority** authorizes the use of state bonds to provide security to loans made by agricultural lenders to farmers who are restructuring existing debt. **David Velde**, Carlos, was reappointed to a four-year term. • **Ronald Bosrock**, St. Paul, was reappointed to the **World Trade Center Corporation Board** to a four-year term. The board facilitates Minnesota World Trade Center programs and promotes the growth of international trade in Minnesota. • The **Public Employment Relations Board** hears and decides appeals from Bureau of Mediation Services decisions and maintains an active roster of arbitrators. Reappointed to the board is **Al Church**, Hibbing, to a four-year term. • **James Collier**, Willmar, and **Pierre Mattei**, Grand Rapids, were reappointed to the **Community Colleges Board** to four-year terms. The board sets rules and policy for managing community colleges. • The **Board of Marriage and Family Therapy** adopts and enforces rules for licensing marriage and family therapists. Reappointed to the board are **Penny Johnson**, Willmar; **James Prokop**, Edina; and **Margaret Radosevich**, Two Harbors, all to four-year terms. • Reappointed to the **Minnesota Job Skills Partnership Board** are **Georgene Bergstrom**, Minneapolis, and **Phillip Bifulk**, St. Paul, to four-year terms. The board brings together employers with specific training needs and educational institutions that can fill those needs. • The **Board of Pharmacy** regulates the profession and the labeling and distribution of pharmaceuticals. Reappointed to the board are **Henry Capiz**, St. Paul, and **Ove Wangenstein**, Olivia, to four-year terms. • Reappointed to the **Board of Aging** are **Larry Clausen**, St. Paul; **Abraham Dutch Kastenbaum**, Edina; **Charles Melberg**, Bemidji; **Paul McAlpine**, Maple Lake; and **Emily Peake**, Minneapolis, all to four-year terms. The board develops, coordinates, evaluates and administers federal and state funds to programs for the aging. • **Mary Anderson**, Kinney, was reappointed to the **Rural Development Board** for four years. The board investigates and evaluates new methods to enhance rural development. • The **Minnesota Sentencing Guidelines Commission** sets guidelines to reduce disparity in sentencing practices and monitors and modifies the guidelines. Reappointed to the board are **Daniel Cain**, Minneapolis; **William Falvey**, St. Paul; **Steven Rathke**, Brainerd; **T. Williams**, Minneapolis; and **Von Thompson**, Mora, all to four-year terms. • Reappointed to the **State Council on Vocational Technical Education** are **Tommie Bougie**, Rush City; **Christine Hunter**, Minneapolis; and **Robert Widerski**, Roseville, all to four-year terms. The council reports and advises the state on policies it should pursue to strengthen vocational education and initiatives the private sector could undertake to help modernize programs. • **Leone Altman**, Hibbing, and **Tom Butler**, Albert Lea, were appointed to four-year terms on the **Board of Judicial Standards**. The board investigates allegations of misconduct by Minnesota judges and recommends to the Supreme Court actions against judges who have been found guilty of misconduct.

**New Mississippi Walleye Size Limit:** A new 15-inch minimum size limit for walleye will go into effect March 1 on the Minnesota side of the St. Croix River and on the Mississippi River from the Red Wing Lock and Dam south to the Iowa Border. A new 14-inch size limit on both largemouth and smallmouth bass will also go into effect March 1 on the Minnesota side of the Minnesota/Wisconsin boundary waters of the Mississippi and St. Croix rivers. Under the new size limits, anglers catching walleye less than 15 inches in length and largemouth and smallmouth bass less than 14 inches in length in those waters will be required to release the fish back into the water. The new size limits went into effect on the Wisconsin side of those waters on Jan. 1. The action allows more uniform regulations on Minnesota/Wisconsin boundary waters, according to Minnesota DNR Fisheries Chief Richard Hassinger. Iowa instituted identical regulations for walleye and bass size limits on Jan. 1, Hassinger said. Minnesota anglers are reminded that when fishing in Wisconsin waters on the Mississippi and St. Croix rivers prior to March 1, the size restriction is already in effect. Anglers may not catch and keep fish below the size limit in Wisconsin waters. However, until March 1, Minnesota anglers may transport through Wisconsin fish that are caught in Minnesota waters but are smaller than Wisconsin size limits.

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