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The Minnesota State Register

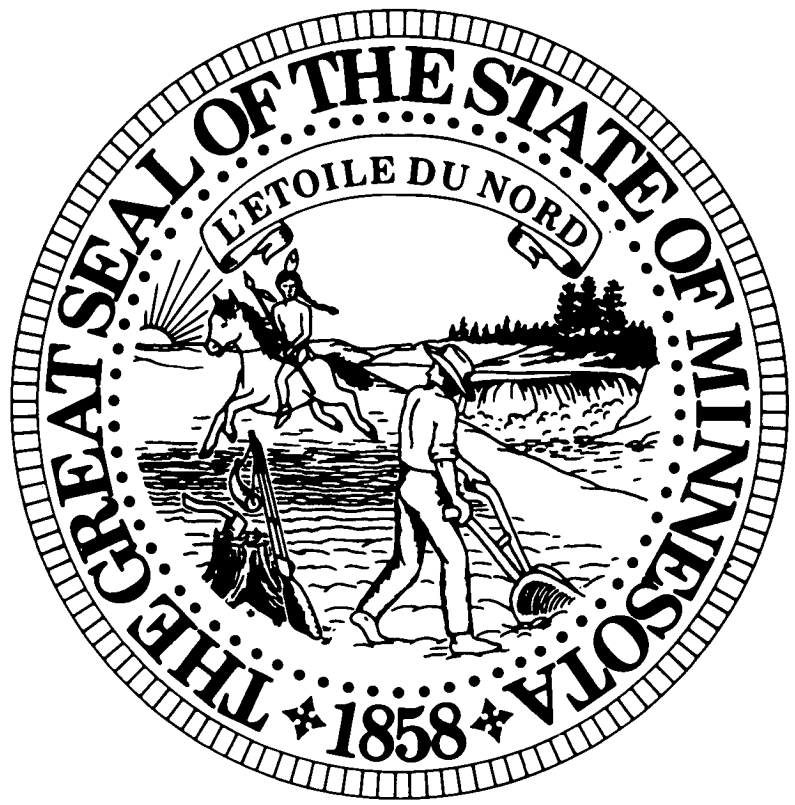
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Department of Administration—Print Communications Division



Rules edition
Published every Monday

Monday 17 September 1990
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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 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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
12	Friday 31 August	Monday 10 September	Monday 17 September
13	Monday 10 September	Monday 17 September	Monday 24 September
14	Monday 17 September	Monday 24 September	Monday 1 October
15	Monday 24 September	Monday 1 October	Monday 8 October

*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 court; 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 \$140.00 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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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

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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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 General Assistance

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 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*, sections 256D.01, subdivisions 1b and 1e; 256D.04, paragraph (2); 256D.051, subdivision 14; 256D.06, subdivision 5; 256D.08, subdivision 2; 256D.09, subdivision 2; and 256D.111, subdivision 5.

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 October 30, 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 October 18, 1990 and October 29, 1990 at (612) 296-7815.

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

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 17, 1990.

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 free copy of this rule is available upon request for your review from: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

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 purpose of the proposed rule amendments is to establish administrative and program requirements governing general assistance and emergency general assistance to ensure those programs are administered uniformly throughout the state. The rule amendments are necessary to implement *Minnesota Statutes*, sections 256D.01 to 256D.21. The proposed amendments affect county agencies; applications and recipients of general assistance including applicants and recipients of work readiness; and applicants and recipients of emergency general assistance.

The proposed rule amendments define words and phrases that have meanings specific to the rule; set forth applicant and recipient rights and county agency responsibilities; establish application requirements; prescribe procedures for processing applications; establish

program eligibility factors; require county verification of eligibility factors including verification of state residency; set forth property limitations and income exclusions; clarify earned income and unearned income; establish financial eligibility tests; establish employment disregards for employed members of a family; establish payment procedures; establish budgeting procedures for calculating and determining general assistance grants; set forth applicant and recipient responsibilities; establish work readiness exemptions; and establish administrative procedures and program requirements governing emergency general assistance. The proposed rule amendments also delete obsolete rule parts and reformat portions of the existing general assistance rule to facilitate readability.

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 upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816 or by calling (612) 296-7454.

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.

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 Jim Schmidt, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

Ann Wynia
Commissioner

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 Room 500 South, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota on October 30, 1990, 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.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED 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 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 October 18, 1990 and October 29, 1990 at (612) 296-7815.

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 Allan W. Klein, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7609, 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 purpose of the proposed rule amendments is to establish administrative and program requirements governing general assistance and emergency general assistance to ensure those programs are administered uniformly throughout the state. The rule amendments

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Proposed Rules

are necessary to implement *Minnesota Statutes*, sections 256D.01 to 256D.21. The proposed amendments affect county agencies; applicants and recipients of general assistance including applicants and recipients of work readiness; and applicants and recipients of emergency general assistance.

The proposed rule amendments define words and phrases that have meanings specific to the rule; set forth applicant and recipient rights and county agency responsibilities; establish application requirements; prescribe procedures for processing applications; establish program eligibility factors; require county verification of eligibility factors including verification of state residency; set forth property limitations and income exclusions; clarify earned income and unearned income; establish financial eligibility tests; establish employment disregards for employed members of a family; establish payment procedures; establish budgeting procedures for calculating and determining general assistance grants; set forth applicant and recipient responsibilities; establish work readiness exemptions; and establish administrative procedures and program requirements governing emergency general assistance. The proposed rule amendments also delete obsolete rule parts and reformat portions of the existing general assistance rule to facilitate readability.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 256D.01, subdivisions 1b and 1e; 256D.04, paragraph (2); 256D.051, subdivision 14; 256D.06, subdivision 5; 256D.08, subdivision 2; 256D.09, subdivision 2; and 256D.111, subdivision 5. Adoption of these rules will not result in additional spending by local public bodies in 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 Jim Schmidt, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

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, Minnesota 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 Jim Schmidt, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

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

Rules as Proposed

9500.1202 PURPOSE OF GENERAL ASSISTANCE PROGRAM.

The purposes of the general assistance program are:

A. to provide financial assistance and services to persons unable to provide for themselves, who have not refused suitable employment, and who are not otherwise provided for by law;

B. to ~~strengthen and preserve the family unit~~ provide work readiness services to help employable and potentially employable persons prepare for and attain permanent work; and

C. to aid those persons who can be helped to become self-supporting or to attain self-care; and

~~D. to provide property tax relief by providing state financing for some welfare costs historically financed by county property tax levies.~~

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1200 to 9500.1270 ~~and 9500.1300 to 9500.1320~~, the following terms have the meanings given them.

Subp. 1a. Actual availability. “Actual availability,” when used in reference to income or property, means that which is in hand or can be readily obtained for current use.

Subp. 2. **Adult child.** “Adult child” means a person aged 18 years or older who resides with at least one parent.

Subp. 3. **Advanced age.** “Advanced age” means the condition that applies to a an applicant or recipient who:

~~A-~~ is age 55 or older and whose work history shows a marked deterioration compared to ~~his or her~~ the applicant’s or recipient’s work history ~~prior to~~ before age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; ~~or~~

~~B-~~ if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or retain suitable employment because of advancing age.

Subp. 4. **AFDC.** “AFDC” means the program authorized by title IV-A of the Social Security Act to provide financial assistance to needy families with dependent children.

Subp. 4a. Affidavit. “Affidavit” means a written declaration made under oath before a notary public or other authorized officer.

Subp. 4b. Appeal. “Appeal” means a written statement from an applicant or recipient that requests a hearing or expresses dissatisfaction with a county agency decision that can be challenged under Minnesota Statutes, section 256.045 and part 9500.1211, subpart 4.

Subp. 5. **Applicant.** “Applicant” means a person who has submitted an application pending with the local agency for general assistance or work readiness to a county agency and whose application has not been approved, denied, or voluntarily withdrawn.

Subp. 5a. Application. “Application” means the action by which a person shows in writing a desire to receive assistance by submitting a signed and dated form prescribed by the commissioner to the county agency.

Subp. 6. **Assistance standard.** “Assistance standard” means the amount established by the commissioner under *Minnesota Statutes*, section 256D.01, to provide for an assistance unit’s ~~shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items~~ basic subsistence needs.

Subp. 6a. Assistance unit. “Assistance unit” means a person or group of persons who are applying for or receiving assistance and whose needs are included in the calculation of a general assistance payment.

Subp. 6b. Authorized representative. “Authorized representative” means a person who is authorized in writing by an applicant or recipient to act on that applicant’s or recipient’s behalf in matters involving general assistance or emergency general assistance, including submitting applications, making appeals, and providing or requesting information. An authorized representative may exercise the same rights and responsibilities on behalf of the person being represented as an applicant or recipient.

Subp. 7a. Basic needs. “Basic needs” means the minimum personal requirements of subsistence and are restricted to:

- A. food;
- B. clothing;
- C. shelter;
- D. utilities; and

E. other items of which the loss, or lack of, is determined by the county agency to pose a direct, immediate threat to the physical health or safety of the applicant or recipient.

Subp. 7b. Budget month. “Budget month” means the calendar month from which a county agency uses the income or circumstances of an assistance unit to determine the amount of the assistance payment for the payment month.

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Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or a designated representative.

Subp. 8a. **Corrective payment.** "Corrective payment" means an assistance payment made to correct an underpayment.

Subp. 9. **Costs or disbursements.** "Costs" or "disbursements" means a qualified provider's actual out-of-pocket expenses incurred for the provision of special services to an applicant or recipient.

Subp. 9a. **Countable income.** "Countable income" means gross income minus allowable exclusions, deductions, and disregards.

Subp. 9b. **County agency.** "County agency" has the meaning given in *Minnesota Statutes*, section 256D.02, subdivision 12.

Subp. 11. **Department.** "Department" means the Department of Human Services.

Subp. 12. **Director of the local county agency.** "Director of the local county agency" means the director of the local county agency or the director's designated representative.

Subp. 12a. **Documentation, primary documentation, or alternative documentation.** "Documentation" means a written statement or record that substantiates or validates an assertion made by a person or an action taken by a county agency.

A. "Primary documentation" means evidence that independently establishes a fact and is provided by a public or private institution or organization having an official responsibility to establish that fact.

B. "Alternative documentation" means evidence, including declaration, that supports the existence of a fact and that is provided by an individual or institution who has no official responsibility to establish that fact.

Subp. 12b. **Earned income.** "Earned income" means compensation from lawful employment or lawful self-employment, including salaries, wages, tips, gratuities, commissions, earnings from self-employment, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, earnings under title I of the Elementary and Secondary Education Act, employee bonuses and profit sharing, jury duty pay, picket duty pay, and profit from other lawful activities which accrues as a result of the individual's effort or labor. Earned income does not include returns from capital investment or benefits that accrue as compensation for lack of employment.

Subp. 12c. **Earned income tax credit.** "Earned income tax credit" means the payment that can be obtained by a qualified low-income person from an employer or from the United States Internal Revenue Service under United States Code, title 26, section 32.

Subp. 12d. **Emancipated minor.** "Emancipated minor" means a person under the age of 18 years who is or has been married, as recognized by *Minnesota Statutes*, chapter 517; who is on active duty in the uniformed services of the United States; or who has been recognized as being emancipated by a court of competent jurisdiction.

Subp. 12e. **Emergency.** "Emergency" means a situation that causes or threatens to cause a lack of a basic need item when there are insufficient resources to provide for that need.

Subp. 12f. **Encumbrance.** "Encumbrance" means a legal claim against real or personal property that is payable upon the sale of that property.

Subp. 12g. **Equity value.** "Equity value" means the amount of equity in real or personal property owned by a person. Equity value is determined by subtracting any outstanding encumbrances from the fair market value of the real or personal property.

Subp. 12h. **Excluded time facility.** "Excluded time facility" means any hospital, sanitarium, nursing home, shelter, halfway house, foster home, semi-independent living domicile or services program, residential facility offering care, board and lodging facility, or other institution for the hospitalization or care of human beings, as defined in *Minnesota Statutes*, section 144.50, 144A.01, or 245A.02, subdivision 14; or a maternity home, battered women's shelter, or correctional facility.

Subp. 12i. **Fair hearing or hearing.** "Fair hearing" or "hearing" means the department evidentiary hearing conducted by an appeals referee to resolve the issues specified in part 9500.1211, subpart 4.

Subp. 12j. **Family.** "Family" has the meaning given it in *Minnesota Statutes*, section 256D.02, subdivision 5.

Subp. 12k. **Family assistance unit.** "Family assistance unit" means a general assistance unit that consists of one or more members of a family.

Subp. 12l. **Federal Insurance Contribution Act or FICA.** "Federal Insurance Contribution Act" or "FICA" means the federal law under United States Code, title 26, sections 3101 to 3126, that requires withholding or direct payment of income to the federal government.

Subp. 13. **Fees.** "Fees" means a qualified provider's charge for the hours of direct provision of special services to an applicant or recipient.

Subp. 13a. **Filing unit.** "Filing unit" means a person or persons who reside together and whose income and value of resources must be used to determine the eligibility and benefit level of an assistance unit. The filing unit must include:

- A. the applicant;
- B. the applicant's spouse;
- C. the applicant's family; and
- D. the natural or adoptive parents of a single adult applicant or recipient and the minor children of those parents.

Subp. 14. **Full-time student.** "Full-time student" means a student attending a postsecondary institution person who:

A. attends training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training does involve shop practice for a vocational or technical student; or

B. registers for and attends a minimum of 12 credit hours per semester or quarter is enrolled in a graded or ungraded primary, intermediate, secondary, GED preparatory, trade, technical, vocational, or postsecondary school, and who meets the school's standard for full-time attendance.

Subp. 14a. **General assistance.** "General assistance" means the program authorized under Minnesota Statutes, sections 256D.01 to 256D.21 and parts 9500.1200 to 9500.1272. When the term general assistance is used in parts 9500.1200 to 9500.1272 it also means work readiness assistance and includes financial benefits received by persons under work readiness assistance.

Subp. 15. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of surrounding circumstances including: illness of the person, illness of another family member that requires the applicant's or recipient's presence, a family emergency, or the inability to obtain transportation, or a conflicting obligation which has been determined by the county agency to be reasonable or justified.

Subp. 15a. **Gross income.** "Gross income" means the total amount of cash or in-kind payment or benefit, whether earned or unearned, before any withholdings, deductions, or disregards, paid to, or for the benefit of, a person, including income specified in Minnesota Statutes, section 256D.02, subdivision 8. Gross income does not include personal property previously established as a resource, subject to the limitations under part 9500.1221.

Subp. 15b. **Gross receipts.** "Gross receipts" means the money received by a self-employed person before the expenses of self-employment are deducted.

Subp. 15c. **Homestead.** "Homestead" means the house owned and occupied by a member of the filing unit as the member's dwelling place together with all contiguous land on which the house is situated and other appurtenant structures.

Subp. 15d. **Household report form.** "Household report form" means a form prescribed by the commissioner on which a recipient reports information to a county agency about income and other circumstances.

Subp. 16. **Initial supplemental security income payment or initial SSI payment.** "Initial supplemental security income payment" or "initial SSI payment" means the first payment of ~~retroactive~~ SSI benefits to the recipient that includes a period when general assistance benefits were also paid.

Subp. 16a. **In-kind income.** "In-kind income" means income, benefits, or payments that are provided in a form other than money or liquid assets, and which cannot be made available to the individual in those forms, including goods, produce, services, privileges, or third-party payments made on behalf of a person for whom the income is intended.

Subp. 17. **Interim assistance.** "Interim assistance" means the total amount of general assistance provided for ~~the~~ a recipient, based on the state assistance standards and the negotiated rate provisions of part ~~9500.1249~~ 9500.1237, subpart 7, to cover the period for which ~~the initial~~ a payment of ~~other another~~ maintenance ~~benefits~~ benefit is made. The amount of general assistance considered interim assistance is limited to the total amount the monthly payments for the assistance unit would have been reduced if the ~~applicant or recipient had not been included in the assistance unit other maintenance benefits had been paid at the time of their accrual.~~ The interim assistance period begins with the month of application for general assistance, or the first month of eligibility for the other maintenance benefits, or the date the interim assistance authorization agreement is signed, whichever is latest later. The interim assistance period ends with the last month covered by the initial payment of the other maintenance benefits. The term Interim assistance does not include per diem payments made to shelters for battered women pursuant to ~~under~~ Minnesota Statutes, section 256D.05, subdivision 3.

Subp. 18. **Interim assistance authorization agreement.** "Interim assistance authorization agreement" means the agreement in which the general assistance applicant or recipient agrees to reimburse the ~~local~~ county agency for the amount of general assistance provided for ~~him or her~~ during the period when eligibility for another maintenance benefit program is being determined. The agreement

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must require reimbursement to the local county agency only when the general assistance applicant or recipient is found eligible for another maintenance benefit program and the initial payment of those other maintenance benefits has been made.

Subp. 18a. Job Training Partnership Act. “Job Training Partnership Act” means the Job Training Partnership Act authorized under Public Law Number 97-300 and its successor programs.

Subp. 18b. Legal custodian. “Legal custodian” means a person who has been granted legal custody of a minor child by a court; or, if assistance is being requested for the minor child, a person who is defined as an eligible relative caretaker of the minor child under AFDC program rules, part 9500.2440, subpart 7.

Subp. 18c. Liquid assets or liquid resources. “Liquid assets” or “liquid resources” means personal property in the form of cash or other financial instruments that are readily convertible to cash.

Subp. 18d. Liquidate. “Liquidate” means to convert real or personal property into cash or other financial instruments that are readily convertible to cash. The conversion can be by sale or by borrowing using the nonliquid real or personal property as security for a loan.

Subp. 19. [See Repealer.]

Subp. 19a. Local labor market. “Local labor market” means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours’ round trip of the registrant’s residence, exclusive of time needed to transport his or her the registrant’s children to and from child care.

Subp. 19b. Lump sum. “Lump sum” means nonrecurring income that is not excluded in part 9500.1223.

Subp. 19c. Mandatory work readiness participant. “Mandatory work readiness participant” means a general assistance recipient who is not exempt from work readiness under part 9500.1251.

Subp. 20. Medical certification. “Medical certification” means a statement about a person’s illness, injury, or incapacity that is signed by a licensed physician, licensed consulting psychologist, or licensed psychologist whose who is qualified through professional training and experience qualifies him or her to diagnose or certify the person’s condition. For an incapacity involving a spinal subluxation condition, “medical certification” means a statement signed by a licensed chiropractor who is qualified through professional training and experience to diagnose and certify the condition.

Subp. 21. Mental illness. “Mental illness” means the condition of a person who has a psychological disorder resulting in behavior that severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 22. Mental retardation. “Mental retardation” means the condition of a person who has demonstrated deficits in adaptive behavior and intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test and the condition severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 22a. Minnesota supplemental aid or MSA. “Minnesota supplemental aid” or “MSA” means the program established under Minnesota Statutes, sections 256D.33 to 256D.54.

Subp. 23. Minor child. “Minor child” means a person who is under the age of 18; or if age 18, who is a member of a family assistance unit and who is enrolled as a full-time student in an accredited high school and who is expected to graduate by age 19.

Subp. 23a. Month. “Month” means a calendar month.

Subp. 24. Negotiated rate. Except for shelter facilities provided for under Minnesota Statutes, section 256D.05, subdivision 3, “Negotiated rate” means a general assistance payment that includes room and board and is either set by the state or local agency or is negotiated by one of those agencies with a party not included in the assistance unit. The set or negotiated rate provides for an assistance unit’s shelter, fuel, food, utilities, household supply need items, and other costs necessary to provide room and board. The rate shall pay only for those items. It shall not include the clothing and personal needs allowance under Minnesota Statutes, section 256D.06, subdivision 3, payments for foster care, child welfare services, medical care, dental care, hospitalization, nursing care, drugs or medical supplies, program costs, or other social services the amount a county agency will pay on behalf of recipients living in a room and board, boarding care, supervised living, or adult foster care arrangement.

Subp. 24a. Nonrecurring income. “Nonrecurring income” means a form of income that is:

A. received only one time or is not of a continuous nature; or

B. received in a prospective payment month but is no longer received in the corresponding retrospective payment month.

Subp. 24a-24b. Occupational or vocational literacy program. “Occupational or vocational literacy program” means a program providing literacy training which emphasizes specific language and reading skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. Other maintenance benefits. “Other maintenance benefits” means any of the following:

A. workers’ compensation benefits as provided by Minnesota Statutes, chapter 176 and rules adopted thereunder;

B. unemployment compensation benefits as provided by *Minnesota Statutes*, sections 268.07 to 268.10 and rules adopted thereunder;

C. railroad retirement benefits as provided by United States Code, title 45, sections 231 to 231s;

D. veteran's disability benefits as provided by United States Code, title 38, sections 301 to 363;

E. supplemental security income any benefits as provided by the Social Security Administration under United States Code, title 42, ~~sections 1381 to 1383e~~; or

F. ~~social security disability insurance benefits as provided by United States Code, title 42, section 423~~; or

~~G. other programs~~ sources identified by the ~~local~~ county agency that provide periodic payments that can be used to meet basic needs and that, if received, would reduce or eliminate the need for general assistance.

Subp. 25a. **Overpayment.** “Overpayment” means that portion of an assistance payment which is greater than the amount for which an assistance unit is eligible, resulting from a calculation error, a client reporting error, a misapplication of existing program requirements by a county agency, or changes in payment eligibility that cannot be affected due to notification requirements.

Subp. 25b. **Parent.** “Parent” means a child’s biological or adoptive parent who is legally obligated to support that child.

Subp. 25c. **Participation in a literacy program.** “Participation in a literacy program” means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 25d. **Payment month.** “Payment month” means the calendar month for which the county agency issues an assistance payment.

Subp. 25e. **Permanent employment.** “Permanent employment” means suitable employment that is not, by description, of limited duration.

Subp. 25f. **Personal property.** “Personal property” means an item of value that is not real property. Personal property includes, but is not limited to, the value of a contract for deed held by a seller, assets held in trust on behalf of members of an assistance unit, cash surrender value of life insurance, value of a prepaid burial, savings account, value of stocks and bonds, and value of retirement accounts less any costs and penalties for early withdrawal.

Subp. 26. **Potentially eligible.** “Potentially eligible” means that the local county agency has determined that the applicant or recipient appears shows circumstances which appear to meet the eligibility requirements of another maintenance benefit program.

Subp. 26a. **Principle wage earner.** “Principle wage earner” means the parent who has earned the greater amount of income in the 24 months preceding the month of application.

Subp. 26b. **Probable fraud.** “Probable fraud” means the level of evidence that, if proven as fact, will establish that assistance has been wrongfully obtained.

Subp. 26c. **Prospective budgeting.** “Prospective budgeting” means a method of determining the amount of assistance in which the budget month and payment month are the same.

Subp. 26d. **Qualified professional.** “Qualified professional” means a social worker employed by the county agency, a social worker with a master’s degree in social work, a licensed consulting psychologist, a licensed psychologist, a licensed physician or psychiatrist, or a public health nurse as defined in *Minnesota Statutes*, section 145A.02, subdivision 18.

Subp. 27. **Qualified provider.** A “qualified provider” means the local county agency, or:

A. a nonprofit legal assistance organization;

B. an agency that employs licensed practitioners or accredited counseling staff or staff with a master’s degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;

C. a private attorney at law; or

D. another organization or person determined by the local county agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

Subp. 28a. **Real property.** “Real property” means the land itself and all buildings, structures, and improvements, or other fixtures on it, belonging or appertaining to the land, and all mines, minerals, fossils, and trees on or under it.

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Subp. 28b. Reasonable compensation. “Reasonable compensation” means the value received in exchange for property transferred to another owner which equals or exceeds the seller’s equity in the property, reduced by costs incurred in the sale.

Subp. 28c. Recipient. “Recipient” means an individual currently receiving, or suspended for one month from receiving, general assistance. Recipient includes any person whose needs are included in the payment to an assistance unit.

Subp. 28d. Redetermination of eligibility. “Redetermination of eligibility” means the process by which information is collected periodically by a county agency and used to determine a recipient’s continued eligibility for assistance.

Subp. 28e. Reside with. “Reside with” means to share living quarters such as living rooms, bedrooms, or kitchens. Entrances, laundry rooms, and bathrooms are not considered living quarters.

Subp. 29. Responsible relative. “Responsible relative” means the spouse of an applicant or recipient, the parent of an applicant’s or recipient’s minor child if residing together as a family, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and is an applicant or recipient.

Subp. 29a. Retrospective budgeting. “Retrospective budgeting” means a method of determining the amount of assistance an assistance unit will receive in which the payment month is the second month after the budget month.

Subp. 29b. Social services. “Social services” means the services included in a county’s community social services plan which are administered by the county board as described under Minnesota Statutes, section 256E.03, subdivision 2.

Subp. 30. SSI or supplementary security income. “SSI” or “supplementary security income” means the supplemental security income program administered by the Social Security Administration under United States Code, title 42, sections 1381 to 1383c.

Subp. 31. [See Repealer.]

Subp. 32. Suitable employment. “Suitable employment” means a job within the local labor market that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person;

C. pays at least the minimum wage prescribed by state or federal law and provides a gross income of at least \$268 per month provides a gross income equal to the federal or state minimum wage for 40 hours per week, or an income which, after allowable exclusions, deductions, and disregards would exceed the standard of assistance for the assistance unit, whichever is less; and

D. includes employment offered through the Job Training Partnership Act, Minnesota Employment and Economic Development Act, and other employment and training options, but does not include temporary day labor.

Subp. 32a. Suitable recipient. “Suitable recipient” means a recipient eligible for of general assistance under part 9500.1258, subpart 1, item P, unless it is unlikely that participation in a literacy program would improve the recipient’s literacy level due to mental retardation, mental illness, or a learning disability who is determined not to be exempt from work readiness participation under part 9500.1251, and who has been determined to be functionally illiterate by an assessment under part 9500.1259, subpart 1, item B.

Subp. 32b. Underpayment. “Underpayment” means an assistance payment, resulting from a calculation error, a client reporting error, or a misapplication of program requirements by a county agency, which is less than the amount for which an assistance unit is eligible.

Subp. 32c. Unearned income. “Unearned income” means income received by a person which does not meet the definition of earned income. Unearned income includes interest, dividends, unemployment compensation, disability insurance payments, veterans benefits, pension payments, return on capital investments, insurance payments or settlements, and severance payments.

Subp. 32d. Vendor. “Vendor” means a provider of goods or services.

Subp. 32e. Vendor payment. “Vendor payment” means a payment made by a county agency directly to a vendor.

Subp. 32f. Verification. “Verification” means the process a county agency must use to establish the accuracy or completeness of information from an applicant, recipient, third-party, or other source as that information relates to an assistance unit’s eligibility for general assistance or the amount of a monthly assistance payment.

Subp. 33. Vocational specialist. “Vocational specialist” means a counselor of the Department of Jobs and Training or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

9500.1211 APPLICANT AND RECIPIENT RIGHTS AND COUNTY AGENCY RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

Subpart 1. Right to information. An applicant or recipient has the right to obtain information about the benefits, requirements, and restrictions of the general assistance program.

Subp. 2. Right to apply. A person has the right to apply, including the right to reapply, for general assistance. A county agency

shall inform a person who inquires about general assistance of the right to apply, shall explain how to apply, and shall mail or hand deliver an application form to the person inquiring about assistance. When a county agency ends assistance, the county agency shall inform the recipient in writing of the right to reapply.

Subp. 3. Authorized representative. An applicant or recipient of general assistance may designate an authorized representative to act on the applicant's or recipient's behalf. An applicant or recipient has the right to be assisted or represented by an authorized representative in the application, eligibility redetermination, fair hearing process, and any other contact with the county agency or the department.

When a county agency determines that it is necessary for a person to assist an applicant or recipient, the county agency shall designate a staff member to assist the applicant or recipient. The county agency staff member may assist the applicant or recipient to take the actions necessary to submit an application to establish the date of the application.

Upon a request from an applicant or recipient, a county agency shall provide addresses and telephone numbers of organizations that provide legal services at no cost to low-income persons.

Subp. 4. Appeal rights. An applicant, recipient, or former recipient has a right to request a fair hearing when aggrieved by an action or inaction of a county agency. A request for a fair hearing must be submitted in writing to the county agency or to the department. The request must be mailed within 30 days after the applicant or recipient receives written notice of the county agency's action or within 90 days when the applicant or recipient shows good cause for not submitting the request within 30 days. A former recipient who receives a notice of overpayment may appeal the action contained in the notice in the manner and within the periods described in this subpart. Issues which may be appealed are:

- A. denial of the right to apply for assistance;
- B. failure of a county agency to approve or deny an application within 30 days;
- C. denial of an application for assistance;
- D. suspension, reduction, or termination of assistance;
- E. calculated amount of an overpayment and the calculated level of recoupment due to that overpayment;
- F. eligibility for and calculation of a corrective payment;
- G. other factors involved in the calculation of an assistance payment;
- H. a change to protective, vendor, or two-party payments for recipients; and
- I. the calculated amount retained by a county agency under an interim assistance authorization agreement from a retroactive benefit payment.

Subp. 5. Rights pending hearing. Unless otherwise specified, a county agency shall not reduce, suspend, or terminate payment when an aggrieved recipient requests a fair hearing before the effective date of the action or within ten days of the mailing of the notice, whichever is later, unless the recipient requests in writing not to receive continued assistance pending a hearing decision. A county agency may increase or reduce an assistance payment while an appeal is pending when the circumstances of the recipient change and the change is not related to the issue under appeal. Assistance issued pending a fair hearing is subject to recovery when, as a result of the fair hearing, the commissioner finds that the recipient was not eligible for such assistance. This subpart shall in no way reduce any rights that the recipient may have under part 9500.1259, subpart 2.

A county agency shall reimburse appellants for reasonable and necessary expenses of attending the hearing, such as child care and transportation costs. A county agency shall reimburse appellant's witnesses and representatives for the expenses of transportation to and from the hearing.

Subp. 6. Right to review records. A county agency shall allow an applicant or recipient to review his or her case records that are held by the county agency and that are related to eligibility for or the assistance payment from the program, except those case records to which access is denied under Minnesota Statutes, chapter 13. A county agency shall make case records available to an applicant or recipient as soon as possible but in no event later than the fifth business day following the date of the request. When an applicant, recipient, or authorized representative asks for photocopies of material from the case record, the county agency shall provide one copy of each page at no cost.

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9500.1213 APPLICATION REQUIREMENTS.

Subpart 1. Application for general assistance, county of residence. An applicant for general assistance must apply for general assistance in the applicant's county of residence. However, a county agency must not refuse to take an application from an individual who appears to reside in another county, but must promptly forward the completed application to the county of residence. The county of residence must use the date the application was filed in the county of application as the application date.

Subp. 2. County agency requirements. A county agency must:

A. inform persons who inquire about cash assistance of general assistance eligibility requirements and how to apply for general assistance;

B. offer, by hand or mail, the application form prescribed by the commissioner when a person makes a written or oral inquiry;

C. inform the person that, if the person is found eligible, the county agency must use the date the application form is submitted to the county agency as the starting point for computing assistance, and that any delay in submitting an application form will reduce the amount of assistance paid for the month of application;

D. upon receipt of a signed and dated application from an applicant, the county agency must sign and date the application;

E. designate a staff member to assist the applicant to take the action necessary to submit an application if a county agency determines an applicant needs assistance in completing an application; and

F. inquire and determine at the time of initial application if the applicant has an emergency as defined in part 9500.1206, subpart 12e, and if so, determine the person's eligibility for emergency assistance under part 9500.1261, unless the emergency can be resolved through other sources or by promptly processing an application for monthly assistance.

Subp. 3. Date of application. The date of application is the date the county agency signs and dates the application.

Subp. 4. Withdrawal of application. An applicant may withdraw an application at any time by giving written or oral notice to the county agency. The county agency must issue a written notice confirming the withdrawal and inform the applicant of the agency's understanding that the applicant has withdrawn the application. If, within ten days of the date of the agency's notice, an applicant informs the county agency that the applicant does not wish to withdraw the application, the county agency must reinstate and finish processing the application.

Subp. 5. Agency verification of information on application. The county agency shall verify information provided by an applicant as specified in part 9500.1215.

Subp. 6. Determination of filing unit. When an application for general assistance is made and when the county agency redetermines the eligibility of a recipient, the county agency must determine the composition of the applicant's or recipient's filing unit. The county agency must determine the composition of a filing unit according to part 9500.1206, subpart 13a.

Subp. 7. Processing application. Within 30 days after receiving an application, a county agency must determine the applicant's program eligibility, approve or deny the application, inform the applicant of its decision, and issue assistance when the applicant is eligible. When an applicant establishes the inability to provide required documentation within the 30-day processing period, the county agency shall have an additional 30 days to process the application and to allow the applicant to provide the documentation. If eligibility cannot be determined by the end of the second 30-day period, the application must be denied.

9500.1215 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

Subpart 1. Information that must be verified. A county agency shall require an applicant or recipient to provide documentation only of information necessary to determine program eligibility and the amount of the assistance payment. Information previously verified and retained by the county agency must not be verified again unless the information no longer applies to current circumstances.

Subp. 2. Sufficiency of documentation. An applicant or recipient must provide documentation of the information required under subpart 4, or authorize a county agency to verify it by other means; however, the burden of providing documents for a county agency to use to verify eligibility is upon the applicant or recipient. A county agency shall help an applicant or recipient to obtain documents that the applicant or recipient does not possess and cannot obtain. When an applicant or recipient and the county agency are unable to obtain primary or alternate documents needed to verify information, the county agency may accept an affidavit from an applicant or recipient as sufficient documentation.

Subp. 3. Contacting third parties. A county agency must obtain an applicant's or recipient's written consent to request information about the applicant or recipient which is not of public record from a source other than county agencies, the department, or the United States Department of Health and Human Services. An applicant's signature on an application form shall constitute this consent for contact with the sources specified on that form. A county agency may use a single consent form to contact a group of similar sources, such as banks or insurance agencies, but the sources to be contacted must be identified by the county agency before requesting an applicant's consent. A county agency shall not provide third parties with access to information about a person's eligibility status or any other part of the case record without that person's prior written consent, except where access to specific case information is

granted to agencies designated by the Minnesota Government Data Practices Act under Minnesota Statutes, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act must only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or a third party.

Subp. 4. Factors to be verified. The county agency must verify the factors of program eligibility in items A to C at the time of application, when a factor of eligibility changes, and at each redetermination of eligibility.

A. A county agency must verify:

- (1) the identity of each adult and child for whom assistance is requested;
- (2) age, if required to establish eligibility;
- (3) state residence;
- (4) the basis of a claim of exemption from participation in work readiness; and
- (5) the relationship of a caretaker to the child for whom application is made.

B. The county agency must verify the information in subitems (1) to (6) when that information is acknowledged by an applicant or recipient or obtained through a federally mandated verification system:

- (1) receipt and amount of earned income, including gross receipts from self-employment;
- (2) receipt and amount of unearned income;
- (3) termination from employment;
- (4) ownership and value of real property;
- (5) ownership and value of personal property; and
- (6) dependent care costs of an employed filing unit member at the time of application, redetermination, or a change in provider.

C. A county agency may verify additional program eligibility and assistance payment factors when it 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 county agency. The county agency must document the reason for verifying the factor in the case record of an assistance unit. Additional factors that may be verified, subject to the conditions of this item, are:

- (1) the presence of a child in the home;
- (2) the death of a parent or spouse;
- (3) marital status;
- (4) residence address; and
- (5) income and property that an applicant or recipient has not acknowledged receiving or having.

9500.1219 ASSISTANCE UNIT ELIGIBILITY.

Subpart 1. Composition of an assistance unit. The county agency must determine the composition of the assistance unit, as defined in part 9500.1206, subpart 6a, from eligible members of the filing unit. All members of the filing unit must be included in the assistance unit with the exception of and subject to subparts 2 to 6.

Subp. 2. Exclusion of persons otherwise provided for by law. Filing unit members shall not be included in an assistance unit if they meet one or more of the following conditions:

A. a filing unit member is receiving benefits under the AFDC, refugee cash assistance, SSI, or Minnesota supplemental aid programs, or has benefits paid on the member's behalf for foster care, child welfare, or subsidized adoption;

B. a filing unit member appears to be currently eligible for benefits under AFDC or refugee cash assistance, or is eligible to have benefits paid on the member's behalf for foster care, child welfare, or subsidized adoption;

C. a filing unit member has been determined to be eligible for AFDC or SSI but cannot receive benefits under those programs because the member refused or failed to comply with a requirement of those programs;

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D. a filing unit member is a parent of a single adult applicant or recipient who resides with a single adult applicant together with the parents' other family members;

E. a filing unit member who is in a period of disqualification from AFDC, SSI, or general assistance due to noncompliance with a program requirement;

F. a filing unit member has, without good cause, refused or failed to comply with part 9500.1254; or

G. a filing unit member has refused to sign an interim assistance authorization agreement as required under part 9500.1251, subpart 2, items F and G.

Subp. 3. State residence requirement. No applicant shall be included in an assistance unit unless the applicant is a resident of Minnesota. A resident is a person living in the state with the intention of making a home here and, not for any temporary purpose, as determined by items A to E.

A. An applicant must state on a form prescribed by the commissioner that the applicant lives in the state and intends to make a home in Minnesota.

B. The county agency must verify an applicant's statement of intent to make a home in Minnesota if questionable. An applicant's statement of intent to make a home in Minnesota is questionable if:

(1) the applicant has no verified residence address in the state;

(2) the applicant provides identification indicating a residence outside the state;

(3) the applicant indicates that he or she maintains or is having maintained a residence outside the state; or

(4) the applicant is only present in the state as a resident of an excluded time facility.

C. An applicant's intent to make a home in Minnesota can be verified by:

(1) a residence address on a valid Minnesota driver's license, Minnesota identification card, or voter registration card;

(2) a rent receipt or a statement by the landlord, apartment manager, or homeowner showing that the applicant is residing at an address within the county of application;

(3) a statement by a landlord or apartment manager indicating the applicant has located housing which is affordable for the applicant;

(4) postmarked mail addressed to and received by the applicant at the applicant's address within the county;

(5) a current telephone or city directory with the applicant's residence address within the county;

(6) a written statement by an applicant's roommate verifying the applicant's residence and the date the applicant moved in. The roommate must also verify that the roommate lives in the residence by providing a copy of the roommate's mortgage statement, lease agreement, or postmarked mail addressed to and received by the roommate at that address;

(7) documentation that the applicant came to the state in response to an offer of employment;

(8) documentation that the applicant has looked for work by presenting completed job applications or documentation from employers, the local jobs service office, or temporary employment agencies;

(9) documentation that the applicant was formerly a resident of the state for at least 365 days and is returning to the state after an absence of less than 90 days; or

(10) an affidavit from a person engaged in public or private social services, legal services, law enforcement, or health services that the affiant knows the applicant, has had personal contact with the applicant, and believes the applicant is living in the state with the intent of making Minnesota the applicant's permanent home.

D. In addition to meeting one of the requirements of item C, an applicant described by item B, subitem (2), must document that the applicant has severed the applicant's residence in another state. Documentation may include bank statements indicating the closing of accounts, a document showing cancellation or termination of a lease, or verification that real property used as the applicant's residence in another state is abandoned or for sale.

E. Notwithstanding the provisions of item C, any applicant specified in item B, subitems (2) to (4), who also indicates an intention to leave the state within 30 days of application, will be considered to be in the state for a temporary purpose and is not a resident.

Subp. 4. Minors. No child under the age of 18 who is not a member of a family as defined in Minnesota Statutes, section 256D.02, subdivision 5, shall be included in an assistance unit unless:

A. the child is legally emancipated as defined in part 9500.1206, subpart 12d;

B. the child lives with an adult who is not a family member or legal custodian with the express written consent of an agency acting in its legal capacity as a custodian of the child;

C. the child lives with an adult who is not a family member or legal custodian with the express written consent of the child's parents or legal guardian, together with the express written consent of the county agency; or

D. the child does not live with an adult but is at least 16 years of age and whose living arrangement is approved in a social services case plan for the child and includes general assistance as a component of the plan.

Subp. 5. Refusal of suitable employment. A person is not eligible for general assistance if, without good cause, the applicant refuses a legitimate offer of, or quits, suitable employment within 60 days before the date of application. A person who, without good cause, voluntarily quits suitable employment or refuses a legitimate offer of suitable employment while receiving general assistance shall be terminated from the general assistance program and disqualified from general assistance for 60 days.

Subp. 6. Physical presence. The physical presence requirements for family general assistance are the same as the physical presence requirements under the AFDC program. The county agency shall not consider the needs of a family assistance unit member who is not present in the home at the time of application in the calculation of a general assistance grant unless an exception from the physical presence requirement is provided for under the AFDC program rules, part 9500.2140, subpart 5, items A to C.

9500.1221 PROPERTY LIMITATIONS.

Subpart 1. Determination of equity value of property available to assistance unit. The county agency must determine the equity value of real and personal property available to the assistance unit. The equity value of real and personal property available to a member of the filing unit who is not included in the assistance unit, but who is a responsible relative of an assistance unit member, must be considered real and personal property available to the assistance unit.

A. When real or personal property is owned by two or more persons, the county agency shall assume that each person owns an equal share, except that either person owns the entire sum in a joint personal checking or savings account. When a person documents greater or lesser ownership, the county agency shall use that share to determine the equity value held by an applicant or recipient.

B. Real or personal property owned by an applicant or recipient is presumed legally available unless the applicant or recipient documents that the property is not legally available. When real or personal property is not legally available, its equity must not be applied against the limits in subpart 2.

C. An applicant must disclose whether the applicant transferred, within one year before the application or redetermination, real or personal property valued in excess of the property limits in subpart 2 for which reasonable compensation was not received. A recipient shall disclose all transfers of property valued in excess of the limits in subpart 2 according to the reporting requirements in part 9500.1245, subpart 5. When a transfer of real or personal property has occurred, the applicant or recipient shall comply with subitems (1) and (2) as a condition of eligibility for general assistance.

(1) The applicant or recipient who transferred the property must provide a description of the property, information necessary to determine the property's equity value, the name of the individual who received the property, and the circumstances of and reason for the transfer.

(2) If reasonable compensation for the property was not received and the property can be reasonably reacquired, or when reasonable compensation can be secured, the property is presumed legally available to the applicant or recipient.

D. A recipient may build the equity value of the recipient's real and personal property to the limits in subpart 2.

Subp. 2. Equity value; excluded real and personal property. The equity value of all nonexcluded real and personal property must not exceed \$1,000. The county agency shall exclude the value of the real or personal property in items A to T when determining equity value.

A. The applicant's or recipient's homestead according to 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 the real property.

(2) The amount of land that can be excluded under this item is limited to surrounding property which is not separated from the home by intervening property owned by others. Additional property must be assessed as to its legal and actual availability according to subpart 1.

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

B. One motor vehicle, not otherwise excluded, when its equity value does not exceed \$1,500 exclusive of the value of special equipment for a handicapped household member. The county agency shall establish the equity value of a motor vehicle by subtracting any outstanding encumbrances from the loan value listed in the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. When a vehicle is not listed in the N.A.D.A. Official Used Car Guide, or when an applicant or recipient disputes the value listed in the guide as unreasonable given the condition of a particular vehicle, the county agency may require the applicant or recipient to document the value of the vehicle by securing a written statement from a motor vehicle dealer licensed under Minnesota Statutes, section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The N.A.D.A. Official Used Car Guide, Midwest Edition, is incorporated by reference. It is published monthly by the National Automobile Dealers Used Car Guide Company and is available through the Minitex interlibrary loan system. It is subject to frequent change.

C. The value of nonliquid real or personal property that is essential to the owner's self-support, self-care, or needed to obtain or retain suitable employment.

D. The value of nonliquid property which currently produces net earned income and is being used for the support of the assistance unit or a reasonable expectation exists that the property will be used within six months or the next income-producing season, whichever is later, to produce net earned income for the support of the assistance unit.

E. The value of real or personal property owned exclusively by the stepparent or sibling of a single adult applicant or recipient who resides with the stepparent or sibling.

F. The value of real and personal property owned exclusively by a recipient of supplemental security income or Minnesota supplemental aid.

G. The value of corrective payments but only for the month in which the payment is received and the following month.

H. Money escrowed in a separate account that is needed to pay real estate taxes or insurance and that is used for that purpose at least semiannually.

I. A mobile home used by an applicant or recipient as a home.

J. Money held in escrow by a self-employed person to cover employee FICA, employee tax withholding, sales tax withholding, employee workers' compensation, employee unemployment compensation, business insurance, property rental, property taxes, and other costs that are commonly paid at least annually, but less often than monthly.

K. Income received in a budget month until the end of that month. This includes monthly general assistance payments and emergency general assistance payments.

L. The value of school loans, grants, or scholarships over the period they are intended to cover if the income from these sources is either excluded by rule or has been used in the calculation of a grant.

M. The value of personal property not otherwise specified which is commonly used by household members in day-to-day living.

N. Payments listed in part 9500.1223, subpart 2, item O, which are held in escrow for the period necessary to replace or repair the personal or real property. This period must not exceed three months.

O. One burial plot per member of a filing unit.

P. The value of a prepaid burial account, burial plan, or burial trust up to \$1,000 for each member of a filing unit who is covered by that account, plan, or trust.

Q. The value of an applicant's nonliquid resources if an applicant is excluded by part 9500.1251, subpart 2, item M, because the applicant's need for assistance will not exceed 30 days.

R. The value of real and personal property in excess of the limits in this subpart if the applicant is making a good faith effort to sell the property at a reasonable price.

S. Other real or personal property specifically disregarded by federal law, state law, or federal regulation.

T. In addition to the limits specified in items A to S, an amount up to \$1,000 which is accumulated in a separate account from earnings by a resident in a facility licensed under parts 9520.0500 to 9520.2500 or a resident in a supervised apartment with services funded under parts 9535.0100 to 9535.1600 for whom discharge and work are part of a treatment plan. This item applies during residency and for up to 18 additional months if the person moves to an inpatient hospital setting. The accumulated earnings, and the interest on the earnings, are to be used upon discharge from the facility. Any withdrawal before discharge must be counted as income in the month of withdrawal and treated as an available resource in the following months.

Subp. 3. Exclusion of excess property. If the county agency determines that an assistance unit is not eligible for general assistance due to owning property in excess of the limit in subpart 2, the county agency must inform the applicant or recipient in writing of the conditions under which excess property may be excluded.

9500.1223 EXCLUDED INCOME.

Subpart 1. Evaluation of income. The county agency must determine income available to members of an assistance unit to determine program eligibility and the assistance amount. Income available to members of an assistance unit includes all nonexcluded income whether received by assistance unit members or filing unit members who are not members of the assistance unit when that income is deemed available to members of the assistance unit.

Subp. 2. Excluded income of all filing unit members. The county agency shall exclude items A to BB from the income of all filing unit members:

A. food stamps;

B. United States Department of Housing and Urban Development (HUD) refunds or rebates for excess rents charged and HUD relocation and rehabilitation funds;

C. rental security deposit refunds to the client whether paid by the client or by emergency assistance or emergency general assistance;

D. benefits under title IV and title VII of the Older Americans Act of 1965;

E. all Volunteers in Service to America (VISTA) payments;

F. title I loans or grants through the Minnesota Housing Finance Agency;

G. payments for basic care, difficulty of care, and clothing allowance received for providing family foster care under parts 9545.0010 to 9545.0260 or adult foster care under parts 9555.5105 to 9555.6265;

H. work and training allowances and reimbursements received through the work readiness program;

I. work and training allowances received from county agency social services programs that are not classified as wages subject to FICA withholding;

J. reimbursement for employment training received through the Job Training Partnership Act;

K. reimbursement for out-of-pocket expenses incurred while performing volunteer services, jury duty, or employment;

L. loans, whether from private, public, or governmental lending institutions, governmental agencies, and private individuals provided the filing unit member documents that the lender expects repayment. This exclusion does not include education loans on which payment is deferred;

M. state and federal income tax refunds including Minnesota property tax refunds and the earned income tax credit;

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

O. 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 insurance payments specified under Minnesota Statutes, section 256.74, subdivision 1, clause (7);

P. reimbursements for medical expenses which cannot be paid by medical assistance;

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

R. in-kind income, as defined in part 9500.1206, subpart 16a, except for payments made for room, board, tuition, or fees by a parent on behalf of a single adult applicant who is enrolled as a full-time student in a postsecondary institution;

S. assistance payments to correct underpayments in a previous month;

T. payments to an applicant or recipient issued under part 9500.1261, 9500.2800, or 9500.2820 for emergency or special needs; however, an initial month's grant may be reduced by the amount of emergency assistance issued to cover that month's needs;

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U. nonrecurring cash gifts, such as those received for holidays, birthdays, and graduations, not to exceed \$30 per filing unit member in a calendar quarter;

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

W. any form of energy assistance payment made by the Low Income Home Energy Assistance Program, 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. the first \$50 of child support received;

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

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

AA. interest payments and dividends from property that is not excluded from and does not exceed the \$1,000 limit under part 9500.1221, subpart 2; and

BB. income that is otherwise specifically excluded from AFDC program consideration in federal law, state law, or federal regulation.

Subp. 3. Additional income exclusions, filing unit member who is not a member of assistance unit. In addition to the income exclusions in subpart 2, the county agency shall exclude the following income of a filing unit member who is not a member of the assistance unit:

A. income that was excluded, disregarded, or allocated in the calculation of a public assistance grant unless the allocation was to meet the needs of persons in the general assistance unit;

B. benefits from the Retirement, Survivors, and Disability Insurance program and any income based on a disability that is received by the parent or parents of a single adult applicant or recipient;

C. income of a stepparent or of a sibling of a single adult applicant or recipient;

D. an amount equal to the standards assigned to filing unit members who are not in the general assistance unit in part 9500.1231, subpart 6, item A; and

E. child support, spousal support, or other payments to meet the needs of a person who lives outside of the household who is or could be claimed as a dependent for federal personal income tax liability or for whom payment is required by court order.

Subp. 4. Additional income exclusions; family assistance units. In addition to the income exclusion in subpart 2, the county agency shall exclude the following income from a family assistance unit:

A. educational grants and loans, including income from work study; and

B. income, including retroactive payments, from SSI or Minnesota supplemental aid.

Subp. 5. Additional income exclusions, assistance unit consisting of individuals who are not members of a family. In addition to the income exclusions in subpart 2, the county agency shall exclude the following costs from the income of filing unit members when the assistance unit consists of individuals who are not members of a family:

A. the first \$50 of earned income for each individual who receives earned income;

B. the cost of transportation to and from employment which is not reimbursed, based on the lesser of the actual cost, or the amount allowed for the use of a personal car in the United States Internal Revenue Code for a maximum of 100 miles per day;

C. a meal allowance of \$2 for each day that the individual has a break for a meal during work hours and eats a meal at work, unless the individual can establish that higher costs are both necessary and reasonable;

D. the cost incurred by an applicant or paid by a recipient for uniforms, tools, and equipment which are necessary to accept or retain a job;

E. mandatory payments or deductions from pay for insurance premiums, union dues, association dues, retirement contributions, FICA, state and federal personal income tax withholding, not to exceed the amount specified in the state or federal tax withholding tables for an individual with the same income and number of dependents as the applicant or recipient;

F. other work expenses required for employment and approved by the county agency;

G. public assistance payments received by women residing in facilities for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3, for whom general assistance payments are made to pay for residence in the facility;

H. stipends received from the displaced homemaker services program; and

I. in addition to the \$50 specified in item A, up to \$150 per month from the earnings of a resident of a facility licensed under

parts 9520.0500 to 9520.0690 or a resident of a supervised apartment with services funded under parts 9535.0100 to 9535.1600 for whom discharge and work are part of a treatment plan, provided that the disregarded sum is placed in a separate savings account by the resident.

9500.1225 EARNED INCOME.

Subpart 1. **Local County agency duty to determine earned income.** The local county agency must determine the total amount of earned income available to the individuals identified in part 9500.1224, subpart 4 filing unit. Earned income from self-employment must be calculated in accordance with according to subpart 2. Earned income from contractual agreements must be calculated in accordance with according to subpart 3. The total amount of earned income available to an individual for a month must be determined by combining the amounts of earned income calculated under subparts 2 to 4. The total amount of earned income available to an assistance unit for a month must be determined by combining the total earned income of each assistance filing unit member.

Subp. 2. **Earned income from self-employment.** The local county agency must determine the amount of earned income from self-employment by subtracting business costs from gross receipts according to items A to D.

A. Self-employment expenses must be subtracted from gross receipts except for the expenses listed in subitems (1) to (14):

- (1) purchases of capital assets;
- (2) payments on the principal of loans for capital assets;
- (3) depreciation;
- (4) amortization;
- (5) the wholesale costs of items purchased, processed, or manufactured that are unsold inventory with a deduction for the costs of those items allowed at the time they are sold;
- (6) transportation costs that exceed the amount allowed for use of a personal car in the United States Internal Revenue Code;
- (7) the cost of transportation between the individual's home and his or her place of employment;
- (8) salaries and other employment deductions made for members of an individual's assistance unit or for individuals who live in the individual's household for whom the individual is legally responsible;
- (9) monthly expenses in excess of ~~\$70~~ \$71 for a roomer;
- (10) monthly expenses in excess of ~~\$85~~ \$86 for a boarder;
- (11) monthly expenses in excess of ~~\$155~~ \$157 for a roomer-boarder;
- (12) annual expenses in excess of ~~\$102~~ \$103 or two percent of the estimated market value on a county tax assessment form, whichever is greater, as a deduction for upkeep and repair against rental income;
- (13) expenses not allowed by the United States Internal Revenue Code for self-employment income; and
- (14) expenses which exceed 60 percent of gross receipts for child care performed in an individual's home unless the individual can document a higher amount. When funds are received from the quality child care program, those funds are excluded from gross receipts, and the expenses covered by those funds must not be claimed as a business expense that offsets gross receipts.

B. Except for farm income under item C, the self-employment budget period begins in the month of application for applicants and in the first month of self-employment for 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 subitems (1) to (3):

(1) The purchase cost of inventory items, including materials that are processed or manufactured, must be deducted as an expense at the time payment is received for the sale of those inventory items, processed materials, or manufactured items, regardless of when those costs are incurred or paid.

(2) Expenses to cover employee FICA, employee tax withholding, sales tax withholding, employee worker's compensation, employee unemployment compensation, business insurance, property rental, property taxes, and other costs that are commonly paid at least annually, but less often than monthly, must be prorated forward as deductions from gross receipts over the period they are intended to cover, beginning with the month in which the payment for these items is made.

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(3) Gross receipts from self-employment may be prorated forward to equal the period of time over which the expenses were incurred except that gross receipts must not be prorated over a period that exceeds 12 months. This provision applies only when gross receipts are not received monthly but expenses are incurred on an ongoing monthly basis.

C. Farm income must be annualized. Farm income is gross receipts minus operating expenses, subject to item A. Gross receipts include sales, rents, subsidies, soil conservation payments, production derived from livestock, and income from sale of home-produced foods.

D. Income from rental property must be considered self-employment earnings when ~~effort is expended by the owner to maintain or manage~~ spends an average of 20 hours per week on maintenance or management of the property. A ~~local county~~ agency must deduct an amount for upkeep and repairs, ~~in accordance with~~ according to item A, subitem (11), for real estate taxes, insurance, utilities, and interest on principal payments. When an ~~individual applicant or recipient~~ lives on the rental property, the ~~local county~~ 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 county~~ agency shall deduct expenses from rental income only for the number of rooms rented, not for rooms occupied by an ~~individual's~~ 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 item must be subtracted from gross rental receipts.

Subp. 3. **Earned income from contractual agreements.** The ~~local county~~ agency must prorate the amount of earned income received by individuals employed on a contractual basis over the period covered by the contract even if the payments are received over a shorter period of time.

Subp. 4. **Other earned income.** The ~~local county~~ agency must consider all other forms of earned income not specifically provided for under subparts 2 and 3 to be earned income available to the individual in the month it is received.

9500.1226 UNEARNED INCOME.

Subpart 1. **Local County agency duty to determine unearned income.** The ~~local county~~ agency must determine the total amount of unearned income available to the ~~individuals identified in part 9500.1224, subpart 1. Educational grants, loans, and scholarships must be calculated as unearned income in accordance with subpart 2. Income allocated to a member or members of an assistance unit from a responsible relative must be calculated as unearned income in accordance with subpart 3. The total amount of unearned income available to an individual for a month must be determined by combining the amounts of unearned income calculated under subparts 2 to 4~~ filing unit. The total amount of unearned income available to an ~~assistance~~ a filing unit for a month must be determined by combining the total unearned income of each ~~assistance~~ filing unit member.

Subp. 2. to 4. [See Repealer.]

Subp. 5. Deductions for certain costs. Costs incurred to secure payments of unearned income shall be deducted from unearned income. These costs include legal fees, medical fees, and mandatory deductions such as federal and state income taxes.

Subp. 6. Payments for disability or illness. Payments for illness or disability must be considered unearned income whether the premium payments are made wholly or in part by an employer or a recipient.

Subp. 7. Education grants, scholarships, and loans. Educational grants, scholarships, and loans, including assistance funded under title IV of the Higher Education Act, which are available to an assistance unit that does not contain a member of a family must be considered unearned income, together with the in-kind income derived from the payment of room and board and tuition and fees paid by the parents of the student. The county agency must subtract tuition and fees, in addition to books, supplies, transportation, and miscellaneous personal expenses as indicated by the school, from the total educational grants, loans, scholarships, and in-kind income. The deductions of these expenses are to be made at the time that the educational funds become available for the student's benefit, and any excess funds prorated over the remainder of the time they were intended to cover. School expenses that exceed loans, grants, and scholarships may be deducted from work study income.

Subp. 8. Nonexcluded filing unit member income. Income from a filing unit member who is not a member of the assistance unit which is not excluded under part 9500.1223 is deemed unearned income available to the assistance unit.

Subp. 9. Lump sums received by filing unit. Lump sums received by a filing unit must be considered as earned income under parts 9500.1223 and 9500.1225 or as unearned income under subparts 5 to 8. For recipients of general assistance, lump sums are considered income in the month received and a resource in the following months.

9500.1231 ASSISTANCE STANDARDS.

Subpart 1. Standard, single individual. Except as provided in subpart 2, the standard of assistance for a single adult who does not reside with his or her parents; an adult applicant or recipient who resides with his or her parents and those parents have no minor children; or an emancipated minor applicant or recipient defined under part 9500.1206, subpart 12d, is \$203 per month. The standard in this subpart shall be increased by the same percentage as any increase in subpart 4.

Subp. 2. Standard, individuals residing in a nursing home, negotiated rate facility, or regional treatment center. The standard

of assistance for an assistance unit composed of one individual who resides in a nursing home, negotiated rate facility, or regional treatment center is the amount established as the clothing and personal needs allowance for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1.

Subp. 3. Standard, married couples without children. The standards of assistance for a married couple without children are the same as the first and second adult standards under subpart 4. If one member of the couple is not included in the general assistance grant, the standard for the other is the second adult standard under subpart 4.

Subp. 4. Standards, filing units with a minor child. The county agency shall use the standards in items A to M to determine the amount of assistance for a filing unit with a minor child or children. The standard of assistance shall increase or decrease to remain equal to the equivalent AFDC standards under part 9500.2440, subpart 6:

- A. first adult, \$187;
- B. second adult, \$73;
- C. first child, \$250;
- D. second child, \$95;
- E. third child, \$89;
- F. fourth child, \$76;
- G. fifth child, \$76;
- H. sixth child, \$77;
- I. seventh child, \$66;
- J. eighth child, \$64;
- K. ninth child, \$55;
- L. tenth child, \$54; and
- M. each additional child, \$53.

Subp. 5. Standard, single adult residing with parents with minor children. A single adult applicant or recipient who resides with his or her parents who have minor children will receive a child standard from subpart 4 as though the single adult were an additional minor child added to an assistance unit composed of the parent and minor child or children.

Subp. 6. Standard, assistance unit composed of part or all members of a family. The county agency shall determine the assistance standard for a family assistance unit as follows:

A. The county agency shall assign standards from subpart 4 to each member of the filing unit as though each was a member of an AFDC assistance unit composed of the entire filing unit. If a member or members of a family are not to be included in the assistance unit, the county agency shall assign standards from subpart 4 to those members first and to the remaining members of the assistance unit last. Each adult in the filing unit except the first will receive a second adult standard. A minor parent family member shall be treated as provided in subitem (1) or (2).

(1) A minor parent family member who resides with his or her parent will be assigned a child standard.

(2) A minor parent family member who does not reside with his or her parent or parents shall be assigned an adult standard. If two adult standards have already been assigned to filing unit members, the minor parent will be assigned a second adult standard.

B. The county agency shall add together the standards assigned to the members of the general assistance unit in item A. That total is the standard for the assistance unit. In no case shall the standard for family members who are in the assistance unit for general assistance, when combined with the standard for family members who are not in the assistance unit, total more than the standard for the entire family if all members were in an AFDC assistance unit.

Subp. 7. Standard applies to full month. Except when an increase must be made in the standard of assistance applicable to an assistance unit due to the addition of a member to the assistance unit or when a recipient enters the community from a negotiated rate facility, the standard of assistance applicable to an assistance unit the first day of a payment month or at the time of application, whichever is later, applies to the assistance unit for the entire month. When a decrease must be made in the standard of assistance for an assistance unit, the decrease shall be effective in the month following the month in which the change necessitating the reduction in the standard took place.

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9500.1232 STATE PARTICIPATION.

Subpart 1. to 3. [See Repealer.]

Subp. 4. **State participation for payment in excess of state standards.** State participation is not available for special need items or the amount of the higher local county agency standard provided under part 9500.1230, subpart 5 authorized under *Minnesota Statutes*, section 256D.03, subdivision 2a, which exceed the applicable state assistance standards.

Subp. 5. **State participation for costs of providing transportation to recipients assigned to literacy training.** State participation for the actual costs of providing transportation under part ~~9500.1257~~ 9500.1259, subpart 5 1, item D, subitem (6), is 100 percent.

9500.1233 FINANCIAL ELIGIBILITY TESTS.

Subpart 1. Prospective eligibility. A county agency shall determine whether the eligibility requirements that pertain to an assistance unit will be met prospectively for the payment month. To prospectively assess income, a county agency shall estimate the amount of income an assistance unit expects to receive in the payment month.

Subp. 2. Termination and suspension of assistance when prospectively ineligible. When an assistance unit is prospectively ineligible for general assistance for at least two consecutive months due to excess income, assistance must be terminated. When an assistance unit is prospectively ineligible for general assistance for only one month and is prospectively eligible the following month, assistance must continue. The income for the single month in which prospective ineligibility exists must be applied retrospectively as described in subpart 3, resulting in suspension for the corresponding payment month.

Subp. 3. Retrospective eligibility. After the first two months of program eligibility, a county agency must determine whether an assistance unit is prospectively eligible for the payment month. The county agency must then determine whether the assistance unit is retrospectively eligible by applying the gross income test for family assistance and the payment eligibility test to the income from the budget month. When either the gross income test for family assistance units or the payment eligibility test is not satisfied, assistance must be suspended when ineligibility exists for one month, or terminated when ineligibility exists for more than one month.

Subp. 4. Gross income test for family assistance units. A county agency shall apply a gross income test both prospectively and retrospectively for each month of program eligibility. A family assistance unit is not eligible when available income as determined in parts 9500.1223 to 9500.1226 equals or exceeds 185 percent of the standard of assistance for the assistance unit. The income applied against the gross income test 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. The income in items A to F must be considered in the gross income test.

A. Gross earned income from employment, before mandatory payroll deductions, voluntary payroll deductions, wage authorizations, and disregards, unless the employment income is specifically excluded under part 9500.1223.

B. Gross earned income from self-employment, less deductions for self-employment expenses in part 9500.1225, subpart 2, but before any reductions for personal state and federal income taxes, business taxes, personal FICA, personal health and life insurance, and disregards.

C. Unearned income after allowable expenses in part 9500.1226, unless the income has been specifically excluded in part 9500.1223.

D. Gross earned income from employment as determined under item A which is received through the Job Training Partnership Act by a member of an assistance unit who is a dependent child after the child has received both Job Training Partnership Act earnings and assistance for six payment months in the same calendar year.

E. Gross earned income from employment, as determined under item A, which is received through employment other than the Job Training Partnership Act by a member of an assistance unit who is a dependent child and a full-time student after the child has received both those earnings and assistance for six payment months in the same calendar year.

F. Child support and spousal support received or anticipated to be received by an assistance unit less the first \$50 of current child support.

Subp. 5. Payment eligibility test. Each assistance unit must pass a test of payment eligibility prospectively and retrospectively for each program month that the unit is otherwise eligible.

A. Family assistance units which have passed the gross income test, must use the income described in subpart 4 to determine payment eligibility except that:

- (1) earned income of a dependent child who is a part-time or full-time student must be excluded; and
- (2) the disregards as determined in part 9500.1235 must be deducted from earned income.

B. Assistance units which do not contain a member of a family must use the income determined in parts 9500.1223 to 9500.1226 to determine payment eligibility.

C. The county agency must apply the assistance unit's countable income against the assistance unit's standard. If the income is equal to or greater than the standard, the assistance unit must be denied assistance or assistance must be terminated.

9500.1235 EMPLOYMENT DISREGARDS FOR EMPLOYED MEMBERS OF A FAMILY ASSISTANCE UNIT.

The county agency shall deduct the disregards in items A to D from the gross earned income of employed members of a family assistance unit.

A. A \$90 work expense, whether employment is full-time or part-time, must be deducted from the gross earned income of each employed member of an assistance unit and \$75 for other financially responsible household members who are excluded from the assistance unit, except that sanctioned individuals must not receive this disregard.

B. A monthly deduction for 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 9500.1215, subpart 4, item B, subitem (6). This disregard must only be deducted from the gross income of a member of an assistance unit, and must be applied after all other disregards have been applied. The deduction must not exceed \$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. The deduction shall 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 the filing unit.

C. A deduction for a \$30 and one-third work incentive disregard. This disregard must be allowed for each employed member of an assistance unit. The first \$30 must be subtracted from the balance of gross earned income after subtracting the work expense allowed under item A. One-third of the balance must also be subtracted after allowing the \$30 disregard. This disregard is limited by subitems (1) to (6).

(1) The disregard must not be deducted from the income of an applicant in the initial month when applying the payment eligibility test in part 9500.1233, subpart 5, except that an applicant who has received general assistance in any of the four months previous to the month of application and who retains eligibility for this disregard from the prior period of eligibility under subitems (2) to (5) shall be eligible for this disregard when determining payment eligibility. When an applicant satisfies the payment eligibility test in the first month, this disregard must be used to calculate the assistance payment amount for that month when the applicant is otherwise eligible to receive it.

(2) Eligibility for this disregard is limited to four payment months in subitems (3) to (5) and cannot be deducted again from the income of that member of the assistance unit until that member has not been a recipient of general assistance for a period of at least 12 consecutive payment months.

(3) The four months of eligibility for this disregard are only those payment months in which any part of the \$30 and one-third work incentive is applied against income. When the four months of eligibility for this disregard are interrupted for at least one payment month before the period of eligibility is completed, the recipient is eligible for a new period of four months, with the next subsequent month of its use considered to be the first month, except as otherwise noted in subitems (4) and (5).

(4) When this disregard is not applied because income from a recurring source results in suspension of an assistance payment, that month must not be counted as a month of the four-month period, but this interruption does not establish eligibility for a new four-month period.

(5) When employment is ended, reduced, or refused without good cause, a person shall not be eligible for any of the employment disregards under items A to D in the first month following the month in which that employment is ended, reduced, or refused. The month in which those disregards are disallowed must be counted as one of the four consecutive months in the period of eligibility for this disregard and the remaining months of eligibility must be counted in the consecutive months which immediately follow, regardless of loss of eligibility or change in employment status.

(6) Receipt of a \$30 and one-third work incentive disregard of income used to calculate benefits or eligibility for the AFDC or medical assistance programs has no effect on the eligibility for the disregard for recipients of family general assistance.

D. A deduction for a \$30 work incentive disregard. This disregard applies for a period of eight months to members of an assistance unit who have completed the four-month period of eligibility for the \$30 and one-third work incentive disregard. This disregard is allowed beginning with the first month following the fourth month of eligibility for the \$30 and one-third work incentive disregard and must be counted in consecutive months regardless of the loss of eligibility or change in employment status.

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9500.1237 AMOUNT OF ASSISTANCE PAYMENT.

Subpart 1. Amount of assistance payment. The county agency must issue an assistance payment to an assistance unit in an amount equal to the difference between the standard of assistance determined in part 9500.1231 and the assistance unit's countable income as determined in parts 9500.1223 to 9500.1226, for a whole month without separate standards for shelter, utilities, or other needs, except as provided under subparts 2 to 9.

Subp. 2. Prorate the month of application. When program eligibility exists for the month of application, the amount of the assistance payment for the month of application must be prorated from the date of application or the date all eligibility factors are met for that applicant, whichever is later. This provision must apply when an applicant loses at least one day of program eligibility.

Subp. 3. Minimum payment for families. When the difference between countable income and the standard of assistance for an assistance unit containing members of a family in a payment month is less than \$10, an assistance payment must not be issued, but that month must be considered a month of program eligibility. When recoupment of an overpayment reduces the assistance payment, pursuant to part 9500.1243, subpart 3, and the subsequent level of payment is less than \$10, the assistance payment must be made.

Subp. 4. Persons without a verified residence address. A county agency may make payments to eligible persons without a verified address as specified in items A to G.

A. A county agency which chooses to make payments under this subpart must notify the department of its intention to do so 30 days before implementation.

B. A county agency must apply this subpart equally to all applicants or recipients who are without a verified residence, except that this subpart must not be applied to persons who are certified as having mental illness, mental retardation, or a family assistance unit unless requested in writing by the family assistance unit.

C. A county agency may divide the monthly assistance grant into four payments to be issued weekly for four weeks each month.

D. A county agency may determine eligibility and provide assistance on a weekly basis as specified in subitems (1) to (4).

(1) The amount of assistance issued under this item may be determined either by prorating the monthly assistance standard which applies to the individual at the time of application and at the time of weekly redetermination, or as specified in part 9500.1261.

(2) Forms required for weekly redetermination of eligibility must be approved by the department. The form must contain a statement of need by the recipient.

(3) Notwithstanding part 9500.1259, subpart 4, the county agency must notify the recipient each time weekly assistance is issued under this item that subsequent weekly assistance will not be issued unless the recipient claims need.

(4) Assistance issued under this item must not continue beyond the first full calendar month subsequent to the month of application. Beginning with the second full calendar month, assistance may be issued to a recipient who has not verified a residence address but who is a resident of the state as determined by part 9500.1219, subpart 3, as specified by item C.

E. Assistance provided under items C and D may be in the form of cash or separate vouchers or vendor payments for food, shelter, or other needs.

F. Except for weekly redetermination for assistance under item D, notices must be provided to recipients under this subpart as specified by part 9500.1259, subpart 4.

G. Assistance must not continue under this subpart when the recipient has verified a residence address as specified in part 9500.1219, subpart 3, item C.

Subp. 5. Initial payments for mandatory participants in the work readiness program. Initial payments may be made to mandatory participants in the work readiness program as specified in items A to D.

A. The county agency may:

(1) make payments to cover a period of time which begins with the date of application, or the date on which all eligibility factors have been met, whichever is later, and ending on the last day of the month in which a work readiness orientation is scheduled; or

(2) prorate an initial payment to cover only the initial certification period which begins on the date of application, or the date on which all eligibility factors have been met, whichever is later, and ending on the date on which all mandatory participants in the assistance unit must attend a scheduled orientation. This initial certification period must not exceed 30 days. If all mandatory participants in an assistance unit attend the scheduled orientation, the county agency must then issue an additional grant of assistance to cover the period beginning the day after the scheduled orientation and ending on the final day of the month. Subsequent grants of assistance must be issued according to part 9500.1237, subpart 1 or 4.

B. The county agency must inform all mandatory participants in the assistance unit that:

(1) each mandatory participant must attend an orientation within 30 days after application; and

(2) a mandatory participant who fails, without good cause, to attend the required orientation will lose eligibility for assistance without further notice due to noncompliance with work readiness requirements subject to reinstatement upon a showing of good cause.

C. Subsequent assistance must not be issued within 60 days from the date of the initial application to a mandatory participant whose eligibility has ended for failing, without a showing of good cause, to attend a scheduled orientation unless the person completes an application, is determined eligible, attends an orientation, or has become exempt from work readiness participation under part 9500.1251.

D. The county may make payment under items A and B to persons without a verified address according to subpart 4 as long as the county agency implements the provision consistently for all applicants and recipients.

Subp. 6. Assistance payment when need will not exceed 30 days. For persons who are exempt from registration with the work readiness program under part 9500.1251, subpart 2, item M, the county agency shall issue a grant determined by subtracting any countable income that the applicant has received since the first of the calendar month of application and any countable income the applicant is expected to receive before the date on which the county agency has anticipated that the applicant will lose eligibility for general assistance, from his or her prorated standard of assistance. The prorated standard of assistance must be determined by comparing the number of days between the date of application or the date all eligibility factors have been met, whichever is later, and the date which the county agency has anticipated that the applicant will lose eligibility for general assistance, with a 30-day month.

Subp. 7. Payments to facilities with negotiated rates. In addition to any payment an individual is entitled to by comparing the individual's countable income determined by parts 9500.1223 to 9500.1226 with the standard of need specified under part 9500.1231, subpart 7, the county agency must make direct payment on behalf of an individual described under part 9500.1231, subpart 2, to a negotiated rate facility out of general assistance funds unless other funds are available. An individual who has countable income in excess of the standard specified in part 9500.1231, subpart 2, but who is otherwise eligible for general assistance, is eligible for a payment to be made to a facility on the individual's behalf. However, the initial payment to the facility must be reduced by the amount that the individual's countable income exceeds the standard applicable to the individual on the first day of the month in which the individual enters the facility. Payments for months subsequent to the month in which the individual enters the facility must be reduced by the amount the individual's countable income exceeds the standard specified by part 9500.1231, subpart 2. If the individual's countable income exceeds that standard by an amount equal to, or greater than, the facility's monthly rate, there is no eligibility under the general assistance program. The county agency may make payment to the facility either in advance each month, or upon receipt of a billing statement from the facility. Payments to the facility shall cover a period beginning on the date the county agency receives an application signed by the applicant or the date all eligibility factors have been met, or the date the individual enters the facility, whichever is later, and ending on the date the recipient leaves the facility.

Subp. 8. Payments to shelter facilities. In addition to any payment to which an individual may be eligible under other parts of this program or under the aid to families with dependent children program, the county agency shall make payment on behalf of that individual to a secure crisis shelter, a housing network, or other shelter facility which provides shelter services to women and their children who are being or have been assaulted by males with whom they are residing or have resided in the past. The county agency's payment to the shelter must be reduced by the amount that the individual's countable income determined by parts 9500.1223 to 9500.1226 exceeds their standard of assistance as determined by part 9500.1231. Eligibility for a shelter payment under this subpart shall not affect the individual's eligibility or benefit level for general assistance or aid to families with dependent children and there can be concurrent payments under this subpart and those programs. Eligibility for a shelter payment under this subpart begins with the date an applicant enters the shelter provided that the shelter files the applicant's completed application with the county agency within ten days of the date the applicant entered the shelter, and ends on the date the individual leaves the shelter.

Subp. 9. Additional grants to start employment. In addition to any other benefits to which a recipient or applicant, otherwise eligible, might be entitled under this part, the county agency may, within the limits of available appropriations, make grants necessary to enable individuals to accept bona fide offers of employment. A grant may be made for costs directly related to starting employment, including transportation costs, clothing, tools and equipment, license or other fees, and relocation. A grant under this subpart shall not be furnished more than once in any 12-month period.

9500.1239 PAYMENT PROVISIONS.

Subpart 1. Grant issuance. Grants of general assistance shall be issued to the recipient according to subparts 2 and 3.

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Subp. 2. Time period for issuance of assistance. The state or county agency shall mail assistance payments to the address where the assistance unit lives, or an alternate address when approved by the county agency, within time to allow postal service delivery to occur no later than the first day of each month unless:

A. the county agency has exercised its option to issue assistance weekly under part 9500.1237, subpart 4, item C or D, in which case the county agency must provide the recipient with a schedule by which the recipient is to visit the agency to pick up the payments or notices; and

B. the state or county agency issues payments by means other than checks, in which case the payments must conform to the time limits in this subpart.

Subp. 3. Special voucher or vendor payment provisions. Assistance must be paid directly to a recipient, except as provided in items A to H.

A. When a county agency has determined that a voucher or vendor payment is the most effective way to resolve an emergency situation under part 9500.1261, payment shall be made by voucher or directly to a vendor.

B. When the county agency has reason to suspect that a client is drug dependent, payment shall be made as provided under part 9500.1272.

C. When the applicant or recipient has no verified residence address, payment shall be made as provided under part 9500.1237, subpart 4, item C, D, or E.

D. When the applicant or recipient requests in writing that all or part of the assistance be issued in the form of vendor payments and the county agency approves the request, payment shall be made by vendor payment.

E. When an assistance unit consists of only minor children due to the disqualification of one or both parents who have not complied with the work readiness program, payment shall be made by vendor or protective payment.

F. When a county agency has determined that a recipient has exhibited a continuing pattern of money mismanagement, payment shall be made by vendor or protective payment. A continuing pattern of money mismanagement exists when a recipient has received a total of two or more grants of emergency assistance within an 18-month period. For the purposes of this provision, grants of emergency assistance are payments made under part 9500.1261 or 9500.2820 or emergency payments from county funds. In order to be counted for this provision, the emergencies for which grants were issued must have resulted from the recipient's failure to use available resources for the payment of basic need items. The county agency must review the use of protective or vendor payments under this item at each redetermination of eligibility.

G. When a county agency has established a negotiated rate with providers of room and board, boarding care, supervised living, or adult foster care, payment shall be made by vendor payment.

H. When an applicant or recipient resides in a shelter facility as defined in *Minnesota Statutes*, section 256D.05, subdivision 3, payment shall be made by vendor payment.

9500.1243 BUDGETING.

Subpart 1. Prospective budgeting. A county agency shall use prospective budgeting to calculate the assistance payment amount for the first two months for an applicant who has not received general assistance for at least one payment month preceding the first month of payment under a current application, subject to items A to E.

A. Income received or anticipated in the first month of program eligibility must be applied against the need of the first month. Income received or anticipated in the second month must be applied against the need of the second month.

B. When the assistance payment for any part of the first two months is based on anticipated income, an initial assistance payment amount must be determined based on information available at the time the initial assistance payment is made. When the amount of actual countable income is different than the anticipated countable income which was budgeted to determine the assistance payment for the first two months, the assistance unit is liable for an overpayment or is eligible for a corrective payment for the difference between anticipated and actual countable income for those two months.

C. The assistance payment for the first two months of program eligibility must be determined by budgeting both recurring and nonrecurring income for those two months.

D. An assistance unit shall have the assistance payment amount determined prospectively according to items A to C if the assistance unit:

(1) has had assistance suspended for a month as provided by part 9500.1233, subpart 2; and

(2) has experienced a recurring change of at least \$50 in net income, exclusive of the disregards in part 9500.1235, items B and C, in the month preceding the month of suspension or in the month of suspension.

E. An individual who enters a facility with a negotiated rate or a shelter facility described in *Minnesota Statutes*, section

256D.05, subdivision 3, shall have an assistance payment determined prospectively from the date the individual entered the facility. Any income, including grants of public assistance, received by the individual before entering the facility must only be applied against the assistance unit's standard specified under part 9500.1231, subpart 2, and not against the payment to the facility as specified in part 9500.1237, subparts 7 and 8. Any assistance payments made to the individual beginning two months after the month the individual leaves the facility must be determined retrospectively according to subpart 2.

Subp. 2. Retrospective budgeting. Retrospective budgeting must be used to calculate the monthly assistance payment amount after the payment for the first two months has been made under subpart 1. Retrospective budgeting is subject to items A and B.

A. Retrospective budgeting is used to determine the amount of the assistance payment in the first two months of program eligibility when:

(1) an assistance unit applies for general assistance for the same month for which general assistance has been terminated, the interruption in eligibility is less than one payment month, and the general assistance payment for the immediately preceding month was determined retrospectively; or

(2) a person applies to be added to an assistance unit, that assistance unit has received general assistance for at least two preceding months, and that person has been receiving general assistance for at least two months as a member of another assistance unit.

B. Income received in the budget month by an assistance unit and by a filing unit member who is not included in the assistance unit must be applied against the standard of assistance to determine the assistance payment to be issued for the payment month, except as provided in subitems (1) to (4).

(1) When a source of income ends before the third payment month, that income is not considered in calculation of the assistance payment for the third payment month. When a source of income ends before the fourth payment month, that income is not considered when determining the assistance payment for the fourth payment month.

(2) When a member of a filing unit leaves the household of the assistance unit, the income of that member is not budgeted retrospectively for any full payment month in which that household member does not live with that household and is not included in the filing unit.

(3) When a child is removed from an assistance unit because the child is no longer a dependent, the income of that child is not budgeted retrospectively for payment months in which that child is not included in the assistance unit.

(4) When a person ceases to have financial responsibility for one or more members of an assistance unit, the income of that person is not budgeted retrospectively for the payment months which follow the month in which financial responsibility ends.

Subp. 3. Recoupment of overpayments. When a recipient receives an overpayment, the overpayment must be recouped or recovered under the conditions of this part even when the overpayment is due to agency error or to other circumstances outside the person's responsibility or control, according to items A to C.

A. When a county agency discovers that a person has received an overpayment for one or more months, the county agency shall notify that person of the overpayment in writing. A notice of overpayment must specify the reason for the overpayment, the authority for citing the overpayment, the time period in which the overpayment occurred, the amount of the overpayment, and the person's right to appeal recoupment of the overpayment.

B. When an assistance unit is eligible for assistance, the county agency shall recoup an overpayment by reducing one or more monthly assistance payments until the overpayment is repaid. The amount of repayment deducted from a monthly assistance payment shall be three percent of the assistance unit standard of assistance for the payment month.

C. A county agency shall not initiate efforts to recover overpayments from a person no longer on assistance unless the amount of overpayment is greater than \$35 or overpayment was due to fraud.

Subp. 4. Correction of underpayments. A county agency must correct an underpayment within seven calendar days after the underpayment has been identified, by adding the corrective payment amount to the monthly assistance payment or by issuing a separate payment to a current recipient. When an underpayment occurs in a payment month specified in subpart 1, and is not identified until the next payment month or later, that underpayment must first be subtracted from any overpayment balance before issuing the corrective payment. An underpayment for a current payment month must not be applied against an overpayment balance and payment must be issued within seven calendar days after the underpayment is identified.

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Proposed Rules

Subp. 5. Prohibition against use of general assistance grant to recover overpayment from other maintenance programs. Subparts 3 and 4 apply only to overpayments or underpayments of assistance from the general assistance program. A county agency may not recover an overpayment by another maintenance benefit program from a general assistance grant.

9500.1245 APPLICANT AND RECIPIENT RESPONSIBILITIES.

Subpart 1. Applicant reporting requirements. An applicant shall provide information about circumstances that affect the applicant's program eligibility or the assistance payment. The applicant shall provide the information on an application form and supplemental forms. An applicant shall report any changes in those circumstances under subpart 5 while the application is pending.

Subp. 2. Responsibility to inquire. An applicant or recipient who does not know or who is unsure whether a change in circumstances will affect program eligibility or assistance payments shall contact the county agency for information about whether or not to report the change.

Subp. 3. Household report forms. An assistance unit with a member who has earned income or a recent work history, and an assistance unit that has income allocated to it from a filing unit member 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. To be complete, a household report form must be signed and dated 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 by the eighth calendar day of the month following the reporting period covered by the form, or, if the eighth calendar day of the month falls on a weekend or holiday, 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.

Subp. 4. Late household report forms. When a household report form is late or incomplete, items A, B, or C apply.

A. When a complete household report form is not received by a county agency before the last ten days of the month in which the form is due, the county 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.

B. When a recipient submits an incomplete household report form before the last ten days of the month in which it is due, a county agency's ten-day notice of termination of assistance for failure to provide a complete household report form is invalid unless the county agency has returned the incomplete form on or before the ten-day notice deadline.

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

Subp. 5. Changes which must be reported. Recipients shall report the changes or anticipated changes specified in items A to K within ten days after the date they occur, within ten days after the date the recipient learns that the change will occur, at the time of the periodic redetermination under subpart 6, or within eight calendar days after a reporting period as in subpart 3, whichever occurs first. A recipient shall report other changes at the time of the periodic redetermination of eligibility under subpart 6 or at the end of a reporting period under subpart 3 as applicable. A recipient shall make these reports in writing or in person to the county agency. Changes in circumstances which must be reported within ten days must also be reported on the household report form for the reporting period in which those changes occurred. Within ten days, a recipient must report changes in:

A. initial employment;

B. the initial receipt of unearned income;

C. a recurring change of more than \$50 per month of net earned or unearned income;

D. the receipt of a lump sum;

E. an increase in resources;

F. a change in the physical or mental status of a recipient who is exempt from work readiness registration due to the physical or mental condition;

G. the marriage or divorce of an assistance unit member;

H. a change in the household composition including departures from and returns to the home of filing unit members, or the birth or death of a member of the filing unit;

I. a change in the address or living quarters of an assistance unit;

J. the sale, purchase, or other transfer of property; and

K. a change in school attendance of a child over 15 years of age or an adult member of an assistance unit.

Subp. 6. Redetermination of eligibility. Except as provided in items A to C, a county agency must redetermine eligibility of a recipient once each year. A recipient must complete forms prescribed by the commissioner and required for redetermination of eligibility.

A. A county agency that has opted to provide assistance on a weekly basis to persons without a verified residence address may redetermine eligibility each week. In redetermining eligibility, the county agency must use the form in part 9500.1237, subpart 4, item D, subitem (2). The form must include a claim of need by the recipient.

B. A county agency must redetermine eligibility when a recipient who has been disqualified from receiving cash assistance due to noncompliance with a program provision requests assistance after the expiration of the disqualification period.

C. A county agency may redetermine the eligibility of a recipient when a change that affects program eligibility is reported to the county agency.

Subp. 7. Other maintenance benefits. An applicant or recipient must apply, according to part 9500.1254, for other maintenance benefits that the county agency has determined the applicant or recipient is potentially eligible for. An applicant or recipient who fails or refuses to take the actions specified by the county agency according to part 9500.1254 must be terminated from general assistance and remains ineligible for assistance until the applicant or recipient takes the actions specified by the county agency under this subpart.

Subp. 8. Work readiness program. Any applicant or recipient who is not exempt from work readiness under part 9500.1251 must participate in the work readiness program under part 9500.1259, according to items A and B.

A. A mandatory work readiness participant meets the work readiness participation requirements if the mandatory participant:

(1) cooperates with the county agency in all aspects of the work readiness program;

(2) accepts any suitable employment, including employment offered through the Job Training Partnership Act, Minnesota Employment and Economic Development Act, and other employment and training options;

(3) does not voluntarily quit or refuse suitable employment without good cause; and

(4) participates in work readiness activities assigned by the county agency, including completing the specific tasks or assigned duties that were identified by the county agency in the notice required under part 9500.1259, subpart 1, item E, subitem (1).

B. Mandatory participants who fail, without good cause, to meet the work readiness participation requirements shall be terminated from assistance and disqualified from work readiness according to subitems (1) and (2).

(1) For the first instance of noncompliance, without good cause, in a six-month period beginning with the completion of the work readiness orientation, the county agency shall notify the participant of the particular action or actions that the participant must take, by a date certain, to achieve compliance and avoid termination of assistance. A mandatory participant's failure to take the required actions by the specified date will result in the removal, both prospectively and retrospectively, of that individual's needs from the calculation of a grant for the assistance unit. The period of disqualification for those persons is one month.

(2) For any subsequent instance of noncompliance, without good cause, in a six-month period beginning with the date of any previous instance, the mandatory participant may not take corrective action to avoid removal from assistance and disqualification. If the effective date of a termination under this subitem is within six months of the end of a previous disqualification, the period of disqualification is two months.

Subp. 9. Persons exempt from work readiness, voluntary participation. An applicant or recipient of general assistance who is exempt from mandatory participation in work readiness may volunteer to participate in work readiness.

9500.1248 DETERMINATION OF COUNTY OF FINANCIAL RESPONSIBILITY.

Subpart 1. and 2. [See Repealer.]

Subp. 3. Determination of county of financial responsibility. The county of financial responsibility shall be determined according to Minnesota Statutes, chapter 256G.

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Proposed Rules

9500.1250 LOCAL AGENCY REPORTS.

The local county agencies shall collect and report information necessary to administer, monitor, and evaluate the general assistance program, including work requirements and the MEED program. The local agency shall enter information on all general assistance applicants and recipients in the welfare information system on the schedules established by the department. In addition, the local agency shall enter and maintain information on the case information file or supply supplemental information as needed to:

- A. minimize the occasions on which similar information is obtained from applicants and recipients;
- B. improve coordination of services to recipients;
- C. minimize the possibility of duplicate payments;
- D. report to the legislature on general assistance recipients' participation in the MEED program.

9500.1251 WORK READINESS REQUIREMENT AND EXEMPTIONS.

Subpart 1. Work readiness participation required. To receive a grant of general assistance, an individual must be a registrant with the work readiness program or must be exempt from registration by the county under subpart 2. A "registrant" is an individual, otherwise eligible for assistance, whose exemption status under subpart 2 has been assessed by the county agency and who does not qualify for an exemption, or who has qualified for an exemption and has voluntarily requested to participate in the work readiness program. Individuals otherwise exempt under subpart 2, items F and G, but who have not signed an interim assistance authorization agreement, shall not be allowed to register for work readiness and therefore cannot receive a grant.

Subp. 2. Exemption from work readiness. An applicant or recipient is exempt from work readiness requirements if:

A. The applicant or recipient suffers from a permanent or temporary injury, or incapacity that is medically certified and that prevents the applicant or recipient from obtaining or retaining suitable employment for at least 30 days and, if a rehabilitation plan is specified in the medical certification, the applicant or recipient is following the rehabilitation plan. An applicant or recipient is exempt under this item only for the period of illness, injury, or incapacity.

B. The applicant or recipient is needed at home on a substantially continuous basis because a member of the applicant's or recipient's household requires care due to age, or a medically certified illness, injury, or incapacity. The medical certification of illness, injury, or incapacity must state that the individual requiring care is unable to care for himself or herself. The applicant or recipient must verify that no other household member is able to provide the care.

C. The applicant or recipient is residing in a facility licensed under Minnesota Statutes, chapter 245A, and certified under Minnesota Statutes, chapter 144, for purposes of physical or mental health rehabilitation or a chemical dependency domiciliary facility. Residence in the facility must be due to illness or incapacity and must be based on a plan developed or approved by the director of the county agency.

D. The applicant or recipient resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

E. The applicant or recipient does not meet the condition in item A or C but is diagnosed by a qualified professional as having mental retardation or mental illness and that condition prevents the applicant or recipient from obtaining or retaining employment.

F. The applicant or recipient has an application pending for the social security disability program or the supplemental security income program and the applicant or recipient has signed an interim assistance authorization agreement. An applicant or recipient whose previous application for social security benefits was based solely on a condition other than chemical dependency or mental illness who does not appeal a denial by the social security administration is only exempt under this item if the new application is made for social security benefits based on a different disability or a new application is made that alleges new or aggravated symptoms of the original disability.

G. The applicant or recipient has appealed the denial of an application for social security disability or SSI benefits or the termination of social security disability benefits or SSI benefits and the appeal is pending. The applicant or recipient must produce medical evidence in support of an appeal of a denied application within 60 days of the initial denial or termination. An applicant or recipient of general assistance under this item must sign an interim assistance authorization agreement. A county agency shall not approve a new application for a recipient whose general assistance has been terminated for failure to provide medical evidence in support of the appeal of an application denied by social security until such medical evidence is produced.

H. The applicant or recipient is unable to obtain or retain employment due to advanced age as defined in part 9500.1206, subpart 3.

I. The applicant or recipient is medically certified as being learning disabled. "Learning disabled" means the applicant or recipient has a disorder in one or more of the psychological processes involved in perceiving, understanding, or using concepts through verbal language or nonverbal means. The disability must severely limit the applicant or recipient in obtaining, performing, or maintaining suitable employment. Learning disabled does not include learning problems that are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or due to environmental, cultural, or economic disadvantage.

J. The applicant or recipient is under the age of 19 and is a full-time student in a secondary institution.

K. The applicant or recipient is under the age of 16.

L. The applicant or recipient is in the last trimester of pregnancy.

M. The applicant shows circumstances that indicate the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated income, provided that the applicant has not received general assistance under that condition for at least 60 days.

N. The applicant or recipient is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day.

O. The applicant's or recipient's homestead is more than two hours round-trip from any potential suitable employment, exclusive of time needed to transport the applicant's or recipient's children to and from child care.

P. The recipient or applicant is a parent, who is not otherwise exempt, in an assistance unit which contains a child under the age of six if there is no suitable child care available at no cost to the family which is not reimbursed, or greater than the disregard provided by part 9500.1235, item B. If there are two parents in an assistance unit who are not otherwise exempt under this subpart, the parent who is not the principle wage earner as defined in part 9500.1206, subpart 26a, is exempt. If, in a two-parent assistance unit, there are no earnings, or if the earnings of both parents are the same, the applicant must designate the principal wage earner, and that designation must not change as long as assistance continues without interruption. "Suitable child care at no cost to the family," as described above, can include a parent in the filing unit who is not in the assistance unit so long as that parent is not a current participant in an AFDC work program or is not otherwise available for child care.

Q. The applicant or recipient, not otherwise exempt under items A to P, has been assessed by a qualified professional or vocational specialist as not being likely to obtain permanent employment and:

(1) the applicant or recipient has been referred to, and is participating in, an accredited remedial or skills training program designed to address barriers to the person's employment; or

(2) the applicant or recipient has been referred to, and has applied for, another maintenance benefit for which the applicant or recipient is potentially eligible.

Subp. 3. Assessment of exemption status. The assessment by the qualified professional or vocational specialist must consider the person's age, physical and mental health, education, trainability, prior work experience, and local market.

9500.1254 REFERRAL TO OTHER MAINTENANCE BENEFIT PROGRAMS.

Subpart 1. **Screening requirement.** The ~~local~~ county agency must determine the potential eligibility of each general assistance applicant or recipient for other maintenance benefits as follows:

A. The ~~local~~ county agency must determine an applicant's potential eligibility for other maintenance benefits when application for general assistance is made.

B. The ~~local~~ county agency must determine a recipient's potential eligibility for other maintenance benefits at the recipient's semiannual redetermination of eligibility for general assistance. The ~~local~~ county agency must also determine a recipient's potential eligibility for other maintenance benefits whenever it determines that changes in the recipient's circumstances, including eligibility for medical assistance, indicate potential eligibility for other maintenance benefits.

C. If the ~~local~~ county agency determines that the applicant or recipient is potentially eligible for other maintenance benefits, the ~~local~~ county agency must document its determination on forms prescribed by the commissioner and must retain the forms in the ~~local~~ county agency case record for the applicant or recipient.

Subp. 2. **Informing and referral requirement.** When the ~~local~~ county agency determines that the applicant or recipient is potentially eligible for other maintenance benefits, the ~~local~~ county agency shall refer the applicant or recipient to the other maintenance benefit program on a form prescribed by the commissioner by informing the applicant or recipient orally and in writing of the following:

A. that the applicant or recipient must apply for the other maintenance benefit program, ~~in accordance with~~ according to subpart 4, item A;

B. that the applicant or recipient must execute an interim assistance authorization agreement, ~~in accordance with~~ according to subpart 4, item D;

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C. that the applicant or recipient must comply with all procedures necessary to determine ~~his or her~~ eligibility or ineligibility for the other maintenance benefits ~~in accordance with~~ according to subpart 4, item C;

D. that the applicant or recipient must authorize the ~~local~~ county agency and the qualified provider, when one is chosen, to exchange relevant data concerning the applicant's or recipient's eligibility with the other maintenance benefit program office, ~~in accordance with~~ according to subpart 4, item B;

E. the estimated amount of benefits the applicant or recipient may be eligible to receive under the other maintenance benefit program, if known;

F. the address at which the applicant or recipient shall apply for the other maintenance benefit program;

G. general instructions regarding how to apply for the other maintenance benefit program;

H. that the applicant or recipient may elect to receive special services to assist ~~him or her~~ in applying for SSI benefits, ~~in accordance with~~ according to part 9500.1256, subpart 1, and that the applicant or recipient has a right to choose to receive special services from a qualified provider;

I. notice of the actions which the ~~local~~ county agency must take, ~~in accordance with~~ according to subpart 5, if the applicant or recipient fails to comply with the requirements under subpart 4, items A to D; and

J. notice of the applicant's or recipient's right to appeal a determination of ineligibility for general assistance due to noncompliance with subpart 4, items A to D.

Subp. 3. **Special referral provisions.** When the ~~local~~ county agency determines that the applicant or recipient is potentially eligible for another maintenance benefit program, the ~~local~~ county agency shall refer the applicant or recipient to a chosen qualified provider and the other maintenance benefit program ~~in accordance with~~ according to items A and B:

A. If the applicant or recipient is determined to be potentially eligible for maintenance benefits from SSI, the ~~local~~ county agency shall:

(1) offer to provide special services to the applicant or recipient ~~in accordance with~~ according to part 9500.1256, subpart 1, to assist ~~him or her~~ in applying for and obtaining SSI;

(2) furnish the applicant or recipient with a list of qualified providers with whom the ~~local~~ county agency has contracted to provide special services to applicants or recipients or who have asked to be included on the list;

(3) notify the Social Security Administration's local office of the applicant's or recipient's potential eligibility for SSI on the date of referral so that the earliest potential date of eligibility for SSI can be established; and

(4) if the applicant or recipient elects at any time to receive the special services specified in part 9500.1256, subpart 1, from a qualified provider other than the ~~local~~ county agency, the ~~local~~ county agency shall refer the applicant or recipient to the chosen provider. If the ~~local~~ county agency has not contracted with the chosen provider, the ~~local~~ county agency must enter into a contract with that qualified provider to provide special services to applicants or recipients who apply for SSI benefits.

B. If the ~~local~~ county agency determines that an applicant or recipient is potentially eligible for another maintenance benefit program, and the applicant or recipient has previously applied for and been found ineligible for that other maintenance benefit program, ~~he or she~~ the applicant or recipient shall not be required to appeal from that decision or to reapply for that other maintenance benefit program unless one of the following conditions is met:

(1) the ~~local~~ county agency determines that the applicant's or recipient's health or circumstances have changed and the change may result in eligibility for that other maintenance benefit program; or

(2) the eligibility requirements or procedures of the other maintenance benefit program have changed and the change may result in the applicant or recipient being found eligible for that other maintenance benefit program.

Subp. 4. **Requirements upon referral for other maintenance benefits.** When the ~~local~~ county agency refers an applicant or recipient to another maintenance benefit program as provided under subpart 2, the applicant or recipient shall do the following:

A. The applicant or recipient shall apply for those benefits within 30 days of the date of referral. If the recipient has not provided the ~~local~~ county agency with verification of ~~his or her~~ an application for those benefits within 30 days of the date of referral, the ~~local~~ county agency must contact the other maintenance benefit program ~~local~~ county office to determine if the recipient has applied for benefits. If the ~~local~~ county office of the other maintenance benefit program verifies that the recipient has applied for those benefits, the recipient shall be deemed to have met the requirement of applying for other maintenance benefits. If the ~~local~~ county office of the other maintenance benefit program verifies that the recipient has not applied for those benefits, the local agency shall mail or give the recipient notice of termination from general assistance ~~in accordance with~~ according to subpart 5.

B. The applicant or recipient shall, within 30 days of the date of referral, provide ~~his or her~~ informed written consent and authorization for the ~~local~~ county agency or a qualified provider, if one is chosen, to exchange data concerning the applicant or recipient

with the other maintenance benefit program ~~local~~ county office. The data exchanged must be relevant to a determination of the applicant's or recipient's eligibility or ineligibility for benefits from the other program.

For purposes of exchanging private or confidential data about a person for whom a qualified provider has contracted to provide special services, a qualified provider other than the ~~local~~ county agency shall not be considered part of the welfare system under *Minnesota Statutes*, section 13.46, subdivision 1.

If the ~~local~~ county agency determines that the recipient has not given informed written consent and authorization for the ~~local~~ county agency or a qualified provider to exchange data concerning his or her eligibility or ineligibility for the other maintenance benefit program within the prescribed 30 days, the ~~local~~ county agency shall mail or give the recipient notice of termination from general assistance ~~in accordance with~~ according to subpart 5.

C. A recipient shall comply with all procedures necessary to determine his or her eligibility or ineligibility for the other maintenance benefit program.

If the ~~local~~ county agency determines that the recipient has not complied with the procedures necessary to determine his or her eligibility or ineligibility for other maintenance benefits, the ~~local~~ county agency shall mail or give the recipient notice of termination from general assistance ~~in accordance with~~ according to subpart 5.

D. An applicant or recipient shall execute an interim assistance authorization agreement with the ~~local~~ county agency within 30 days of the date of referral.

If the recipient fails to execute an interim assistance authorization agreement within the 30 days prescribed, the ~~local~~ county agency shall mail or give the recipient notice of termination from general assistance ~~in accordance with~~ according to subpart 5.

Subp. 5. Ineligibility. This subpart governs termination of general assistance eligibility for a recipient who fails, without good cause, to comply with the requirements of subpart 4.

A. Upon determining that a recipient has failed, without good cause, to comply with the requirements of subpart 4, ~~items A to D,~~ the ~~local~~ county agency shall mail or give the recipient notification of termination from general assistance. The ~~local~~ county agency shall hand deliver or mail the written notice to the recipient at least 30 days before reducing, suspending, or terminating the recipient's monthly general assistance payment. The notice must be on a form prescribed by the commissioner and must:

(1) list the requirements with which the ~~local~~ county agency believes the recipient has not complied and inform the recipient that ~~he or she~~ the recipient must comply with the requirements to avoid or end a period of ineligibility;

(2) inform the recipient that ~~he or she~~ the recipient will be terminated from general assistance if the recipient fails to comply with the listed requirements, specify the date that the recipient's general assistance will be terminated if ~~he or she~~ the recipient does not comply, and explain the recipient's right to appeal the action ~~in accordance with~~ according to subpart 6;

(3) offer assistance to resolve the circumstances or concerns which prevent the recipient from complying with the requirements of subpart 4; and

(4) inform the recipient of the continued availability of special services provided under part 9500.1256, subpart 1.

B. If the recipient complies with the requirements specified in the notice in item A ~~prior to~~ before the termination date stated in the notice, a period of ineligibility must not be imposed.

C. A recipient who fails to comply with the requirements specified in the notice in item A ~~prior to~~ before the termination date stated in the notice is ineligible for general assistance. The period of ineligibility begins on the date specified in the notice and continues until the person fulfills the requirements of subpart 4. The period of ineligibility always begins on the first day of a calendar month. If the ineligible person subsequently applies for general assistance, the application must be denied unless the requirements of subpart 4 have been met.

D. If the person is determined to be ineligible under item C, the assistance standard applicable to the person's assistance unit must be based on the number of remaining eligible members of the assistance unit.

Subp. 6. Appeals. A recipient to whom the ~~local~~ county agency has given or mailed a notice of termination ~~in accordance with~~ according to subpart 5 may appeal the determination by submitting a written request for a hearing ~~in accordance with~~ according to *Minnesota Statutes*, section 256.045. If the recipient files a written request for an appeal on or before the first day of the period of ineligibility under subpart 5, item C, the recipient shall continue to receive general assistance while the appeal is pending, provided that the recipient is otherwise eligible for general assistance.

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Proposed Rules

Subp. 7. **Reimbursement for interim assistance.** A ~~local~~ county agency must seek reimbursement for the interim assistance provided to a person who has executed an interim assistance authorization agreement under subpart 4, item D, when the person receives a retroactive payment ~~from the~~ of other maintenance ~~benefit program~~ benefits unless reimbursement is prohibited under federal or state law. Reimbursement for interim assistance and special services provided to an SSI applicant or recipient is governed by part 9500.1256, subpart 2.

The ~~local~~ county agency must request reimbursement for interim assistance from the person receiving other retroactive maintenance benefits, except for SSI, or in those instances where the state or county agency has rights of subrogation under Minnesota Statutes, section 256.03. If a request for reimbursement under this subpart is denied, the ~~local~~ county agency may institute a civil action to recover the interim assistance based on the interim assistance authorization agreement. The ~~local~~ county agency must take no action other than a civil action to recover the interim assistance. ~~From the interim assistance recovered, the local agency may retain 25 percent as reimbursement for the county's share of the interim assistance provided, and must credit the balance to the state as an advance payment to the local agency for the state's share of the next month's general assistance grants.~~

9500.1256 SPECIAL SERVICES FOR SSI APPLICANTS.

Subpart 1. **Special services.** A recipient who is referred to SSI ~~in accordance with~~ according to part 9500.1254, subparts 2 and 3, item B, may elect to receive special services to assist ~~him or her~~ the recipient in obtaining SSI benefits. Special services for which reimbursement for fees, costs, or disbursements may be claimed under subpart 2 or 3 are limited to the following:

- A. explaining to or counseling the applicant or recipient about the application procedures and benefits available through the SSI program;
- B. assisting the applicant or recipient in completing the application for SSI and arranging appointments related to application for SSI;
- C. assisting the applicant or recipient in assessing his or her disability in relation to SSI eligibility, and identifying probable issues that may arise during the SSI eligibility determination process;
- D. providing the applicant or recipient with medical or vocational evidence, social history, or expert testimony currently available to substantiate the presence and severity of the applicant's or recipient's blindness or disability;
- E. assisting the applicant or recipient in obtaining and using medical or vocational evidence, social history, or expert testimony and in cooperating with the Social Security Administration and its agents, procedures, and requirements;
- F. assisting the applicant or recipient with necessary transportation;
- G. preparing for and representing the applicant or recipient at interviews, hearings, or appeals related to application for SSI or appeal of the Social Security Administration's determination of ineligibility for SSI;
- H. the ~~local~~ county agency's preparation of a contractual agreement with a qualified provider chosen by the applicant or recipient; and
- I. providing other services to assist the applicant or recipient to establish eligibility for SSI benefits.

Subp. 2. **Reimbursement for interim assistance and special services.** A ~~local~~ county agency must be reimbursed for providing interim assistance and special services to an SSI applicant or recipient in the following manner:

A. Upon receiving the initial SSI payment for a person who has executed an interim assistance authorization agreement as specified in part 9500.1254, subpart 4, item D, the ~~local~~ county agency may recover the amount of interim assistance provided. After recovering the interim assistance from the initial SSI payment, the ~~local~~ county agency shall pay the remainder to the person or to a representative payee identified by the Social Security Administration within ten days of receiving the initial SSI payment. From the amount of interim assistance recovered, the ~~local~~ county agency:

- (1) shall retain ~~25 percent as reimbursement for~~ the county's share of the interim assistance provided;
- (2) may retain, subject to ~~the provisions of~~ subpart 3, item E, ~~an additional~~ 25 percent as an advocacy incentive for providing the special services specified in subpart 1, items A to D; and
- (3) may retain from the ~~remaining 50 percent remainder~~, subject to ~~the provisions of~~ subpart 3, item E, reimbursement for actual reasonable fees, costs, and disbursements related to appeals and litigation and provision of special services under subpart 1.

B. The ~~local~~ county agency may not seek reimbursement from the applicant or recipient for the fees, costs, or disbursements of providing special services except as provided in item A.

C. The balance of the amount of interim assistance that is not retained by the ~~local~~ county agency pursuant to item A or paid to another qualified provider under subpart 3 must be credited to the state as an advance payment to the ~~local~~ county agency for the state's share of the next month's general assistance grants.

D. The ~~local~~ county agency must document the fees, costs, and disbursements which it incurs in providing the special services

to claim reimbursement. The ~~local~~ county agency shall be reimbursed under item A, subitem (3), only for the direct costs of providing special services.

Subp. 3. Reimbursement to qualified providers under contract with the ~~local~~ county agency to provide special services. Qualified providers under contract with the ~~local~~ county agency to provide special services to general assistance applicants or recipients shall be reimbursed from the amount of interim assistance recovered by the ~~local~~ county agency under subpart 2 in the following manner:

A. To receive reimbursement for the fees, costs, and disbursements related to appeals and litigation and the provision of special services as provided in subpart 1, the qualified provider shall enter into a contract with the ~~local~~ county and provide one or more of the special services specified in subpart 1.

The contract must be on a form prescribed by the commissioner except that the ~~local~~ county agency may add to or modify the form without changing the substance of the contract in order to meet standard contracting procedures established by the county board.

B. The ~~local~~ county agency must reimburse a qualified provider under contract with the ~~local~~ county agency for the provider's reasonable actual fees, costs, and disbursements, including medical reports and expert testimony related to appeals, litigation, and providing special services to an applicant or recipient ~~in accordance with~~ according to the following:

(1) a qualified provider shall not be reimbursed by the ~~local~~ county agency for any fees, costs, or disbursements unless the applicant or recipient has requested the services, the ~~local~~ county agency has referred the applicant or recipient to the qualified provider, and the ~~local~~ county agency has received the initial SSI payment for the recipient served;

(2) the qualified provider shall be reimbursed by the ~~local~~ county agency for fees related to the provision of special services at the rate determined by the qualified provider, but not to exceed \$75 per hour of service; and

(3) when a qualified provider requests reimbursement from the ~~local~~ county agency for fees, costs, or disbursements related to services provided, the qualified provider shall document the total number of hours of services provided to the applicant or recipient and provide a record of its costs and disbursements.

C. A qualified provider under contract to provide special services must comply with the following:

(1) a qualified provider shall not require prepayment of any fees, costs, or disbursements from the applicant or recipient; and

(2) a qualified provider shall not seek reimbursement from the applicant or recipient for fees related to the provision of special services. If a qualified provider intends to seek reimbursement for costs and disbursements from an applicant or recipient in the event the applicant or recipient is determined to be ineligible for SSI and the qualified provider therefore will not be fully reimbursed by the ~~local~~ county agency, the qualified provider must so inform the applicant or recipient and obtain the applicant's or recipient's written consent ~~prior to~~ before providing the special services. The qualified provider must also inform the applicant or recipient that he or she may receive the special services from the ~~local~~ county agency without cost to the applicant or recipient.

D. The total reimbursement for special services made by the ~~local~~ county agency to all qualified providers must not exceed the amount of interim assistance retained by the ~~local~~ county agency as specified in subpart 2, item A, subitems (2) and (3), unless the excess is expressly authorized by the ~~local~~ county agency and paid for exclusively with ~~local~~ county agency funds.

E. If more than one qualified provider provides special services to an applicant or recipient, and the amount of interim assistance retained by the ~~local~~ county agency will not fully reimburse all qualified providers, the reimbursement to each qualified provider for fees, costs, and disbursements shall be calculated by multiplying the total amount of funds available to the ~~local~~ county agency as specified in subpart 2, item A, subitems (2) and (3), including any excess funds authorized by the ~~local~~ county agency under item D, by the qualified provider's reimbursement percentage. The qualified provider's reimbursement percentage shall be determined by dividing the number of hours spent by each qualified provider who provided special services by the total number of hours spent by the ~~local~~ county agency and all other qualified providers under contract with the ~~local~~ county agency who have provided special services to the applicant or recipient.

F. If the ~~local~~ county agency and one or more other qualified providers provide special services to an applicant or recipient, and the amount of interim assistance recovered by the ~~local~~ county agency under subpart 2, item A, subitems (2) and (3), exceeds the amount necessary to fully reimburse the qualified providers for fees, costs, and disbursements, the ~~local~~ county agency may retain the excess to the extent allowed under subpart 2, item A, subitem (2).

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Proposed Rules

G. The ~~local~~ county agency shall reimburse a qualified provider for fees, costs, and disbursements for special services provided during the six-month period before the applicant or recipient was referred to the qualified provider, unless general contracting procedures of the particular county prohibit this payment. The provider's fees, costs, or disbursements for special services provided before the person's application for general assistance may be reimbursed only if funds remain after reimbursement for special services provided to the person after the person made application for general assistance.

H. The ~~local~~ county agency and another qualified provider may contract to jointly provide the special services specified in subpart 1.

Subp. 4. **Termination of special services and contracts.** Special services and contracts must be terminated in the following manner:

A. If an applicant or recipient requests in writing that the ~~local~~ county agency terminate the special services agreement with a qualified provider, the special services agreement for that applicant or recipient must be terminated, and the ~~local~~ county agency shall mail written notice of the termination to the qualified provider. The notice must include a copy of the applicant's or recipient's written request for termination of the special services agreement. Termination of the agreement is effective three days after the date when the notice is mailed. The qualified provider shall not be reimbursed for fees, costs, or disbursements for special services provided to an applicant or recipient after the effective date of termination.

B. If a qualified provider decides to stop providing special services to an applicant or recipient, the qualified provider shall give or mail the following information to the applicant or recipient and, if the qualified provider is not the ~~local~~ county agency, to the ~~local~~ county agency:

- (1) the status of the applicant's or recipient's application for SSI benefits;
- (2) any deadlines that must be met regarding the applicant's or recipient's application for SSI benefits;
- (3) the right of the applicant or recipient to choose another qualified provider, and the ~~local~~ county agency's obligation to enter into a contract with a new qualified provider to provide the special services specified if the applicant or recipient chooses a qualified provider other than the ~~local~~ county agency; and
- (4) that a list of qualified providers may be obtained from the ~~local~~ county agency.

Termination of the contract is effective three days after the date the provider gives or mails the information required in subitems (1) to (4) to the client.

C. If a qualified provider fails to perform all or part of the terms of the contract with the ~~local~~ county agency, the ~~local~~ county agency may terminate the contract with the provider. The ~~local~~ county agency shall terminate the contract and mail written notice to the qualified provider and to the recipients served by the qualified provider. The notice must specify the ~~local~~ county agency's grounds for terminating the contract. Termination of the contract is effective three days after the notice is mailed to the qualified provider. The ~~local~~ county agency shall also give the recipient a list of other qualified providers who have contracted with the ~~local~~ county agency to provide the special services specified in subpart 1 or who have asked to be included on the list. The qualified provider shall not be reimbursed for fees, costs, or disbursements related to special services provided after the effective date of termination.

9500.1259 COUNTY AGENCY RESPONSIBILITIES.

Subpart 1. Work readiness program. The county agency must provide a work readiness program for mandatory and voluntary participants according to items A to F.

A. The county agency's work readiness program must include an orientation to the work readiness program which must be offered at least monthly.

B. The county agency must assess each participant's literacy; ability to communicate in the English language; eligibility for displaced homemaker services under Minnesota Statutes, section 268.96; educational history; occupational assets; barriers to employment; and exemption status from work readiness participation. When assessing a participant's literacy, the county agency must determine whether the participant is functionally illiterate. For the purpose of this item, "functionally illiterate" means the participant is unable to read at or above the eighth grade level. A county agency shall determine if the participant is functionally illiterate according to subitems (1) and (2).

(1) The county agency may determine that the participant is functionally illiterate based on personal observations or information in the participant's case file.

(2) If the participant is not determined to be functionally illiterate as provided in subitem (1), but the county agency believes that the participant may be functionally illiterate, or if the participant asserts or presents evidence that the participant may be functionally illiterate, the county agency shall offer the participant an opportunity to take a standardized literacy test approved by the commissioner. The test must be offered in the county at no expense to the participant. The county agency shall either administer the test or make arrangements for the test. If the participant attains a score lower than the eighth grade, the participant shall be considered functionally illiterate.

C. The county agency must prepare an employability development plan for each participant in work readiness. The employability development plan must address the participant's barriers to employment; estimate the length of time it will take for the participant to obtain employment; and specify steps necessary for the participant to overcome any barriers to employment identified in item B. Barriers to employment shall be addressed in the following order:

(1) A participant who is assessed by an English as a second language specialist, vocational specialist, or the county agency as being unable to communicate in the English language must participate in an English language program, if available.

(2) A participant who is determined to be functionally illiterate under item B must participate in an occupational or vocational literacy program, if available.

(3) A participant who has not completed secondary education must participate in a secondary school program or GED program, if available and appropriate.

(4) A participant who has none of the barriers specified in subitems (1) to (3) but who has no work experience must participate in job seeking skills training and a job search program.

(5) A participant who has none of the barriers specified in subitems (1) to (3) and who has a work history must participate in a job search program.

The employability development plan may include referral to available training programs and work experience programs designed to prepare the participant for permanent employment or to education and training activities. The employability development plan must address the participant's barriers to employment, and may, in addition, require the participant to engage in job search or other work readiness activities so long as the combination of requirements does not exceed 32 hours per week or place any requirement upon a participant that interferes with employment which the county agency has determined can lead to self-sufficiency.

D. For those participants who are considered to be functionally illiterate under item B, the county agency must:

(1) assess existing reading level, learning disabilities, reading potential, and vocational or occupational interests of the participant;

(2) assign suitable participants to openings in occupational and vocational literacy programs;

(3) if no openings are available in occupational or vocational literacy programs, assign suitable participants to openings in literacy training programs;

(4) reassign to another literacy program any participant who does not complete an assigned program and who wishes to try another program;

(5) within the limits of funds available, contract with technical institutes or other groups who have literacy instructors trained in occupational literacy methods to provide literacy training sessions so that eligible participants will have the opportunity to attend training;

(6) provide transportation to enable participants to participate in literacy training. The state shall reimburse the county agency for the costs of providing this transportation; and

(7) make every effort to ensure that child care is available as needed by participants who are pursuing literacy training; however, no participant shall be disqualified for noncompliance with the literacy training requirement of work readiness if child care is not made available.

E. The county agency shall provide notices to work readiness participants as provided in subitems (1) to (6).

(1) The county agency shall provide, at the time of registration and each 30 days after that, in advance, a clear written description of the specified tasks and assigned duties the participant must complete to receive work readiness pay. The county agency shall provide notice that the participant will be terminated from the work readiness program unless the participant completes the specified tasks and assigned duties, or shows good cause for failure to do so. The county agency shall provide notice of the disqualification that will be imposed on the participant for failure to comply with part 9500.1245, subpart 8, item B.

(2) The county agency shall provide notice to a participant within three days of determination that the participant has failed to comply with work readiness requirements as specified in part 9500.1245, subpart 8, item A.

(3) For the first instance of noncompliance in a six-month period, beginning on the date of the participant's orientation or the end of the previous disqualification, whichever is later, the county agency's notice:

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Proposed Rules

(a) must allow at least five working days, after the mailing or hand delivery of the notice, for the participant to take specific corrective action which can realistically be done before the date assistance is scheduled to be paid;

(b) must advise the participant that the participant may request and have a conference with the county agency to discuss the notice; and

(c) must advise the participant that failure to take corrective action by the effective date of the termination notice in subitem (5) will result in termination of assistance and disqualification from program eligibility for one month.

(4) For a second or subsequent instance of noncompliance within a six-month period, beginning on the date of the participant's orientation or the end of the previous disqualification, whichever is later, the county agency's notice of its determination of noncompliance:

(a) must be mailed or hand delivered to the participant before the date assistance is scheduled to be paid; and

(b) must advise the participant that the participant may request and have a conference with the county agency to discuss the notice. The applicable period of disqualification under this subitem is two months.

(5) The county agency shall mail or hand deliver notice of termination concurrently with the notice of noncompliance specified in subitems (3) and (4) only after assessing the participant's exemption status from work readiness participation under part 9500.125 I, subpart 2, items A to Q, using the information contained in the recipient's case file. The notice of termination must state that the recipient is not exempt from registration and must indicate the applicable period of disqualification. The advance notice requirements of this item are the same as those of subitems (3) and (4).

(6) The county agency shall assign a schedule by which a participant who has failed to provide the agency with a mailing address must visit the county agency to pick up any notices. Those notices must be deemed delivered on the date of the participant's next scheduled visit to the county agency.

F. The county agency may subcontract any or all of the duties prescribed in items A to D and E, subitem (1). The contract does not relieve the county agency of its primary responsibility in the instance of a default of any provision by a subcontractor.

Subp. 2. Appeals. The participant may appeal a proposed termination of benefits until five days after the effective date specified in the notice and continue benefits otherwise due, pending the outcome of the appeal. Appeals from proposed terminations of benefits of participants must be heard within 30 days from the date that the appeal was filed.

Subp. 3. Information about other programs. A county agency must inform an applicant or recipient about other programs administered by the county agency for which, from the county agency's knowledge of the person's situation, the person may be eligible.

Subp. 4. Notices. The county agency shall mail or hand deliver a notice to a recipient no later than ten days before the effective date of the action except as provided in items A to C. A recipient who has failed to provide the county agency with a mailing address must be assigned a schedule by which the recipient is to visit the agency to pick up any notices. Notices will be deemed to have been delivered on the date of the recipient's next scheduled visit to the county agency.

A. A county agency shall mail a notice to a recipient no later than five days before the effective date of the action when the county agency has factual information which requires an action to reduce, suspend, or terminate assistance based on probable fraud.

B. A county agency must mail or hand deliver a notice to a recipient no later than the effective date of the action when:

(1) the county agency receives a recipient's household report form which includes facts that require payment reduction, suspension, or termination and which contains the recipient's signed acknowledgment that this information will be used to determine program eligibility or the assistance payment amount;

(2) the county agency verifies the death of a recipient or the payee;

(3) the county agency receives a signed statement from a recipient that assistance is no longer wanted;

(4) the county 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 the recipient understands the consequences of providing that information;

(5) the county agency verifies that a member of an assistance unit has been approved to receive assistance by another county or state; or

(6) the county agency cannot locate a payee's whereabouts and mail from the local agency has been returned by the post office showing that the post office has no forwarding address.

C. Whenever any provision of this subpart conflicts with any special notice requirements of another part, those special notice provisions shall prevail.

9500.1261 EMERGENCY ASSISTANCE.

Subpart 1. Emergency assistance. A county agency shall make grants of general assistance for emergency situations to eligible individuals, married couples, or families whether residents or nonresidents of the state. The emergency assistance grant may be in excess of the standard amounts for eligible individuals, married couples, or families under part 9500.1231.

Subp. 2. Emergency situation. An emergency situation is a situation in which an assistance unit is without, or will lose within 30 days after application, a basic need item as defined in part 9500.1206, subpart 7a.

A. The emergency situation must require immediate financial assistance.

B. The financial assistance required by the emergency must be temporary and must not exceed 30 days subsequent to the date of application. Assistance must be paid for needs that accrue before the 30-day period when it is necessary to resolve emergencies arising or continuing during the 30-day period subject to subpart 4.

Subp. 3. Eligible persons. Eligible individuals, married couples, or families are those:

A. who are not current recipients of AFDC, other than a one-person assistance unit consisting of a pregnant woman;

B. who are not recipients under or eligible for the program of emergency assistance under AFDC in the month of application for emergency general assistance;

C. whose resources are not adequate to resolve the emergency situation. For the purpose of this part, "resources" means any funds or services which can actually be available to the applicant or recipient or any member of the filing unit before the loss of a basic need item. Resources include available income without exclusion or disregard, and any resource otherwise excluded under part 9500.1221, subpart 2, which could be liquidated before the loss of a basic need item, so long as the terms of any borrowing cannot be reasonably expected to place the borrower in another emergency situation within three months including the month of application;

D. who have not, without good cause, used more than 50 percent of available income and liquid resources for purposes other than basic needs during the 60 days before application. This item does not apply to individuals who are chemically dependent, mentally ill, or mentally retarded; or

E. who are not in a period of disqualification from work readiness if that disqualification has caused the emergency situation unless the emergency situation directly affects other assistance unit members who are not in a period of disqualification.

Subp. 4. Payment provisions. When the county agency has determined that an applicant has an emergency situation and is eligible for emergency general assistance, the county agency must resolve the emergency in the most cost-effective manner. Resolution of the emergency situation in a cost-effective manner shall be governed by items A to H.

A. An emergency general assistance payment is not cost-effective if the applicant's anticipated income together with the grant of emergency general assistance will not be sufficient to cover the applicant's basic needs for the three-month period beginning with the month of application, and another emergency situation can reasonably be anticipated within the two months after the month of the grant of emergency general assistance.

B. When alternative solutions to the emergency situation are available, the most cost-effective solution is the solution which will require an expenditure of emergency general assistance funds which is at least 25 percent less than the emergency general assistance expenditure required to maintain the applicant or recipient in his or her current situation. The county agency has no duty to provide alternative solutions, but must have a reasonable basis to believe that alternative solutions exist. A county agency must not deny assistance because of the determination that the applicant's anticipated income will not cover continued payment of shelter and utility costs when no alternative solution is identified by either the applicant or the county agency.

C. In determining the cost-effectiveness of an emergency general assistance payment, the county agency must not consider a period of time greater than three months including the month of application for emergency general assistance.

D. When the county agency has determined that the emergency situation has resulted from the applicant's mismanagement of money, the county agency may include vendor payment of future needs as part of a cost-effective solution subject to review at each redetermination of eligibility.

E. Emergency grants for food must not exceed the amount the assistance unit would receive under the United States Department of Agriculture's Thrifty Food Plan.

F. Emergency grants for clothing must not exceed the cost of necessary clothing for assistance unit members considering the season of application.

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Proposed Rules

G. Emergency grants for shelter, exclusive of moving expenses or deposits, must not exceed an amount equal to four times the assistance unit's monthly assistance standard.

H. Grants for emergency general assistance must be in the form of vouchers or vendor payments unless the county agency determines that a cash grant will better meet the need of the emergency situation.

Subp. 5. Assistance for transportation. Notwithstanding subpart 2, grants may be issued under the emergency general assistance program for an applicant's immediate need for transportation in the following situations:

A. the need for assistance will not exceed 30 days and the transportation is required to accept a bona fide offer of suitable employment; or

B. the transportation is requested by the applicant to return to a residence maintained by or for the applicant.

Subp. 6. Excess grants, county agency payment responsibility. A county agency may issue emergency assistance grants that exceed the limitations in subpart 4 if the county agency does not include the additional costs on its claim for state aid reimbursement.

9500.1272 ASSIGNMENT OF REPRESENTATIVE PAYEE FOR RECIPIENTS WHO ARE DRUG DEPENDENT.

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

Subp. 4. **Form of payment pending completion of assessment.** A county agency shall provide only emergency general assistance (EGA) or general assistance vendor payments to a client who has been referred for a chemical use assessment under subpart 2. EGA may be provided to clients only in emergency situations as provided in part ~~9500.1238~~ 9500.1261. All other payments made under this subpart must be general assistance vendor payments.

[For text of subs 5 to 19, see M.R.]

REPEALER. *Minnesota Rules*, parts 9500.1205; 9500.1206, subparts 19 and 31; 9500.1209; 9500.1210; 9500.1212; 9500.1214; 9500.1216; 9500.1217; 9500.1218; 9500.1220; 9500.1222; 9500.1224; 9500.1226, subparts 2, 3, and 4; 9500.1227; 9500.1228; 9500.1229; 9500.1230; 9500.1232, subparts 1, 2, and 3; 9500.1238; 9500.1240; 9500.1242; 9500.1246; 9500.1248, subparts 1 and 2; 9500.1252; 9500.1257; 9500.1258; 9500.1260; 9500.1262; 9500.1264; 9500.1266; 9500.1268; 9500.1270; 9500.1300; 9500.1302; 9500.1304; 9500.1306; 9500.1308; 9500.1310; 9500.1312; 9500.1314; 9500.1316; and 9500.1318 are repealed.

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.

Department of Agriculture

Adopted Permanent Rules Relating to Minnesota Grown Labeling Statements

The rules proposed and published at *State Register*, Volume 15, Number 1, pages 5-6, July 2, 1990 (15 SR 5) are adopted as proposed.

Department of Jobs and Training

Adopted Permanent Rules Relating to Vending Stands and Business Enterprises of Services for the Blind

The rules proposed and published at *State Register*, Volume 14, Number 50, pages 2888-2892, June 11, 1990 (14 SR 2888) are adopted with the following modifications:

Rules as Adopted

3321.0300 PERIOD OF LICENSE.

Each license will be issued upon execution of an operator's first agreement pursuant to part 3321.0500, subpart 1, for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

E. failure to work as a licensed operator, relief operator, or take additional approved training related to the operation of an enterprise, a minimum of two weeks per year unless on an approved leave.

A license may be issued to a blind person to operate an enterprise, other than a vending machine enterprise, in the program without that person taking vending machine training. No licensee may be placed or transferred to a vending machine enterprise without first taking and satisfactorily completing vending machine training sufficient to operate the vending stand or business enterprise in question.

Department of Revenue

Adopted Permanent Rules Relating to Sales Tax Administration

The rules proposed and published at *State Register*, Volume 14, Number 48, pages 2762-2789, May 29, 1990 (14 SR 2762) are adopted with the following modifications:

Rules as Adopted

8130.2350 COMPUTATION OF SALES TAX.

Compute the tax on the sales price to the nearest full cent. For sales under \$1, use the guidelines in items A to C.

A. In computing the tax to be collected on any transaction subject to a four percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of 12 cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ 13 cents to and including 37 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 38 cents to and including 62 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 63 cents to and including 87 cents, the purchaser is required to pay three cents tax; on a sale ~~between from and including~~ 88 cents to and including \$1.12, the purchaser is required to pay four cents tax; on a sale in excess of \$1, the purchaser is required to pay four percent on each full dollar plus the appropriate amount from the brackets above.

B. In computing the tax to be collected on any transaction subject to a five percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of nine cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ ten cents to and including 29 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 30 cents to and including 49 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 50 cents to and including 69 cents, the purchaser is required to pay three cents tax; on a sale ~~between from and including~~ 70 cents to and including 89 cents, the purchaser is required to pay four cents tax; on a sale ~~between from and including~~ 90 cents to and including \$1.09, the purchaser is required to pay five cents tax; and on a sale in excess of \$1, the purchaser is required to pay five percent on each full dollar plus the appropriate amount from the brackets above.

C. In computing the tax to be collected on any transaction subject to a six percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of eight cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ nine cents to and including 24 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 25 cents to and including 41 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 42 cents to and including 58 cents, the purchaser is required to pay three cents tax; on a sale ~~between from and including~~ 59 cents to and including 74 cents, the purchaser is required to pay four cents tax; on a sale ~~between from and including~~ 75 cents to and including 91 cents, the purchaser is required to pay five cents tax; on a sale ~~between from and including~~ 92 cents to and including \$1.08, the purchaser is required to pay six cents tax; and on a sale in excess of \$1, the purchaser is required to pay six percent on each full dollar plus the appropriate amount from the brackets above.

8130.3000 GOOD FAITH ACCEPTANCE OF EXEMPTION CERTIFICATES.

Subp. 4. **Acceptable exemption certificates.** Vendors may accept the following in good faith:

L. certificates of exemption for commercial haulers of waste collection and disposal services; ~~and~~

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

M. certificates of exemption for property purchased for business use outside city limits, for use when a local tax is applicable;

N. certificates of exemption for repair, replacement, and rebuilding parts and materials for ships or vessels used or to be used principally in interstate or foreign commerce; and

O. certificates of exemption for lease of a motor vehicle for use as an ambulance by an ambulance service licensed under Minnesota Statutes, section 144.802.

8130.3100 CONTENT AND FORM OF EXEMPTION CERTIFICATE.

Subp. 2. Application to use exemption certificates.

B. A taxpayer does not need to submit an application to the commissioner in order to obtain an exemption certificate to be used for the following exemptions:

(12) tipping fee sales tax exemption for commercial haulers of public and private mixed municipal solid waste; ~~and~~

(13) fuels and energy used in agricultural or industrial production pursuant to *Minnesota Statutes*, section 297A.25, subdivision 9;

(14) repair, replacement, and rebuilding parts and materials for ships or vessels used or to be used principally in interstate or foreign commerce; and

(15) lease of a motor vehicle for use as an ambulance by an ambulance service licensed under Minnesota Statutes, section 144.802.

These certificates may be used for single purchases or for continuing future purchases. When used in this latter manner, the certificate is referred to as a blanket exemption certificate. Whether a certificate is a single purchase or blanket certificate is determined by marking the appropriate blank provided on the form.

8130.3300 FUNGIBLE GOODS FOR WHICH EXEMPTION CERTIFICATE GIVEN.

Subp. 2. [See Repealer.]

8130.3850 COMPUTATION OF USE TAX.

Compute the tax on the sales price to the nearest full cent. For sales under \$1, use the following guidelines:

A. In the computation of the amount of use tax to be collected on any transaction subject to a four percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of 12 cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ 13 cents to and including 37 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 38 cents to and including 62 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 63 cents to and including 87 cents, the purchaser is required to pay three cents tax; on a sale ~~of from and including~~ 88 cents to and including \$1.12, the purchaser is required to pay four cents tax; on a sale in excess of \$1, the purchaser is required to pay four percent on each full dollar plus the appropriate amount from the brackets above.

B. In the computation of the amount of tax to be collected on any transaction subject to a five percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of nine cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ ten cents to and including 29 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 30 cents to and including 49 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 50 cents to and including 69 cents, the purchaser is required to pay three cents tax; on a sale ~~between from and including~~ 70 cents to and including 89 cents, the purchaser is required to pay four cents tax; on a sale ~~between from and including~~ 90 cents to and including \$1.09, the purchaser is required to pay five cents tax; and on a sale in excess of \$1, the purchaser is required to pay five percent on each full dollar plus the appropriate amount from the brackets above.

C. In the computation of the amount of tax to be collected on any transaction subject to a six percent rate, amounts of less than one-half cent may be disregarded and the amounts of one-half cent or more are considered as an additional cent. Thus, on a sale of eight cents or less, the purchaser pays no tax; on a sale ~~between from and including~~ nine cents to and including 24 cents, the purchaser is required to pay one cent tax; on a sale ~~between from and including~~ 25 cents to and including 41 cents, the purchaser is required to pay two cents tax; on a sale ~~between from and including~~ 42 cents to and including 58 cents, the purchaser is required to pay three cents tax; on a sale ~~between from and including~~ 59 cents to and including 74 cents, the purchaser is required to pay four cents tax; on a sale ~~between from and including~~ 75 cents to and including 91 cents, the purchaser is required to pay five cents tax; on a sale ~~between from and including~~ 92 cents to and including \$1.08, the purchaser is required to pay six cents tax; and on a sale in excess of \$1, the purchaser is required to pay six percent on each full dollar plus the appropriate amount from the brackets above.

8130.7300 WHEN TAX IS DUE.

Subp. 5. **Local sales and use tax procedure.** Retailers located outside of cities that impose local sales and use taxes are not required

to remit the local use taxes until the amount of local use tax collected is \$10 or more. See *Minnesota Statutes*, section ~~289.20~~ 289A.20, subdivision 4.

When the amount of local use tax collected is \$10 or more, the total amount of local use tax must be remitted to the commissioner with a local sales and use tax return at the time of the retailer's next regular periodic payment.

8130.7700 EXTENSION OF TIME TO FILE RETURN.

Subp. 3. **Conditions.** Extension may be granted subject to the following conditions:

D. the extension request must be forwarded to the Minnesota Department of Revenue, Taxpayer Information Division, Mail Station 4453, Saint Paul, Minnesota 55146-4453, and submitted in an envelope marked "Extension Request."

If When the extension request is approved or denied, the original copy, marked "Approved," will be returned to the applicant will be informed of the determination in writing. ~~The extension request, as approved, should be attached to the completed return when filed.~~

8130.8000 TIME LIMITATION ON ASSESSMENT AND COLLECTION.

Subp. 4. **Omission of 25 percent.** In the case of omission from the return of a dollar amount properly includible therein which is in excess of 25 percent of the ~~dollar amount tax~~ reported in the return the tax may be assessed or a proceeding in court for the collection of the tax may be begun at any time within six and one-half years after the return was filed. See *Minnesota Statutes*, section 289A.38, subdivision 6.

A. The dollar amount reported in the return shall mean the total ~~taxable~~ amount of tax as shown on the return ~~which includes both taxable sales and purchases subject to the use tax.~~

B. For purposes of computing the dollar amount of the omission there cannot be included amounts disallowed as deductions or unreported retail sales which would constitute allowable deductions in determining net taxable sales. The computation of the percentage of omission is the percentage derived by dividing the dollar amount of ~~taxable sales and use tax~~ not reported on the return by the dollar amount of ~~taxable sales and use tax~~ that ~~were~~ was reported on the return.

Office of Waste Management

Adopted Permanent Rules Relating to Grant Programs

Parts 9210.0400 to 9210.0570 of the rules proposed and published at *State Register*, Volume 14, Number 49, pages 2837-2852, June 4, 1990 (14 SR 2837) and the repeal of parts 9210.0400, subparts 2 and 12; 9210.0420, subparts 4 and 5; 9210.0430; 9210.0440, subparts 3 and 4; and 9210.0450, subpart 1, proposed and published at *State Register*, Volume 14, Number 49, pages 2837-2852, June 4, 1990 (14 SR 2837) are adopted with the following modifications:

Rules as Adopted

9210.0400 DEFINITIONS.

Subp. 5a. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, or securing the waste supply, ~~or joint efforts by more than one local government unit.~~

9210.0520 ELIGIBILITY CRITERIA.

Subp. 3. **Eligible costs.** Eligible costs under parts 9210.0500 to 9210.0570 are limited to the following implementation costs:

A. operating and maintenance costs of equipment used to collect litter, ~~and~~ operating costs of processing litter to recover recyclable materials, and disposal costs of residual litter;

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.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2389: Regulations for the Taking of Ducks, Geese, Coots and Moorhens (Gallinules); Superseding Commissioner's Order No. 2355

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97B.731, 97B.801, 97B.805, 97B.811, and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of ducks, geese, coots and moorhens (gallinules). All dates and time periods specified in this order are inclusive, unless otherwise noted.

Section 1. DUCKS, COOTS AND MOORHENS (GALLINULES).

(a) **Season Length and Hours.** Ducks, coots and moorhens (gallinules) may be taken during the 30-day period beginning Saturday, October 6. Legal shooting hours are: from 12 noon to 4 p.m. on the opening day; from sunrise to 4 p.m. each day from the second day of the season to the Friday nearest October 19; and from sunrise to sunset each day during the remainder of the season.

(b) **Daily Limit.** No person shall in any one day take more than three (3) ducks other than mergansers, five (5) mergansers, and a total of 15 coots and moorhens (gallinules). The daily limit of ducks other than mergansers shall not include more than two (2) mallards of which not more than one (1) may be a female mallard, one (1) black duck, one (1) redhead, one (1) pintail and two (2) wood ducks. Canvasbacks may not be taken at any time. The daily limit of mergansers shall not include more than one (1) hooded merganser.

(c) **Possession Limit.** No person shall have in possession more than six (6) ducks other than mergansers, ten (10) mergansers, and a total of thirty (30) coots and moorhens (gallinules). The possession limit of ducks other than mergansers shall not include more than four (4) mallards of which not more than two (2) may be female mallards, two (2) black ducks, two (2) redhead, two (2) pintail and four (4) wood ducks. The possession limit of mergansers shall not include more than two (2) hooded mergansers.

Sec. 2. REGULAR SEASON GEESE, INCLUDING BRANT.

(1) Season Length.

(1) In the West Central Goose Zone, as described below, Canada and white-fronted geese may be taken during the 40-day period beginning the Saturday nearest October 1, except that the season may close earlier in the Lac qui Parle Zone as prescribed in Sec. 2(e). The West Central Goose Zone is the area lying within the following boundary:

Beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212; thence West along U.S. Highway 212 to U.S. Highway 59; thence South along U.S. Highway 59 to STH 67; thence West along STH 67 to U.S. Highway 75; thence North along U.S. Highway 75 to County State Aid Highway (CSAH) 30, Lac qui Parle County; thence West along CSAH 30 to County Road 70, Lac qui Parle County; thence West along County Road 70 to the western boundary of the state; thence North along the western boundary of the state to the point due south of the intersection of STH 7 and CSAH 7, Big Stone County; thence due North to said intersection; thence North along CSAH 7 to CSAH 6, Big Stone County; thence East along CSAH 6 to CSAH 21, Big Stone County; thence South along CSAH 21 to CSAH 10, Big Stone County; thence East along CSAH 10 to CSAH 22, Swift County; thence East along CSAH 22 to CSAH 5, Swift County; thence South along CSAH 5 to U.S. Highway 12; thence East along U.S. Highway 12 to CSAH 17, Swift County; thence South along CSAH 17 to CSAH 9, Chippewa County; thence South along CSAH 9 to STH 40; thence East along STH 40 to STH 29; thence South along STH 29 to the point of beginning.

(2) In the Southeast Goose Zone composed of Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston Counties, Canada and white-fronted geese may be taken during the 70-day period beginning the Saturday nearest October 1.

(3) In the remainder of the state Canada and white-fronted geese may be taken during the 50-day period beginning the Saturday nearest October 1.

(4) Snow geese may be taken statewide during the 80-day period beginning the Saturday nearest October 1, except that the snow goose season will close in the Lac qui Parle Goose Zone with the Canada and white-fronted goose seasons as prescribed by Sec. 2(e) of this order.

(b) **Hours.** Geese may be taken from sunrise to 4 p.m. from the opening day of the season to October 5 and from October 7 to the Friday nearest October 19; from 12 noon to 4 p.m. on October 6 and from sunrise to sunset each day during the remainder of the prescribed seasons.

(c) **Daily Limit.** No person shall take more than seven (7) geese in any one day. The daily limit shall not include more than two (2) white-fronted geese and two (2) Canada geese or subspecies except in the West Central Goose Zone where the daily limit of Canada geese is one.

(d) **Possession Limit.** No person shall have more than fourteen (14) geese in possession at any time. The possession limit shall not include more than four (4) white-fronted geese and four (4) Canada geese or subspecies except in the West Central Goose Zone where the possession limit of Canada geese is two (2).

(e) **Lac qui Parle Zone.** In the area known as the Lac qui Parle Zone, and described below, the season on all geese shall be closed prior to the last day of the season for the West Central Goose Zone if and when the harvest index of Canada geese in the Lac qui Parle Zone reaches 6000 as determined by the Commissioner. For the purpose of notifying the public of such closing, no less than 48 hours prior to the effective time thereof the Commissioner shall (1) issue a news release specifying the time of closing and describing the zone, and (2) post written notices including the same information as the news release at the headquarters of the Lac qui Parle Game Refuge and at four other points around the perimeter of the zone. The Lac qui Parle Zone is the area lying within the following boundary:

Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence along CSAH 27 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to State Truck Highway (STH) 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 34, Lac qui Parle County; thence along CSAH 34 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 38, Lac qui Parle County; thence along CSAH 38 to U.S. Highway 75; thence along U.S. Highway 75 to STH 7; thence along STH 7 to CSAH 6, Swift County; thence along CSAH 6 to County Road 65, Swift County; thence along County Road 65 to County Road 34, Chippewa County; thence along County Road 34 to CSAH 12, Chippewa County; thence along CSAH 12 to CSAH 9, Chippewa County; thence along CSAH 9 to STH 7; thence along STH 7 to Montevideo; thence along the municipal boundary of Montevideo to U.S. Highway 212; thence along U.S. Highway 212 to the point of beginning.

(f) **West Central Goose Zone Permit.**

(1) A person must have a valid permit issued by the Commissioner of Natural Resources in his or her possession to take Canada, snow, blue, or white-fronted geese in the West Central Goose Zone as prescribed in Sec. 2(a)(1) or to possess or transport geese taken in that zone.

(2) Application for the permit must be made by mailing or delivering a West Central and Lac qui Parle Special Goose Hunt application to: Lac qui Parle WMA, Route 1, Box 23, Watson, MN 56295. During the season, permits can also be purchased directly at the Lac qui Parle WMA headquarters and at selected license agents in the West Central Goose Zone. Applicants must provide all information requested on the application, and sign the application, or it will be rejected.

(3) Each applicant must submit along with his or her application a cashier's check, money order, or personal check in the amount of \$3.00 payable to the "Minnesota Department of Natural Resources." Any checks that are returned to the Department of Natural Resources for nonpayment will invalidate the application and the check will be destroyed. The fee is non-refundable.

Sec. 3. DECEMBER TWIN CITIES METROPOLITAN CANADA GOOSE ZONE AND OLMSTED COUNTY HUNTS.

(a) **Season Length and Hours.** Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone as described in Section 1(c) of Commissioner's Order No. 2381 and in Olmsted County during the 10-day period beginning December 15, 1990, from one-half hour before sunrise to sunset each day.

(b) **Daily and Possession Limits.** No person shall in any one day take more than two (2) Canada geese. No person shall have in possession more than four (4) Canada geese.

(c) **Permits for the Twin Cities Metropolitan Canada Goose Zone Hunt.**

(1) A person must possess a valid permit issued by the Commissioner of Natural Resources to take Canada geese during the season established by this section in the Twin Cities Metropolitan Canada Goose Zone.

(2) A valid permit must have been obtained pursuant to Sec. 4(a) and 4(b) of Commissioner's Order No. 2381.

(d) **Surface Waters and Roads, Twin Cities Zone.** In the Twin Cities Metropolitan Canada Goose Zone, taking Canada geese during the above-established season is prohibited on or within 100 yards of all surface waters, including but not limited to wetlands, lakes, rivers, and streams, except on specific waters as described or shown on a map that shall be provided to the permittees by the Commissioner. Taking Canada geese from public roads and their rights-of-way is prohibited in the Twin Cities Metropolitan Canada Goose Zone during the season established in this section.

Sec. 4. REFUGE GOOSE HUNTS.

(a) **Douglas County Goose Refuge.** The Douglas County Goose Refuge in Douglas County is open to the taking of geese from September 29 to November 17, 1990, pursuant to the established goose regulations for the zone in which it is located. During the dates the Douglas County Goose Refuge is open to the taking of geese, waterfowl hunting is prohibited upon or from all public roads and their rights-of-way within the refuge boundary.

(b) **Fox Lake Game Refuge.** The Fox Lake Game Refuge in Martin County is open to the taking of geese from September 29 to October 7, 1990, and from November 10 to November 17, 1990, pursuant to the established goose regulations for the zone in which it is located.

(c) **Otter Tail County Goose Refuge.** The Otter Tail County Goose Refuge in Otter Tail County is open to the taking of geese from September 29 to November 17, 1990, pursuant to the established goose regulations for the zone in which it is located. During

Commissioners' Orders

the dates the Otter Tail County Goose Refuge is open to the taking of geese, waterfowl hunting is prohibited upon or from all public roads and their rights-of-way within the refuge boundary.

(d) **Sauk Rapids-Rice Goose Refuge.** The Sauk Rapids-Rice Goose Refuge in Stearns and Benton Counties is open to the taking of geese from September 29 to November 17, 1990, under the established goose regulations for the zone in which it is located. During the dates the Sauk Rapids-Rice Goose Refuge is open to the taking of geese, all waterfowl hunting is prohibited upon or from all public roads and their rights-of-way within the refuge boundary.

(e) **St. James Game Refuge.** The St. James Game Refuge in Watonwan County is open to the taking of geese from September 29 to October 7, 1990, and from November 10 to November 17, 1990, pursuant to the established goose regulations for the zone in which it is located.

Sec. 5. AIRBOATS PROHIBITED ON DESIGNATED LAKES.

The use of airboats is prohibited at all times on lakes which have been designated for wildlife management purposes pursuant to Commissioner's Order No. 2359 or superseding orders.

Sec. 6. OPENING DAY POSSESSION LIMIT.

No person shall have in possession on the opening day of each of the above established seasons more than a single daily limit. Thereafter the possession limits shall apply.

Sec. 7. FIELD LIMIT.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his/her automobile or principal means of land transportation; or (b) his/her personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

Sec. 8. FEDERAL REGULATIONS.

Nothing in this order shall be construed as allowing any hunter to hunt or take any migratory game birds in violation of applicable federal regulations.

Sec. 9. GAME REFUGES AND STATE PARKS.

Except as specifically authorized, none of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

Sec. 10. STEEL SHOT REGULATIONS.

On all lands and waters within the boundaries of the state it is unlawful to take geese, ducks, mergansers, coots or moorhens (gallinules) with lead shot or while having any lead shot in possession. Only shot made of steel or such non-toxic material as may be approved by the Director of the U.S. Fish and Wildlife Service may be used.

Sec. 11. BLINDS AND DECOYS ON PUBLIC LANDS AND PUBLIC WATERS.

(a) **Blinds Deemed Public.** When not in use, any blind located on public land or in public waters is deemed public and not the exclusive property of the person or persons who constructed it. Such blinds are open to use by the public on a first come first served basis. Any use of threat or force against another to gain possession of any such blind shall be unlawful.

(b) **Erecting Blinds and Placing Decoys.** A person may not erect a blind or place decoys in public waters or on public land more than one hour before the open season. During the open season, a person may not place decoys in public waters or on public lands more than one hour before lawful shooting hours.

Sec. 12. MINNESOTA MIGRATORY WATERFOWL STAMP.

Except for residents under the age of 18 and over the age of 65 years, no person who is otherwise required to possess a Minnesota small game license shall hunt or take migratory waterfowl within this state without first purchasing a stamp and having the stamp in possession while hunting or taking migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across its face. People who are hunting on their own property shall not be required to possess a Minnesota waterfowl stamp.

Sec. 13. TRANSPORTATION OF MIGRATORY GAME BIRDS AND WATERFOWL.

At all times until delivery to the taker's residence or a commercial processing facility or until disposed of, migratory game birds must be transported in an undressed condition. An undressed migratory game bird, excluding migratory waterfowl, is one with feet and feathered head intact. An undressed migratory waterfowl is one with a fully feathered wing attached.

Sec. 14. LIVE ANIMALS.

All animals taken pursuant to this order must be killed before being removed from the site where taken.

Sec. 15. DISCHARGE OF FIREARMS BEFORE SHOOTING HOURS PROHIBITED.

Persons who are afield intending to take migratory waterfowl shall not load or discharge any firearm lawful for the taking of migratory waterfowl before legal shooting hours.

Sec. 16. Commissioner's Order No. 2355 is hereby superseded.

Dated at St. Paul, Minnesota, this 30th day of August, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Withdrawn Rules**Board of Chiropractic Examiners****In the Matter of the Proposed Adoption of Rules of the Board of Chiropractic Examiners
Relating to Inactive License Status****Notice of Order Withdrawing Rule**

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners has issued an Order Withdrawing the Proposed Rules Relating to Inactive License Status, *Minnesota Rules* 2500.0100, subparts 3 and 4; 2500.2020; 2500.2030; and 2500.2040. Those rules appeared at 14 S.R. 2529, Monday 30 April 1990. *Minnesota Rules* 2500.0100, subparts 1 and 2; and 2500.1400 are not being withdrawn.

Persons having questions about this matter may contact Janice Le Tourneau at the Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, MN 55114, telephone (612) 642-0591.

Dated: 30 August 1990

Dr. Joel B. Wulff
Executive Director

Official Notices

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.

Health Care Access Commission**Notice of Meeting of Health Care Access Commission**

The next meeting of the Minnesota Health Care Access Commission will be Thursday, September 27, 1990, from 10:00 to 2:00 p.m. at the Crow Wing County Social Service Center in Brainerd, Minnesota. Please call the Health Care Access Commission office, 297-5980, for further information.

Minnesota Historical Society**State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on September 27, 1990 in the Auditorium of the Fort Snelling History Center, Fort Snelling Minnesota. The Preservation office staff will make an informational presentation on program activities at 5:30 p.m. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:00 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, Fort Snelling History Center, St. Paul, MN 55111, (612) 726-1171.

Department of Natural Resources

Division of Fish and Wildlife

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Restitution Values for Wild Animals Illegally Killed, Injured or Possessed

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing restitution values for wild animals killed, injured or possessed in violation of the game and fish laws. The adoption of the rule is authorized by *Minnesota Statutes*, section 97A.345, which permits the agency to prescribe the dollar value to the state of species of wild animals.

The State Department of Natural Resources 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:

Jack Skrypek
Minnesota Department of Natural Resources
Ecological Services Section
500 Lafayette Road
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 297-4219 (Doug Norris) and in person at the above address.

All statements of information and opinions shall be accepted until October 17, 1990. Any written material received by the State Department of Natural 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: 28 August 1990

Joe Alexander
Commissioner

Department of Public Safety

Driver & Vehicle Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Minnesota Rules, Parts 7410.2600 and 7410.2610, Governing Driver License Records

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendments to the rule governing the driver license qualifications, reporting requirements, and cancellation criteria for persons with diabetes. The adoption of the rule is authorized by *Minnesota Statutes*, sections 299A.01 and 14.06, which require the agency to prescribe rules governing these qualifications to implement *Minnesota Statutes*, section 171.04, 171.09, 171.13, and 171.14.

The State Department of Public Safety 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:

Rollie Hunter
Driver & Vehicle Services
151 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-9497 and in person at the above address.

Any written material received by the State Department of Public Safety shall become part of the rule making record to be submitted to the attorney general or administrative law judge in the event that the rule amendment is adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Department of Transportation

Program Management Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Establishment, Vacation, Relocation, Consolidation, and Separation of Grades at Public Grade Crossings and the Revision of Existing Rule Governing Railroads

NOTICE IS HEREBY GIVEN THAT the State Department of Transportation is seeking information and opinions from sources outside the agency in preparing proposed rules that will contain standards, governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings. These rules are to be added to the rules governing Railroad-Highway Grade Crossings and are tentatively proposed to be numbered 8830.2700 and titled "Authorization of railroad grade crossings." The adoption of these rules is authorized by *Minnesota Statutes*, section 219.073, which requires the Commissioner to adopt rules that contain standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings to enhance public safety by reducing the number of grade crossings.

In addition, the department is seeking information and opinions from sources outside the agency in reviewing and revising the existing rules governing railroads, the Minnesota Department of Transportation agency rules, Chapter 8830, regarding:

- Engineering Rules and Specifications
part 8830.0100 through part 8830.0200
- Railroad-Highway Grade Crossings
part 8830.0300 through part 8830.2700
- Railroad Bridges
part 8830.2800 through 8830.2900
- Track Clearances
part 8830.3000
- Safety Reports and Standards
part 8830.3100 through 8830.3300
- Railroad Accounting
part 8830.3400 through part 8830.3500
- Abandonment
part 8830.3600 through part 8830.3700
- Railroad Tariffs
part 8830.3800 through part 8830.3900
- Rail Service Improvements
part 8830.5100 through part 8830.5700
- State Rail Bank Program
part 8830.5800 through part 8830.5860
- Rail User Loan Guarantee Program
part 8830.6100 through part 8830.6700
- Exhibits, Figures, and Tables
part 8830.9900 through part 8830.9950

The State Department of Transportation requests information and comments concerning the subject matter of the rules. Interested persons or groups may submit statements of information or comments on the subject matter orally or in writing. Written comments should be addressed to:

Patricia Schrader
Railroad Administration Section
810 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-0358 and in person at the above address.

Official Notices

All statements of information and comment shall be accepted until November 1, 1990. Any written material received by the State Department of Transportation shall become part of the record in the event that the rules are adopted.

Dated: 7 September 1990

Leonard W. Levine
Commissioner

Department of Transportation

Notice of Appointment and Meeting of State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, September 20, 1990, at 10:00 a.m. in room 500 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of St. Louis Park for a variance from minimum standards on a proposed bridge replacement project on MSAS 280 (Yosemite Avenue) over Minnehaha Creek (Bridge No. 92686) so as to permit a design speed of 20 miles per hour for one horizontal curve instead of the required design speed of 30 miles per hour.

2. Petition of the City of Red Wing for a variance from the State Aid requirement that a street must meet State Aid standards when using State Aid funds to construct sidewalk and from the requirement that only plans approved by the State Aid Engineer prior to award of contract are eligible for State Aid construction funds for a sidewalk construction project on MSAS 127 (West Avenue/Twin Bluff Road), MSAS 109 (Maple Street), MSAS 124 (Pioneer Road) and MSAS 128 (Featherstone Road).

3. Petition of the City of Duluth for a variance from the requirement that a street must meet State Aid requirements when using State Aid funds to construct sidewalk and from the requirement that only those projects for which plans are approved by the State Aid Engineer prior to the award of contract or approval of a force account agreement are eligible for state-aid construction funds for a sidewalk construction project on MSAS 111 (46th Avenue West) from 1st Street to Grand Avenue.

4. Petition of the City of St. Paul for a variance from minimum standards on a proposed reconstruction project on Ramsey County State Aid Highway 64 (Prosperity Avenue) between Rose Avenue and Maryland Avenue so as to permit a design speed of 20 miles per hour for one horizontal curve instead of the required minimum of 30 miles per hour.

The cities previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

- 10:00 a.m. City of St. Louis Park
- 10:20 a.m. City of Red Wing
- 10:50 a.m. City of Duluth
- 11:20 a.m. City of St. Paul

Dated: 7 September 1990

Leonard W. Levine, Commissioner
Minnesota Department of Transportation

Department of Transportation

Petition of the City of St. Louis Park for a Variance from Minimum State Aid Standards for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Louis Park has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed bridge replacement project on MSAS 280 (Yosemite Avenue) over Minnehaha Creek, Bridge Number 92686.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 20 miles per hour for one horizontal curve instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 September 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Red Wing for a Variance from State Aid Requirements for DESIGN SPEED, STREET WIDTH, STRUCTURAL CAPACITY and USE OF STATE AID FUNDS

NOTICE IS HEREBY GIVEN that the City Council of the City of Red Wing has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from the requirement that a street must meet State Aid standards when using State Aid funds to construct sidewalk for a sidewalk construction project on MSAS 156-127-01 (West Avenue/Twin Bluff Road) from Hawthorn Street to Pioneer Road, on MSAS 156-109-03 (Maple Street) from West Avenue to Mason Street and from the requirement that only those plans approved by the State Aid Engineer prior to the award of contract are eligible for State Aid Construction Funds for MSAS 156-127-01, MSAS 156-109-03, and for MSAS 156-124-03 (Pioneer Road) and for MSAS 156-128-03 (Featherstone Road).

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.3100 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit West Avenue/Twin Bluff Road to remain at the current 40 foot width instead of the required 44 feet, and to permit 2 vertical curves at 24 miles per hour to remain in place instead of the required 30 miles per hour, and to permit Maple Street to remain at less than the required 9 Ton structural capacity and from 8820.2800 so as to permit the use of State Aid funds to finance MSAS 156-109-03, MSAS 156-124-03, MSAS 156-127-01 and MSAS 156-128-03.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 September 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Duluth for Variances from State Aid Requirements for USE OF STATE AID FUNDS

NOTICE IS HEREBY GIVEN that the City Council of the City of Duluth has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from the requirement that a street must meet State Aid standards when using State Aid funds to construct sidewalk and from the requirement that only those projects for which plans are approved by the State Aid Engineer prior to the award of contract or approval of a force account agreement are eligible for state-aid construction funds for a sidewalk construction project on MSAS 111 (46th Avenue West) from 1st Street to Grand Avenue.

The request is for variances from *Minnesota Rules* for State Aid Operations 8820.2800 and 8820.3100 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the use of State Aid funds to finance sidewalk construction on 46th Avenue West which is 48 feet wide instead of the required minimum of 50 feet for four traffic lanes and no parking lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 September 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of St. Paul for a Variance from Minimum State Aid Standards for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Paul has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on Ramsey County State Aid Highway 64 (Prosperity Avenue) between Rose Avenue and Maryland Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 20 miles per hour for one horizontal curve instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 September 1990

Leonard W. Levine
Commissioner

Board of Water and Soil Resources

Notice of Regular Monthly Meeting

The Board of Water and Soil Resources will hold their regularly scheduled monthly meeting on Wednesday, September 26, 1990, at the Harbor Lights in Grand Marais, Minnesota. The meeting will begin at 9:00 a.m.

Board of Water and Soil Resources

Outside Information or Opinions Sought Regarding Proposed Rule Governing Watershed Management Plans for the Seven County Metropolitan Area

NOTICE IS HEREBY GIVEN that the Board of Water and Soil Resources is seeking information or opinions from sources outside the agency prior to the agency's preparation of rules governing the development and implementation of watershed management plans within the Seven County Metropolitan Area. The rule making effort is authorized by *Minnesota Statutes, Laws of 1990*, Chapter 601. The subject watershed management plans are required by *Minnesota Statutes* Section 103B.201 to 103B.251.

The Board is establishing an advisory committee comprised of affected and interested parties and will be meeting periodically until about June, 1991. In addition to the input provided by the advisory committee, the Board welcomes information and opinions concerning the subject matter of the rule from parties not represented on the committee. Written statements should be addressed to Bruce Sandstrom, 155 South Wabasha St., Suite 104, St. Paul, MN 55107. Further information or a copy of the advisory committee membership can be obtained by calling Mr. Sandstrom at 297-4958.

All written statements of information and opinions shall be accepted until October 30, 1990. Interested parties are encouraged to channel their concerns and input to a local representative on the advisory committee.

Dated: 17 September 1990

Jim Birkholz, Executive Director

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

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

Commodity: 1991—15 passenger van
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: September 21
Agency: Correctional Camp
Deliver to: Willow River
Requisition #: 78890-02799

Commodity: Elevator maintenance
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: September 27
Agency: State University
Deliver to: Winona
Requisition #: Price contract

Commodity: IBM PS/2's—no sub
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 25
Agency: State University
Deliver to: Moorhead
Requisition #: 26072-02468

Commodity: Northgate Computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: September 20
Agency: State University
Deliver to: Mankato
Requisition #: 26071-46412-01

Commodity: IBM PS/2's—no substitute—rebid
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 24
Agency: State University
Deliver to: Moorhead
Requisition #: 26072-02473-1

Commodity: Tympanometer
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: September 21
Agency: Human Services Regional Treatment Center
Deliver to: Faribault
Requisition #: 55303-15271

Commodity: Amiga Computer System
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: September 24
Agency: Center for Arts Education
Deliver to: Golden Valley
Requisition #: 25000-10227-01

Commodity: Furnish & install windows
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: September 27
Agency: State University
Deliver to: Winona
Requisition #: 26074-13603

Commodity: Lamps; photographic, flash and multi-flash cubes
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: October 6
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, Monday edition only, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, Monday and Thursday editions, 1 year	\$195.00	90-1
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Trial State Register, 3-months, Monday and Thursday	\$ 60.00	90-2
Human Services Bulletin List	\$ 55.00	90-7	Tax Court/Property Decisions	\$225.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$285.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
			Workers Compensation Decisions Vol. 41	\$110.00	90-13
			Minnesota Rules, Set + Supplement	\$160.00	18/200

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

State Contracts and Advertised Bids

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.

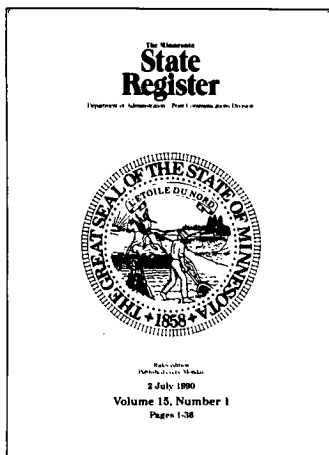
Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Reprint, 20M 204 pages + cover, 8½"x11" book, camera ready, six halftones, perfect bind
Contact: Printing Buyer's Office
Bids are due at 2pm: September 25
Agency: Anoka Ramsey Community College
Deliver to: Coon Rapids
Requisition #: 11383

Commodity: International Operating Authority Agreement I.D., 10M 8½"x3¾" overall, fan fold 3-up, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 21
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 11339

Commodity: Employers Statement of Account, 125M 3-part sets, 8½"x11" detached, type to set, 1-sided part 3; 2-sided parts 1, 2, punch for pinfeed
Contact: Printing Buyer's Office
Bids are due: September 21
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 11328

The "inside scoop" on OVER \$1 BILLION in annual business contracts.



Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **STATE REGISTER**, the most complete listing of state contracts available. Just a *sampling* of contracts includes: professional, technical and consulting services, commodities, printing, equipment, supplies, food items, and a wide variety of special services.

For only \$4 a week you can have delivered to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **STATE REGISTER**, now appearing TWICE A WEEK.

You will also have the *most comprehensive listing* of contract awards. And you'll receive the source of state agency rulemaking governing business, the professions and regulated occupations. You'll also get official notices, executive orders of the governor, supreme court and tax court decisions, a calendar of supreme court cases, state grants, and other special announcements.

An annual subscription is \$195 for both the Monday and Thursday editions, or \$140 for just the Monday edition if you're only interested in state agency rulemaking information. A 13-week trial subscription for \$60 includes both the Monday and Thursday editions. MasterCard/VISA and American Express orders can be taken over the phone, otherwise prepayment is required. Send, or FAX (612/296-2265), your orders to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Let us bring you the business of state government. Subscribe to the **STATE REGISTER** today, or call (612) 296-0931 for more information.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

Motor Vehicle Traffic Laws 1989—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$15.95.

Criminal Code & Selected Statutes 1989—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

Blue Binder—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Professional, Technical & Consulting Contracts

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.

Department of Administration

InterTechnologies Group

Notice of Request for Proposal for Consultant Services to Conduct a Cost and Services Management Study

The Department of Administration InterTechnologies Group (InterTech), is requesting a proposal (RFP) for conducting a comprehensive cost and service management study. From these proposals, a vendor or vendors will be selected to complete the study.

This request for proposal does not obligate the State to complete the project and the State reserves the right to cancel this RFP if it is considered to be in its best interest.

I. SCOPE OF PROJECT

To examine short-term and long-term decision-making by InterTech and its major customer agencies with the purpose of determining how to decrease, avoid, contain, and manage the cost of electronic data processing to the Minnesota taxpayer both at InterTech and at its customer agencies. The customer agencies include the departments of: Human Services, Public Safety, Transportation, Revenue, Employee Relations, and Finance.

II. OBJECTIVES

A report which analyzes how InterTech's and its major customer agencies' decisions cause costs to be incurred in electronic data processing.

A report which analyzes how InterTech and agency system offices can better determine customer needs and respond to them through provision of choices in service offerings that would allow customers to balance the level and function of services with their costs.

Consulting advice to help the project staff, InterTech Board, and InterTech and customer agency management increase their understanding of cost and service management principles and practices.

III. PROJECT TASKS

1. To compare cost of InterTech's services with those of similar organizations in order to identify "targets of opportunity" for cost reduction.
2. To analyze InterTech's direct and indirect costs of production to identify whose needs are being met by the expenditures, and how the decisions are being made to meet those needs.
3. To examine peak processing workloads and determine how they can be flattened through pricing alternatives and work-schedule management.
 - a. Analyze TSO, production batch, non-production batch, and CICS workloads to determine when daily peaks occur.
 - b. Propose a peak versus off-peak pricing strategy.
 - c. Analyze peak workloads to determine if work schedule management could be used to help flatten peak workloads.
 - d. Examine whether application redesign may help flatten peak workloads.
4. To analyze and identify specific budget reductions in both InterTech and customer agency data processing budgets.
 - a. Assist InterTech cost pool managers in determining specific budget reductions, and the service implications of those reductions.
 - b. Assist agency data processing and project managers in identifying data processing functions that are redundant with those provided by other agencies or by InterTech, and make recommendations on the consolidation of those functions.
 - c. Analyze and make recommendations on the data processing budget review processes in InterTech and in the agencies with the purpose of better controlling overall state expenditures on data processing.
5. To determine if InterTech and agency system office services can be re-bundled in different configurations to provide customers with choices concerning their purchase of data processing services.
 - a. Work with InterTech and agency staff to analyze both InterTech's and agency system offices' service offerings and make recommendations on which services might be offered on a fee-for-service basis.

Professional, Technical & Consulting Contracts

b. Work with InterTech and agency staff to analyze whether InterTech should pursue offering alternative configurations of hardware and software to different customers, and whether this could be done on a cost-effective basis.

6. To determine if there are structural cost and service balancing options that InterTech and its customers can and should be pursuing over time.

a. Assist InterTech and agency management in determining whether opportunities or needs exist for outsourcing of service provision both short-term and long-term.

b. Analyze the costs of leasing versus purchasing data processing hardware to meet future demand growth.

c. Make recommendations on the possibilities for cooperative processing in the design of new application systems, or the retrofitting of existing ones.

IV. DEPARTMENT CONTACTS

Prospective responders who have any questions regarding this request may call or write:

Mr. Stephen A. Harper
Management Information Administrator
InterTechnologies Group
Department of Administration
State of Minnesota
Centennial Building, 5th Floor
658 Cedar Street
St. Paul, MN 55155
(612) 297-4544

PLEASE NOTE: Other department personnel are not permitted to discuss the project with responders before the deadline for submittal of proposals.

V. SUBMISSION OF PROPOSALS

All proposals must be sent to:

Mr. Stephen A. Harper
Management Information Administrator
InterTechnologies Group
Department of Administration
State of Minnesota
Centennial Building, 5th Floor
658 Cedar Street
St. Paul, MN 55155
(612) 297-4544

In accordance with the provisions of *Minnesota Statutes*, 1990 supplement, section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following: 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or 2) a letter from Human Rights certifying that your firm has been approved for a current certificate of compliance; or 3) a notarized letter certifying that your firm has not had more than 20 full-time employees at any time during the previous twelve (12) months.

All proposals must be received by 4:30 p.m. on Friday, October 5, 1990. Late proposals will not be accepted. Include two (2) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project and may not be conditioned on subsequent approvals by the bidder.

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

In accordance with the provisions of *Minnesota Statutes* Chapter 16B.19, Subdivision 2C, Paragraph C (Targeted Group Subcontractor Requirements), as a condition of approving a contract for consultant, professional, or technical services in excess of \$100,000, the prime contractor may be required to subcontract a portion of the contract to small targeted group (T.G.) businesses. The list of T.G. companies certified by the Division of Material Management, Customer and Vendor Services is available from the Helpline, 296-2600. The subcontracting requirement does not apply to prime contractors who are small targeted group businesses. Contractors are

Professional, Technical & Consulting Contracts

encouraged to investigate the use of targeted group businesses (T.G.) as subcontractors for projects where T.G. subcontracting requirements have not been established.

VI. PROJECT COSTS

The Department has estimated that the cost of this project should not exceed \$120,000 for professional services and expenses.

VII. PROJECT COMPLETION SCHEDULE

March 1, 1991: Overall completion of project and final report

VII. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

- A. A restatement of the objectives to show or demonstrate the responder's view of the nature of the project.
- B. Identification and description of the deliverables to be provided by the responder.
- C. An outline of the responder's background and experience with particular emphasis on experience with electronic data processing cost and service management in an IBM environment, experience with local, state, and federal government. Identification of personnel to conduct the project and indication of their training and work experience. Change in personnel assigned to the project will be permitted only with the approval of the state project manager.
- D. A detailed cost and work plan which will identify the major activities to be accomplished in order to complete project tasks on schedule. The plan will include all costs, including personnel, software, hardware, and other resources. This plan will be used as a project scheduling and managing tool as well as the basis for invoicing.
- E. Identification of the extent of the Department's participation in the project as well as any other services to be provided by the Department.

IX. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Department of Administration. An interview may be part of the evaluation process, at the evaluator's discretion. Factors upon which proposals will be judged include, but are not limited to, the following:

- A. Ability to assure availability of personnel and other resources to meet project deadlines.
- B. Expressed understanding of project objectives.
- C. Project work plan.
- D. Project cost detail.
- E. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by two weeks after the deadline for submission of proposals. Notification as to the bidder selected will be mailed immediately thereafter to all responders.

Final draft dated: 6 September 1990

State Designer Selection Board

Request for Proposal for a Project at Vermilion Community College

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for a Project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., October 9, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

Professional, Technical & Consulting Contracts

4) *Mandatory Proposal contents in sequence:*

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) *Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;

or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7) **PROJECT—29-90**

Classroom/Laboratory Addition
Vermilion Community College

Provide full architecture and engineering services from Schematic Design through contract administration for a classroom and laboratory addition to the existing campus. The maximum allowable expenditure is \$1,050,000.00 for construction, fees, furnishings and equipment, art and miscellaneous. The project may be expanded to include office and laboratory space for the Natural Resources Research Institute of the University of Minnesota. If this occurs the budget will be augmented by the University of Minnesota.

Experience with higher education facilities, demonstrated ability to design within the budget and ability to integrate new construction with existing facilities are important criteria.

Questions concerning this project may be referred to Dan Brennan at (612) 296-8952.

Richard F. Whiteman, Chairman
State Designer Selection Board

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for Assessment of Department Personnel for Job Related Satisfaction and Opportunities for Team Building

PURPOSE:

The Minnesota Department of Health (MDH) has funds available to conduct an assessment of job related satisfaction and opportunities for team building among personnel of the Minnesota Department of Health (MDH) AIDS/STD Prevention Services Section and other related staff in MDH and other public health staff.

AMOUNT

\$20,000 to start—may be amended to add funding and projects that would be identified.

DURATION

Two years with MDH's option to extend two years.

ELIGIBILITY CRITERIA

Any agency that can demonstrate administrative, organizational, programmatic and fiscal capability to deliver proposed services.

PROPOSALS

Copies of the Request for Proposal for Contract Services are available from:

Laurel Hoff, R.N., M.P.H., Program Manager
Disease Intervention Unit
AIDS/STD Prevention Services Section
Minnesota Department of Health
(612) 623-5698

Please submit 7 copies of the completed proposal by:

4:30 p.m. on October 9, 1990 to:

Minnesota Department of Health
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440

Attention: AIDS/STD Prevention Services Section, Room 235

Department of Human Services

Chemical Dependency Program Division

Notice of Request for Applications for Hiring an Independent Consultant to Develop a Plan Including Recommendations for Chemical Abuse Services for African American Youth in the Summit-University Community of St. Paul, Minnesota

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter CDPD) is soliciting applications for the hiring of an independent consultant to develop a plan for chemical abuse programs for African American youth in the Summit-University area of St. Paul, Minnesota. The plan must address the culturally-based drug prevention, treatment, and aftercare needs of high-risk youth in the Summit-University community. This plan is due December 1, 1990. It will be submitted to the Department of Human Services to present recommendations to the legislature by January 1, 1991. A total of \$30,000 is available for this project. Of this amount, up to \$15,000 will be available to hire a consultant to fill the position of Planner/Writer. The person hired for this position would begin on or about October 15, 1990 and continue for a minimum of 12 weeks.

All requests for further information or copies of the complete Request for Applications (RFA) including detailed project and job descriptions can be obtained by contacting Ruthie Dallas at 612/296-3504. Budget and fund usage questions should be addressed to John Gostovich at 612/296-4608.

Professional, Technical & Consulting Contracts

Interested persons in response to the RFA must submit an application package which should include a resume and portfolio to Ruthie Dallas. Eight copies of the resume which includes the original and a copy of portfolio must be in the CDPD office, 2nd floor, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3823, no later than 4:20 p.m. on October 8, 1990. Application information submitted by mail must have a legible U.S. Postal Service postmark date of no later than October 5, 1990.

CDPD reserves the right to reject any and all proposals and apply funds to another purpose. CDPD shall not be held responsible for any costs incurred in the preparation or submission of application materials or for any project activity prior to a notice of funding encumbrance after completion of a formal contractual agreement.

Department of Human Services

Children's Services Division

Notice of Request for Proposals for Innovative Programs Which Serve Children at Risk Due to Parental Substance Abuse

The Children's Services Division of the Department of Human Services is soliciting proposals for projects which will provide child welfare services to caretakers who are currently on probation and have identified chemical abuse problems. Eligible applicants are county social service or corrections agencies that exist in counties where child protection intake accepts over 500 reports of maltreatment per year. Social service and corrections may apply separately or in conjunction for these funds. A total of \$970,000.00 is available for funding of one or more qualified grantees. The grant is funded through state fiscal year 1991 and is expected to be funded through fiscal year 1992 based upon successful first year implementation. The funded service(s) will begin in November, 1990.

These projects will recruit and specifically train family based service aides to work with families where the caretaker is on probation and has chemical abuse problems. Child protection social workers will be hired with funds from the grant to provide child welfare services, case management and supervision to the family based service aides. A high degree of coordination between corrections and social services will be a feature of this project.

All requests for copies of the complete RFP or for further information should be directed to Stephen D. Vonderharr at 612-296-4309. Six copies of the proposals in response to this RFP must be submitted to the Children's Services Division, Department of Human Services, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than 4:20 p.m. on **October 26, 1990**.

Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Waste Control Commission

Public Notice for Prequalification for Engineering Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the System-Wide Space Needs Analysis Project, MWCC Project Number 875390. The project will evaluate the Commission's space needs at its various facilities throughout the 7-county metro area.

Firms interested in being considered for this project are invited to submit a letter requesting a Pre-Qualification Submittal package. All completed, Pre-Qualification Submittal packages must be submitted by October 1, 1990.

All inquiries and submittals are to be addressed to Mr. Harold P. Voth, Project Manager, Metropolitan Waste Control Commission, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101, (612) 229-2171.

By Order of the
Metropolitan Waste Control Commission
Mr. Gordon O. Voss
Chief Administrator

State Grants

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.

Department of Human Services

Chemical Dependency Program Division

Notice of Intent to Identify the Need for a Competitive Bid Process on Existing Grants

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of the grant award to the Institute of Black Chemical Abuse in the areas of prevention resources for culturally specific populations. The CDPD will open these grants to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost.

Potential vendors should submit a letter outlining their qualifications to provide the services described to Sharon Johnson, 444 Lafayette Road, St. Paul, MN 55155-3823 no later than close of business (4:20 p.m.) Monday, October 1, 1990. The Institute on Black Chemical Abuse is for approximately \$85,000. The purpose of this grant with IBCA is to provide education and prevention strategies for the Black community. Activities include: social policy implementation and maintenance at appropriate sites; conduct educational sessions specific to the Black culture; provide community education booths; provide assistance to groups sponsoring prevention activities; develop new materials as the needs are identified; and maintain a recordkeeping system on grant related activity.

Department of Trade & Economic Development

Request for Proposals from Cities for Planning, Engineering and Acquisition of Public Facilities Project Site

The Community Development Division is requesting proposals from cities that presently do not have municipal water and wastewater facilities and is in a tourism-intensive area for the purpose of planning, engineering, and acquisition of a site for a public facilities project. Interested cities should submit a proposal to:

Department of Trade and Economic Development
Community Development Division

PROPOSAL CONTENT

The Division is interested in a city that can demonstrate that:

1. The city's main industry is tourism.
2. The city has no municipal wastewater collection and treatment facilities and has no public water system.
3. It is on the Minnesota Pollution Control Agency's Municipal Needs list.
4. It has a limited capacity to fund public facilities projects.
5. It has demonstrated a need for financial assistance for planning, engineering and acquisition of a site for a public facility project.

ADDITIONAL INFORMATION REQUIRED

1. A comprehensive evaluation of the city's overall public facility needs, including financial capacity to fund those needs.
2. A comprehensive proposal for a public facilities project including a work plan for planning, engineering, and acquisition according to Minnesota Pollution Control Agency's specifications.
3. A projected budget and time frame for the establishment of a public facilities project.

SUBMISSION OF PROPOSALS

All proposals must be submitted by 4:30 p.m., Friday, October 5, 1990 to Michael Dees, Community Development Division, Department of Trade and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101-1421. Prospective respondents are encouraged to contact Mr. Dees at 612/296-2262.

COMPLETION DATE

March 1, 1991

State Grants

EVALUATION

Proposals will be reviewed for:

1. A thorough response to the identified items under proposal content.
2. Presence of sufficient understanding of the establishment of a public facilities project.

Minnesota Office of Waste Management

Notice of Grant Funds Available for Management of Hazardous and Solid Waste Litter Program

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to industry and local governments to encourage the proper management of hazardous and solid waste. In the area of solid waste, the OWM's objective is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The OWM's Solid Waste Grants Unit provides financial and technical assistance to local governments that develop and implement projects to accomplish this objective.

This notice is issued by the Director of the OWM (Director) under authority provided in *Minnesota Rules* Parts 9210.0500 to 9210.0570. Under this authority, the OWM has established the Solid Waste Litter Prevention, Control, and Abatement (**LITTER**) **Grant Program**, which provides grants to counties projects that prevent, control, or abate litter.

The purpose of this notice is to solicit applications for projects that meet the **LITTER program** objectives.

The **LITTER Program** is intended to encourage and assist the development and implementation of litter prevention, control, and abatement projects, and to transfer the knowledge and experience gained from those projects to other communities in the state.

Counties are eligible to apply for grant assistance for projects that eliminate or reduce the improper disposal of solid waste, or contain or remove existing litter. To be eligible, a county must include plans to prevent, control, or abate litter in its solid waste management plan or solid waste master plan.

The OWM has approximately \$150,000 available for **LITTER grants**. **LITTER projects** may receive grants equal to 50 percent of the eligible project costs or \$20,000, whichever is less.

Copies of the **LITTER Procedures Manual**, including the rules applicable to the program, and application forms are available by contacting:

Thomas Osdoba
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
612-649-5773 or 1-800-652-9747 (toll-free in Minnesota)

Applications meeting the requirements of *Minnesota Rules* Parts 9210.0500 to 9210.0570 must be received by the OWM at the above address by 5:00 p.m., CST, Friday, December 14, 1990.

Minnesota Office of Waste Management

Notice of Request for Proposals for Management of Hazardous and Solid Waste Low Tech Grant Program

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to industry and local governments to encourage the proper management of hazardous and solid waste. In the area of solid waste, the OWM's objective is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The OWM's Solid Waste Grants Unit provides financial and technical assistance to local governments that develop and implement projects to accomplish this objective.

This notice is issued by the Director of the OWM (Director) under authority provided in *Minnesota Rules* Parts 9210.0400 to 9210.0460. Under this authority, the OWM has established the Solid Waste Separation (**LOW-TECH**) **Grant Program**, which provides grants to local governments, or other organizations working with local governments, for solid waste separation projects.

The purpose of this notice is to solicit proposals for projects that meet the objectives of the **LOW-TECH Program**.

The **LOW-TECH Program** is intended to encourage and assist the development and implementation of solid waste separation projects, and to transfer the knowledge and experience gained from those projects to other communities in the state. In 1990, the

OWM has revised the rules governing the program to reflect changes in Minnesota's solid waste management priorities. As revised, *Minnesota Rules* Part 9210.0410 states that:

Applicants are encouraged to develop solid waste separation projects that are innovative in terms of the materials to be separated, the institutional arrangements to implement the project, or the technologies to separate materials or collect separated materials.

The OWM has approximately \$400,000 available for **LOW-TECH Program** grants. **LOW-TECH projects** may receive grants equal to 50 percent of the eligible project costs or \$50,000, whichever is less.

Copies of the Request for Proposals, including the rules applicable to the program, are available by contacting:

Thomas Osdoba
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
612-649-5773 or 1-800-652-9747 (toll-free in Minnesota)

Proposals meeting the requirements of *Minnesota Rules* Parts 9210.0400 to 9210.0460 must be received by the OWM at the above address by 5:00 p.m., CST, Friday, December 14, 1990.

Supreme Court Decisions, Opinions & Rules

Orders Filed 14 September 1990

C2-89-934 In Re the Petition for Reinstatement of James W. Hunter, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Reinstated. Popovich, C.J.

Announcements

Environmental Quality Board (EQB): Comments are due October 3 on the EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **89th, 92nd, and Humboldt Avenue Improvements**, City of Brooklyn Park (612) 424-8000 • A public hearing will be held on the **Mankato South Route** Oct. 2 at Mankato East High School, 2600 Hoffman Rd., Mankato. Comments are due by Oct. 12, (507) 625-3281. • The EQB Office of Environmental Education and the MN Dept. of Education will jointly sponsor an Environmental Education conference Oct. 26-27 at the Airport Hilton in Minneapolis. Call (612) 296-2723 for information. • An alternate review scoping document is being composed for **T.H. 371-New Construction**. Contact the Minnesota Dept. of Transportation (MnDOT).

Twin Cities Ranking in Retail, Wholesale Sales in U.S.: The Twin Cities Area in 1987 ranked 13th in retail sales among large metropolitan areas in the U.S., through it ranked 16th in population. The region's wholesale sales are even more impressive—the Twin Cities Area ranked 11th, according to a new Metropolitan Council report. The area ranked seventh in per capita retail sales, surpassed only by Miami-Fort Lauderdale, Boston, Atlanta, Washington, Dallas-Fort Worth and Tampa-St. Petersburg. "This rank can be attributed, in part, to the vast rural trade area which brings in shoppers not only from outstate Minnesota but also from Wisconsin, Iowa, the Dakotas and Canada," said Marlin Gilhousen, author of the report. "There is not a competing retail center between Chicago and the West Coast." The new report, *Selected Data from the 1987 Special Censuses*, provides data on wholesale and retail sales and service-industry receipts in the 20 largest metropolitan statistical areas in the nation. The data is gathered by the U.S. Department of Commerce every five years. *Selected Data from the 1987 Special Census* is available from the Data Center at the Metropolitan Council. Copies are \$2 and can be obtained by writing the Metropolitan Council Data Center at Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

Recycling Survey Results: Many Twin Cities Area residents have heard and answered the call to recycle more of their trash and more often. A University of Minnesota survey of 800 people last winter found that 88 percent of the seven-county Metro Area's households said they recycled newspapers, cans or glass last year. That figure compares with 62 percent in 1984. Newspapers were recycled by 87 percent of area households in 1989. That compares with only 36 percent that recycled newspapers, cardboard and/or magazines five years earlier. Last year, 95 percent of the households recycled aluminum cans and 61 percent recycled metal and other cans. Those rates are up from 49 percent that recycled aluminum, metal and other cans in '84. Glass

Announcements

recycling soared from 18 percent in '84 to 74 percent last year. People also said they were recycling more frequently. Last year, about half said their household recycled more than once a month. In '84, about two-thirds recycled every two to three months or less frequently.

Arts Board Looking for Panelists: The Minnesota State Arts Board is seeking nominations for individuals to serve on volunteer advisory panels for its grant programs. The Arts Board will make appointments for all sixteen panels in the fall and winter of 1990; panels will meet during 1991 and 1992. Arts Board panelists are selected from throughout the state, and represent every artistic discipline. Panelists donate their time to read applications, review work samples, and make funding recommendations to the Arts Board. They are appointed for one year, but may be reappointed for up to three consecutive years. To be considered, nominees must have experience in at least one of the following areas: an artistic discipline; arts in education; or nonprofit financial or organizational management. Individuals who are interested in serving as panelists or in nominating another person should contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102, (612) 297-2603, or toll-free in Minnesota at (800) 652-9747, for information and nomination materials.

Arts Board Grant Deadlines Approaching: Deadlines are approaching for a number of Arts Board programs; artists and arts organizations should request as soon as possible for the following Fall and Winter deadlines. • **September 14** Visual Arts, Photography, Film & Video Fellowships • **October 1** Career Opportunity Grants • **October 15** Music and Dance Fellowships • **November 15** Folk Arts Sponsorship Grants • **December 3** Headlands Residency Project • **December 3** Prose, Poetry, and Theater Arts Fellowships • **December 17** Career Opportunity Grants. For more information and application forms, contact the Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, MN 55102, (612) 297-2603, or toll-free from greater Minnesota, (800) 652-9747.

Arts Board to Meet in Marshall: Each year, the Minnesota State Arts Board holds one of its regular meetings outside the Twin Cities metro area. This year the board will meet on Thursday, September 27, at the Best Western Marshall Inn. The evening prior to the meeting the Arts Board and staff plan to attend a reception hosted by the Southwest Minnesota Arts and Humanities Council and the Marshall Area Fine Arts Council at the Whipple Gallery in the Southwest State University Library. Open Meeting Law guidelines will be in effect. For more information on this meeting, or the Arts Board in general, call (612) 297-2603 or toll-free from Greater Minnesota at (800) 652-9747.

Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

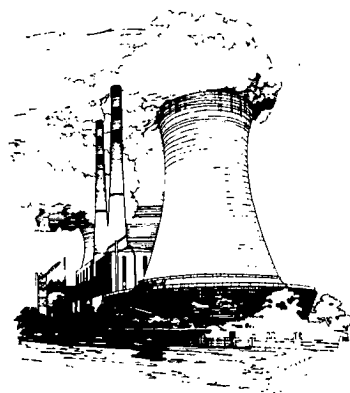
1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155. FAX: (612) 296-2265.

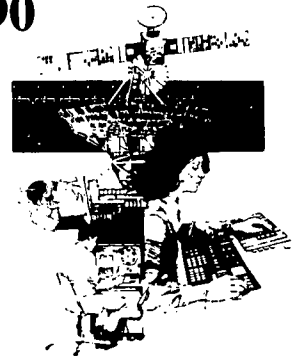
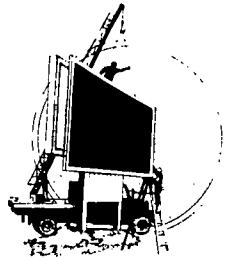
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota Manufacturer's Directory 1989-90



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

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