

83 Aug. 29

# STATE REGISTER

STATE OF MINNESOTA

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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 8			
10	Monday Aug 22	Monday Aug 29	Monday Sept 5
11	Monday Aug 29	Monday Sept 5	Monday Sept 12
12	Monday Sept 5	Monday Sept 12	Monday Sept 19
13	Monday Sept 12	Monday Sept 19	Monday Sept 26

\*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 Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

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# PROPOSED RULES

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Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Department of Economic Security

### Proposed Temporary Rule Governing the Procedures to Implement the Work Requirements of Laws 1983, Chapter 312, Article 8, Sections 10, 11, 12, and 13

#### Request for Public Comment

Notice is hereby given that the Minnesota Department of Economic Security has proposed the following temporary rule for the purpose of implementing the work requirements of The General Assistance Grants and Allowances program pursuant to Laws 1983, Chapter 312, Article 8. All interested persons are hereby afforded the opportunity to submit written comments on the proposed temporary rule for 20 days immediately following publication of this material in the *State Register* by writing to:

James L. Haynes  
Office of Intergovernmental and Community Relations  
Minnesota Department of Economic Security  
690 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Authority for the adoption of this rule is contained in Laws of 1983, chapter 312, article 8, sections 10, 12, and 13, and Minnesota Statutes § 268.021. The proposed temporary rule may be revised on the basis of the comments received. Any written material received will become a part of the record in the final adoption of the temporary rule. As required by the Administrative Procedure Act, this temporary rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

August 8, 1983

Barbara Beerhalter  
Commissioner

#### Temporary Rule as Proposed (all new material)

8 MCAR § 4.0101 [Temporary] General assistance; grants and allowances.

A. Purpose. These rules clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8 whose implementation are the sole responsibility of the Department of Economic Security or the joint responsibility of the Department of Economic Security and the Department of Public Welfare. Nothing in these rules shall preclude an individual from participating in the full range of services of the Department of Economic Security.

B. Local agency. As used in this rule "local agency" means the county welfare boards in the several counties of the state, except that it may also include any multi-county welfare boards or departments if they have been established in accordance with law.

C. Available for work. As used in Minnesota Statutes, section 256D.111, subdivision 1, an individual is not available for work for the purposes of Minnesota Statutes, section 256D.111, subdivision 1, with respect to any week which occurs in a period

when the individual is a full-time student in attendance at, or on vacation from, an established school, college, or university unless in a vocational-technical training program for economically disadvantaged persons under the Federal Job Training Partnership Act or the Work Incentive Program. Available for work means available for full-time work unless the individual's health would limit availability to less than full-time work.

D. Reasonable reporting. As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means the recipient will report at least monthly to the Department of Economic Security office with which the recipient is registered or as provided in the recipient's employability development plan. The method of reporting, whether in person, by telephone, or by mail, shall be as prescribed by the Department of Economic Security. The reporting shall be in accordance with the format provided by the Department of Economic Security.

E. Job search requirements. As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the conditions of an employability development plan prepared by the Department of Economic Security in consultation with the recipient tailored to local labor market conditions and the recipient's skills, knowledge, and abilities, and designed to result in the recipient obtaining employment.

F. Suitable employment. As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, meets all required health and safety standards, and which the individual is physically and mentally able to perform.

G. Unemployable. As used in Minnesota Statutes, section 256D.111, subdivision 2(k), "unemployable" describes a recipient who:

1. during the normal course of an employment application interview is considered by the Department of Economic Security to be unable to meet employer requirements for jobs which are the least competitive and the least demanding; and
2. further evaluation and assessment confirm limitations which cannot be sufficiently corrected through available job training or other employability development programs.

A determination of unemployability shall be made independent of the existence of job openings. The determination will remain in effect until the causes of the unemployability have been removed, but in no case shall the determination of unemployable remain in effect more than one year.

H. Noncompliance. As used in Minnesota Statutes, section 256D.111, subdivision 4, "noncompliance" means that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. In the absence of good cause, a determination of noncompliance may be established with respect to the following:

1. failure to be available for work;
2. failure to comply with reasonable reporting or job search requirements;
3. failure to accept an offer of suitable employment; or
4. voluntary termination from a Minnesota Emergency Employment Development job or other suitable employment.

A final determination of failure to comply with the requirements in Minnesota Statutes, section 256D.111, subdivision 1, shall be established in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings on the determination of noncompliance must be conducted in accordance with the procedures in the Department of Economic Security, Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program (revised April 1983).

Following a final determination of noncompliance, the commissioner of the Department of Economic Security shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1.

Once a final determination of noncompliance has been made, the commissioner of the Department of Economic Security shall terminate the recipient's cash allowance.

I. Not able to successfully perform job. As used in Minnesota Statutes, section 256D.112, clause 1, an individual will be considered "not able to successfully perform a job" available through the jobs program if:

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

## **PROPOSED RULES**

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1. Following placement in a job reasonably compatible with the individual's skill level and using the same corrective steps as the employer would normally use with other employees in order to improve performance, the employer determines that the individual is unable to carry out tasks required in the job obtained through the Minnesota Emergency Employment Development program; or

2. The individual presents medical evidence from a licensed medical authority that the individual is temporarily or permanently unable to carry out the tasks required in the job obtained through the Minnesota Emergency Employment Development program.

J. Unlikely to secure job. As used in Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of conditions including, but not limited to, the following:

1. The individual has inadequate preparation or job experience for the jobs available through the Minnesota Emergency Employment Development program; or

2. Minnesota Emergency Employment Development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour.

K. Application process. As used in Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner of the Department of Economic Security for services under the Minnesota Emergency Employment Development jobs program.

Persons found eligible for the Minnesota Emergency Employment Development program must be referred to an employment administrator for program services. The referral must be in writing and include the address of the employment administrator to which the applicant is being referred.

If a person contests a finding by the Department of Economic Security of the ineligibility for the cash allowance or the amount of the allowance, the person's application will be referred to an official designated by the commissioner of economic security for a redetermination of eligibility. If the individual is then found eligible, payment of the cash allowance provided under Minnesota Statutes, section 268.81, if any, shall be computed to cover the time period starting with the date of application to the Department of Economic Security, or if the applicant was not eligible on that date, the subsequent date on which the applicant first became eligible.

Appeals resulting from a redetermination of eligibility will be handled in accordance with procedures under Minnesota Statutes, section 256D.10.

L. Allowance. As used in Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner of the Department of Economic Security to individuals satisfying the eligibility standards in Minnesota Statutes, section 256D.01 to 256D.21, who are accepted for participation in the Minnesota Emergency Employment Development jobs program.

The commissioner of the Department of Economic Security shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of public welfare for the general assistance program. The initial allowance from the commissioner of the Department of Economic Security will be paid upon the expiration of the period covered by the one month grant from the local agency. The payments must be made within ten working days following the recipient's acceptance into the Minnesota Emergency Employment Development program provided that in accordance with the foregoing sentence, in no case will the payment be made before the expiration date of the one month grant from the local agency. Subsequent payments will be made at one month intervals.

The Department of Economic Security must make eligibility determinations pursuant to the standards of Minnesota Statutes, sections 256D.01 to 256D.21, for individuals applying to the Department of Economic Security for services under the Minnesota Emergency Employment Development program who were not referred by the local agency. Persons satisfying the eligibility standards set forth in Minnesota Statutes, sections 256D.01 to 256D.21 and accepted for participation in the Minnesota Emergency Employment Development program must be paid a cash allowance by the commissioner of the Department of Economic Security. The allowance will be paid in accordance with the assistance standards established by the commissioner of public welfare for the general assistance program.

## **Department of Economic Security**

### **Proposed Temporary Rule Governing the Definition of "Economically Disadvantaged" in Laws 1983, chapter 312, article 6, section 2**

#### **Notice of Intent to Adopt Temporary Rule**

Notice is hereby given that the State of Minnesota proposes to adopt the above-entitled temporary rule pursuant to Minnesota Statutes § 268.021.



Persons interested in this rule shall have 20 days to submit comments in writing on the proposed temporary rule. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency.

Persons who wish to submit written comments should submit such comments to:

Caroline Robinson  
Office of Budget and Management  
Minnesota Department of Economic Security  
390 North Robert St.  
St. Paul, Minnesota 55101

Authority for the adoption of this temporary rule is contained in Laws 1983, chapter 312, article 6, section 2.

The proposed temporary rule as published, with any modifications, will be delivered to the Attorney General for review as to its legality, and form to the extent form relates to legality.

As required by the Administrative Procedure Act, this temporary rule will be effective for 180 days upon approval by the Attorney General.

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

Barbara Beerhalter  
Commissioner

### **Temporary Rule as Proposed (all new material)**

8 MCAR § 4.0102 [Temporary] Opportunities industrialization centers; job training.

A. Purpose. The purpose of this rule is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

B. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

1. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program; ~
2. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;
3. is receiving food stamps pursuant to the Food Stamp Act of 1977;
4. is a foster child on behalf of whom state or local government payments are made; or
5. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of 1. or 2., but who is a member of a family whose income does not meet those requirements.

## **Department of Public Welfare Bureau of Income Maintenance**

### **Proposed Temporary Rules Governing the General Assistance Program and Notification and Referral to the Minnesota Emergency Employment Development Act Program**

#### **Notice of Intent to Adopt Temporary Rules**

The State Department of Public Welfare proposes to adopt the above-entitled temporary rules to implement Laws of Minnesota 1983, chapter 312, article 8, sections 3, 8, 10 and 11.

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

## PROPOSED RULES

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Persons interested in these rules have until September 19, 1983 to submit written comments. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency.

Written comments should be sent to:

Michael Sirovy  
Client Eligibility Unit  
Department of Public Welfare  
2nd Floor, Space Center  
444 Lafayette Rd.  
St. Paul, MN 55101  
(612) 296-1387

Upon adoption of the temporary rules, this notice, all written comments received, and the adopted temporary rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

The adopted temporary rules will not become effective without the Attorney General's approval and the Revisor of Statute's certification of the rule's form.

As provided by Laws of Minnesota 1983, chapter 312, these temporary rules are to be promulgated by October 1, 1983, and will be effective as of October 1, 1983. These temporary rules shall be effective for 180 days and may be continued in effect for an additional period of 180 days if the commissioner gives notice of continuation of the additional period by publishing notice in the *State Register* and mailing the same notice to all persons registered with the commissioner to receive notice of rulemaking proceedings. The temporary rules shall not be effective 361 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

Rules 12 MCAR §§ 2.05501-2.05510 establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development (MEED) Act program, establishes standards of assistance, and authorizes local agencies to contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with 12 MCAR § 2.055 for purposes of administering the general assistance program. To the extent that 12 MCAR §§ 2.05501-2.05510 [Temporary] conflict with 12 MCAR § 2.055, 12 MCAR §§ 2.05501-2.0551 shall prevail.

Rule 12 MCAR § 2.04402 establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

These temporary rules will not result in any additional state or county spending beyond the amount of funds appropriated under laws of Minnesota 1983, chapter 312.

Copies of this notice and the proposed temporary rules may be obtained by contacting Michael Sirovy (612) 296-1387.

Leonard W. Levine  
Commissioner of Public Welfare

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

#### 12 MCAR § 2.05501 [Temporary] Authority and applicability.

##### A. Authority.

1. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to establish minimum standards of assistance for the general assistance program.

2. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to adopt rules concerning eligibility for the emergency assistance program under aid to families with dependent children to the extent permitted by federal law to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available.

3. Laws of Minnesota 1983, chapter 312, article 8, section 8 authorizes the commissioner to provide by rule or temporary rule for situations in which vouchers or vendor payments may be used by local agencies.

4. Laws of Minnesota 1983, chapter 312, article 8, section 10 authorizes the commissioner to adopt rules and temporary rules governing:

a. reasonable periods of disqualification from general assistance for a recipient who fails to comply with the registration and work requirements of 12 MCAR § 2.05504 [Temporary] A. and B.:

b. the use of vouchers or vendor payments rather than cash grants for the family of a person disqualified; and

c. local agencies' written notices to recipients about job registration, search and acceptance requirements, and the periods of disqualification that will be imposed for noncompliance with those requirements.

5. Laws of Minnesota 1983, chapter 312, article 8, section 11 grants temporary authority to the commissioner to refer nonexempt adult recipients to the commissioner of economic security for services under the Minnesota Emergency Employment Development Act upon issuance of a one-month grant, and to terminate assistance following referral.

6. Minnesota Statutes, section 256D.03 requires local agencies to administer general assistance according to law and rules promulgated by the commissioner, including those to establish administrative and fiscal procedures.

7. Minnesota Statutes, section 256D.04 requires the commissioner to supervise administration of the program by local agencies and to promulgate rules to assure uniform administration and to enforce the standards of the law.

8. Minnesota Statutes, section 268.74, subdivision 5 authorizes the commissioner to adopt rules including temporary rules to inform applicants for, and recipients of, aid to families with dependent children of the availability of the MEED program, and to refer persons required to register for the work incentive program to the MEED program.

B. Applicability. Rules 12 MCAR §§ 2.05501-2.05509 [Temporary] establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development Act program, establishes standards of assistance, and authorizes local agencies to contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with 12 MCAR § 2.055 for purposes of administering the general assistance program. To the extent that 12 MCAR §§ 2.05501-2.05509 [Temporary] conflict with 12 MCAR § 2.055, 12 MCAR §§ 2.05501-2.05509 [Temporary] shall prevail.

Rule 12 MCAR § 2.04422 [Temporary] establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

#### 12 MCAR § 2.05502 [Temporary] Definitions.

The terms defined in this section have the meanings given them unless otherwise provided or indicated by the context.

A. Advanced age. "Advanced age" means a person who is:

1. age 55 or above whose recent work history shows a marked deterioration compared to that prior to age 55, as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

2. who has been evaluated by a vocational specialist or expert as having significant limitations to his or her ability to obtain or retain suitable employment due to advanced age.

B. Applicant. "Applicant" means a person who has filed an application for general assistance with a local agency.

C. Assistance standard. "Assistance standard" means the consolidated amount established by the commissioner which is deemed to provide for an assistance unit's shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items.

D. Assistance unit. "Assistance unit" means the individuals sharing living arrangements who are eligible. An assistance unit includes only responsible relatives and the children of either of those individuals who are eligible for general assistance.

E. Child. "Child" means an individual who is under the age of 18.

F. Commissioner. "Commissioner" means the commissioner of public welfare or his designee.

G. Countable income. "Countable income" means net earned and unearned income that is not exempt or disregarded and which is subtracted from the assistance standard to establish a grant payment.

H. Department. "Department" means the Department of Public Welfare.

I. Employment-related educational program. "Employment-related educational program" means training which:

1. is taken subsequent to establishing a vocational goal;

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## PROPOSED RULES

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2. shall not exceed 24 consecutive months in duration;
3. will cause the trainee to be employable upon completion;
4. is for an occupation for which it is anticipated that openings shall exist upon completion of training;
5. shall lead to employment in a location to which the trainee is willing to reside or travel if the employment is not available within the trainee's location;
6. requires the trainee to be a full-time student;
7. is within the trainee's physical and mental capabilities;
8. shall lead to earnings greater than the assistance standard;
9. is located in Minnesota;
10. is undertaken to develop employment skills; and
11. is provided through an institution or facility licensed or accredited by the commissioner of the Department of Education, or is provided by a state agency or its designee which provides education or employment services.

J. Full-time student. "Full-time student" means attending training:

1. 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 involves shop practice for a high school or a trade or technical student; or
2. registering for and completing 12 semester or quarter hours per semester or quarter for a college student.

K. Good cause. "Good cause" means circumstances beyond the recipient's control, such as, but not limited to: illness, illness of another family member which requires the recipient's presence, a household emergency, or lack of transportation.

L. Local agency. "Local agency" means the county welfare boards in the several counties of the state except that it may also include any multicounty welfare boards or departments where those have been established in accordance with law.

M. MEED program. "MEED program" means the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.60-268.77.

N. Mentally ill. "Mentally ill" describes a person with a psychological disorder resulting in behavior that severely limits him or her from obtaining, performing, or maintaining suitable employment.

O. Mentally retarded. "Mentally retarded" describes a person who, during his or her developmental period, demonstrated below average intelligence and adaptive behavior which severely limits him or her from obtaining, performing, or maintaining suitable employment.

P. Recipient. "Recipient" means a person who is currently receiving assistance under the general assistance program.

Q. Responsible relative. "Responsible relative" means a person who has financial responsibility for another. Financial responsibility exists between spouses and by parent for child.

R. Suitable employment. "Suitable employment" means a job that:

1. meets existing health and safety standards;
2. a person can physically and mentally perform;
3. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; and
4. is provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, section 268.60-268.77.

### 12 MCAR § 2.05503 [Temporary] Payments.

A. State standard. The state assistance standard shall be the combined minimum standards for shelter and basic needs which were in effect on February 1, 1983, for persons or families who secure their own housing in the community.

1. Except as set forth in C., the standards are the minimum amounts used to determine a monthly grant and to determine the amount of state participation. The following table is the grant standard:

**STATE ASSISTANCE STANDARDS**

Assistance

Unit

Size

1

2

3

4

5

6

7

8

9

10

Grant

Amount

\$199

\$260

\$305

\$343

\$381

\$424

\$452

\$488

\$519

\$548

Over 10—add \$28 per person

2. The assistance unit and assistance amount shall be based on the number of general assistance recipients who are legally responsible relatives sharing a residence. The general assistance grant is paid in an amount equal to the difference between the applicable assistance standard and countable income. The local agency shall not alter the amount of the grant in relation to living arrangements except as in B.

B. Payments for recipients living in facilities with rates that have been set or negotiated by the state or local agency. In addition to the negotiated rate, the local agency shall determine grant amounts based upon the following:

1. Recipients who obtain only shelter from a provider with whom there is an established rate shall receive a grant for basic needs.

2. Recipients who obtain shelter and some basic needs, such as utilities or food, from a provider with whom there is an established rate, shall receive a grant for basic needs less any items covered under the established rate. The reduction from the basic needs allowance shall be in the amounts in effect on February 1, 1983.

3. In no event shall the recipient receive less than the personal needs allowance paid under the medical assistance program.

C. Clothing and personal needs allowance. Recipients assisted under local agency negotiated room and board rates shall be eligible for a clothing and personal needs allowance equal to that which is provided to medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 7.

D. Local standards. Local agencies may establish standards in excess of the state assistance standards, or may provide special need items. These costs are not eligible for state participation.

**12 MCAR § 2.05504 [Temporary] Registration and work requirements.**

A. Requirement. Unless exempt, the local agency shall refer all adult recipients who are unemployed or who are employed but whose countable income is less than the state assistance standards or a higher standard established by the local agency to the Department of Economic Security for registration and employment assistance.

B. Referrals. Referrals to the Department of Economic Security by the local county agency shall be made on a form prescribed by the commissioner of public welfare and shall include:

1. the date of referral;
2. the date by which the registration with economic security must be completed;
3. the date by which the local agency must receive verification of the registration;
4. the address and telephone number of the office that the recipient is being referred to;
5. a notice of recipient rights and responsibilities regarding registration and work;
6. a notice of actions to be taken if the recipient does not comply with the registration and work requirements of C. and E.; and
7. a notice of exemption or nonexemption from the registration and work requirements of C. and E.

C. Registration requirement. Recipients who are referred by the local agency for employment assistance are required to register for employment services with the Department of Economic Security. Verification of the registration must be returned to the local agency by the recipient within 15 calendar days of the date on which the grant is issued in order to continue payments for which he or she would otherwise be eligible.

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## PROPOSED RULES

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Registration for employment services must be maintained to continue general assistance eligibility. The recipient must obtain verification as part of the local agency's redetermination of eligibility.

D. Failure to meet registration requirements. If the local agency has not received verification within 15 days, it shall contact the Department of Economic Security to determine if the person has not registered. If the Department of Economic Security verifies that the person has registered, the person shall be considered to have met the registration requirement. If the Department of Economic Security verifies that the recipient has not registered, the department shall provide a written statement indicating that the recipient has not registered. Such a statement will establish the recipient's failure to comply with the registration requirement and the local agency shall provide the recipient with timely notice of termination from assistance. Appeals regarding failure to register will be heard by the Department of Public Welfare.

E. Work requirements. Recipients who are referred to the Department of Economic Security for employment assistance are required to comply with work requirements established by the Department of Economic Security, including, but not limited to, the requirements to:

1. be available for work;
2. comply with reporting and job search requirements; and
3. accept and maintain any offer of suitable employment.

F. Failure to meet work requirements. The Department of Economic Security shall determine whether or not a recipient complies with the work requirements of that department. If the commissioner certifies that the recipient has failed to meet the work requirements, the local agency shall provide the recipient with timely notice of termination from assistance.

Hearings held regarding compliance with the work requirements shall be heard by the Department of Economic Security. A final determination of noncompliance shall be binding upon the local agency.

G. Disqualification. A recipient who has not complied with the registration or work requirements of C. and E. shall be disqualified from receiving general assistance.

H. Notice of disqualification. The local agency shall give the recipient timely, advance notice of any planned grant reduction, suspension, or termination due to noncompliance. The notice must:

1. be in writing on a form prescribed by the commissioner;
2. be provided to the recipient not later than ten days before the effective date of the action; and
3. clearly state what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

I. Appeal of disqualification. A recipient who is disqualified from receiving general assistance because he or she has not complied with the registration or work requirements of C. and E. may appeal the decision by submitting a written request for a hearing to the department or the local agency pursuant to Minnesota Statutes, section 256.045. A recipient who appeals the disqualification shall, if otherwise eligible, continue to receive monthly grants until the final determination is made, if the hearing request is submitted prior to the effective date of the determination.

J. Period of disqualification. A recipient who, without good cause, has not complied with the registration and work requirements of C. and E. shall be disqualified from receiving general assistance for the periods specified in 1.-5.

1. Thirty days for the first occurrence.
2. Ninety days for ensuing occurrences if it occurs one calendar year from any prior disqualification period. If a subsequent disqualification occurs one calendar year from the first period, the disqualification shall be treated as a first occurrence.
3. Effective dates. The disqualification period begins on the effective date of the notice required in H. unless the recipient appeals prior to that date. If the recipient appeals and assistance is continued but the recipient is not upheld, the period of disqualification begins with the first full month following the final determination of noncompliance.
4. A person who has been disqualified and who applies for general assistance during the period of disqualification shall be considered a recipient for purposes of G.
5. If a recipient complies with the registration or work requirements and verifies that compliance after receiving a notice of adverse action and prior to its effective date, assistance shall be continued without a period of disqualification.

If otherwise eligible, a person who complies with registration or work requirements during a first disqualification period may receive general assistance as of the date that the agency receives verification of compliance. The disqualification is counted if there is a subsequent occurrence of noncompliance.

K. Vouchers and vendor payments. The local agency shall use vouchers and/or vendor payments to meet the financial needs of eligible family members of a person who is disqualified subject to G. The grant amount provided to the family shall be based upon the remaining number of eligible family members.

L. Exemptions from registration and work requirements. A recipient shall be exempt from the registration and work requirements of C. and E. if he or she is a person:

1. who is suffering from a permanent or temporary illness, injury, or incapacity which is both medically certified and prevents the person from obtaining or retaining suitable employment; and if it is a temporary condition, the person is following a plan for rehabilitation as recommended in the medical certification;

2. whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, or incapacity, or the age of another member of the household;

3. who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

4. who resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3;

5. who is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40, but only if enrolled as a full-time student;

6. who is not described in 1. or 3. and who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, to the extent the person cannot obtain or retain employment;

7. who has an application pending for the social security disability program or the supplemental security income program, or who has applied and who is appealing the denial of his or her application; or who has been terminated and has an appeal pending;

8. who is of advanced age and unable to obtain or retain suitable employment because his or her advanced age significantly affects his or her ability to seek or engage in substantial work;

9. who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program. A person is exempted pursuant to this clause, while awaiting acceptance into the program for no more than two months, including the month of application;

10. who is an adult member of a family with children in a household in which another responsible relative is employed full time or has registered for employment services with the Department of Economic Security or has been accepted in a work training program;

11. who has been certified as unemployable by the commissioner of economic security. For such a person:

a. The local agency shall review the reasons for the finding of unemployability to determine if the recipient should be included in another exemption category.

b. If the recipient is not covered by one of the other categories of exemption, the local agency shall develop and implement a plan which addresses the conditions which preclude employment. All available resources shall be considered in developing this plan.

M. Appeals of status. A recipient may appeal the local agency's determination of his or her exemption status by submitting a written request for a hearing to the department or the local agency pursuant to Minnesota Statutes, section 256.045.

N. A person who is referred to the Department of Economic Security pursuant to 12 MCAR § 2.05505 [Temporary] must register with the Department of Economic Security to obtain MEED program services, but need not return verification to the local agency. Future assistance for such a person is defined in 12 MCAR § 2.05505 [Temporary] B.

**12 MCAR § 2.05505 [Temporary] Referral to the Minnesota Emergency Employment Development program (MEED).**

A. Information. The local agency shall inform all adult applicants for and recipients of general assistance of the MEED program and shall provide each with a description of the program.

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## PROPOSED RULES

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### B. Mandatory referrals.

1. Unless exempt, the local agency shall refer all adult recipients to the commissioner of the Department of Economic Security for allowances and services under the MEED program. The referral shall be made at the time that the local agency issues a grant of general assistance, shall be made on a referral form prescribed by the commissioner, and shall include:

- a. the recipient's name, address, telephone number if any, and local agency and case number;
- b. the amounts of the recipient's most recent assistance standards, income, and grant;
- c. the beginning and ending dates of the recipient's most recent grant of assistance;
- d. the date of referral;
- e. a statement indicating that the recipient must apply for services through the Department of Economic Security at least 15 days before the end of the grant period in order to receive a timely allowance from economic security;
- f. the address and telephone number of the Department of Economic Security office the recipient is being referred to;
- g. a statement of the recipient's rights and responsibilities regarding this referral; and
- h. instructions to the recipient to return to the local county agency if he or she is found ineligible for the MEED program by the Department of Economic Security and he or she wishes further assistance.

2. Recipients shall, at a minimum, receive a one-month grant from the local agency. The grant shall be issued within 15 calendar days of the date of application or the subsequent date when all eligibility conditions are met. If the local agency is unable to issue the grant within that 15-day period, the grant shall be issued to cover the period from the date of application or from the subsequent date when all eligibility conditions are met plus 15 days. The total period covered shall not be less than 30 days. Notwithstanding the provisions of Minnesota Statutes, section 256D.09, subdivision 1, the grant shall be issued in one payment without regard to the beginning or ending date of the month.

3. The assistance unit shall be eligible for general assistance medical care benefits for no less than the month during which general assistance eligibility begins and the following month.

4. After completing the referral and issuing the grant, the local agency shall suspend payments to the assistance unit for a 30-day period following the period for which a grant was issued. If the recipient does not return to the local agency within the 30-day suspension period, eligibility will be terminated.

The assistance unit shall be eligible for additional grants of assistance from the local county agency if the recipient returns to the local agency with a written certification from the commissioner of economic security that:

- a. the person is ineligible for services from the MEED program;
- b. the person is unlikely to secure a job through the MEED program;
- c. the person is unable to successfully perform a job available through the MEED program;
- d. the person is unemployable;
- e. the MEED program has been discontinued; or
- f. the MEED program allowances allocation has been depleted.

5. In order to comply with the registration and work requirements in 12 MCAR § 2.05504 [Temporary] C. and E., a recipient must register with the Department of Economic Security for the MEED program, comply with its reporting and job search requirements, be available for work, and accept any offer of suitable employment. Determinations of compliances, notices, appeals, and disqualifications are governed by 12 MCAR § 2.05504 [Temporary] D.-K.

### C. Exemptions from referral.

1. A recipient shall be exempt from referral to the MEED program if;
  - a. the commissioner of the Department of Economic Security certifies that the recipient meets one or more conditions of B.4.; or
  - b. they are covered by 12 MCAR § 2.05504 [Temporary] L.; or
  - c. they were eligible on September 30, 1983.
2. A recipient may contest the local agency determination of his or her exemption status pursuant to Minnesota Statutes, section 256.045.
3. The local agency shall continue to provide assistance to those who were eligible on September 30, 1983, and to recipients who are otherwise exempt from referral to the MEED program, until such time as eligibility conditions are no longer met.



D. Requested services. An applicant or recipient may request services from the MEED program. If requested by the applicant or recipient, the local agency shall refer these persons to the Department of Economic Security using the procedures in B.

E. MEED program allowances. A MEED allowance is unearned income for purposes of determining eligibility for general assistance, including emergency general assistance, and the payments for persons in facilities with rates established by the state or the local agency.

**12 MCAR § 2.05506 [Temporary] Appeal of MEED program allowance determinations.**

A. Local agency review. If a person contests a finding by the Department of Economic Security that he or she is ineligible for a MEED program allowance or the amount of the MEED program allowance, the Department of Economic Security shall request that the local agency review the contested determination. The local agency shall review the determination and may obtain additional information or verification from the Department of Economic Security or from the applicant in order to determine whether or not the person meets the standards of Minnesota Statutes, sections 256D.01 to 256D.21.

B. Effect of agency review. The determination made by the local agency after its review is binding on the Department of Economic Security.

C. Appeal of findings. If a person referred to in A. contests the determination made by the local agency, he or she may appeal the finding.

**12 MCAR § 2.05507 [Temporary] Information.**

Data on individuals collected, maintained, used, or disseminated by the welfare system may be disclosed to the Minnesota Department of Economic Security for the purpose of monitoring the eligibility of the data subject for unemployment compensation, or for any employment or training program administered by that agency without the consent of the data subject.

**12 MCAR § 2.05508 [Temporary] Contracts with Department of Economic Security.**

Local agencies may contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance and to determine the amount of the allowance. The administrative costs incurred in providing this assistance must be accounted for in accordance with the state's federally approved cost allocation plan. A local agency shall provide these services at the MEED program office.

**12 MCAR § 2.05509 [Temporary] Local agency reports.**

The local agencies shall obtain, collect, and report information necessary for administering, monitoring, and evaluating general assistance, including work requirements and the MEED program.

A. Information on all general assistance applicants shall be entered in the welfare information system on the schedules established by the department.

B. Local agencies shall be required to enter and maintain that information on the case information file or supply supplemental information as needed to:

1. minimize the occasions on which the similar information is obtained from applicants and recipients;
2. improve coordination of services to recipients;
3. minimize the possibility of duplicate payments;
4. report to the legislature on general assistance recipients' participation in the MEED program.

**12 MCAR § 2.04422 [Temporary] Notice to AFDC applicants and recipients.**

The local agency shall notify each adult applicant for or recipient of aid to families with dependent children of the availability of the MEED program and shall also provide a description of the program. Persons required to register for the work incentive program or with job services shall be referred by the local agency to the Department of Economic Security, which shall include information about MEED in its orientation; shall use its appraisals for referrals to MEED jobs; and shall include MEED jobs in its job search activities.

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# ADOPTED RULES

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon 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 temporary rule will be published in the manner provided for adopted rules under § 14.18.

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## Minnesota Housing Finance Agency

### Adopted Temporary Rules Governing Local Participation Home Improvement Loans

The rules proposed and published at *State Register*, Volume 8, Number 1, pages 5-6, July 4, 1983 (8 S.R. 5) are adopted as proposed.

# SUPREME COURT

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## Decisions Filed Friday, August 12, 1983

### Compiled by Wayne O. Tschimperle, Clerk

C1-82-481, C6-82-850 *State of Minnesota v. Arlyn Monsrud*, Appellant (C6-82-850) and *State of Minnesota v. Alroy Monsrud*, Appellant (C1-82-481) Roseau County.

County attorney seeking a wiretap order need not appear in person before the issuing judge under 18 U.S.C. 2516(2); Minn. Stat. § 626A.05, subd. 1 (1982); and Minn. Stat. § 626A.06, subd. 1 (1982).

Wiretap application established that other investigative techniques had been tried and failed or reasonably appeared unlikely to succeed if tried and were too dangerous, as required by Minn. Stat. § 626A.06, subds. 1(c) and 3(c) (1982).

Wiretap application, affidavits and order, taken as a whole, described with sufficient particularity the offenses for which interception was authorized under Minn. Stat. § 626A.05, subd. 2 (1980), and Minn. Stat. § 626A.06, subds. 3(a) and 4(c) (1982).

Wiretap application which did not name Alroy Monsrud as a person whose conversations were likely to be intercepted was not defective under 18 U.S.C. 2518(1)(b)(iv) and Minn. Stat. § 626A.06, subd. 1(b)(iv) (1982), where agents did not have probable cause to believe his conversations would be intercepted.

Failure to agents to comply with the minimization requirement of 18 U.S.C. 2518(5), Minn. Stat. § 626A.06, subd. 4(h) (1982), and wiretap order did not require suppression of intercepted communications introduced at trial.

Affirmed. Scott, J. Concurring Specially, Simonett, J. Dissenting, Wahl, J.

C7-82-1327 *State of Minnesota v. Allen David Motl*, Appellant. Isanti County.

Prior misdemeanor DWI conviction based on an uncounseled guilty plea by a defendant can be used to convert a subsequent DWI offense by the defendant into a gross misdemeanor under Minn. Stat. § 169.121, subd. 3 (1982) where, as here, the record of the prior proceeding adequately establishes a valid waiver of counsel by the defendant.

Affirmed. Scott, J. Dissenting, Wahl, J.

C5-82-869 *Lance M. Nemanic v. Gopher Heating & Sheet Metal Inc., et al.* Scott County.

The trial court erred in directing a verdict for plaintiff on the issue of permanency where the defendant, though not calling an expert of his own, raised questions of fact for the jury by cross-examination of plaintiff's expert and by introducing plaintiff's past medical records.

Reversed and remanded. Wahl, J.

C8-82-1417 Robert G. Doerner and Iris M. Doerner, Appellants v. State Farm Mutual Automobile Insurance Co., and American Employer's Insurance Co., and Commercial Union Insurance Co. Hennepin County.

Occupants of an insured motor vehicle involved in an accident, who have uninsured motorist coverage solely because of their status as passengers, may not stack the uninsured motorist coverage under a separate policy of insurance purchased by the owner of the involved vehicle for a non-involved vehicle unless they qualify as insureds under that policy.

Affirmed. Wahl, J. Took no part, Coyne, J.

CX-82-1421 In re: Estate of Jorgen M. Eriksen, Deceased. Hennepin County Probate Court

Minn. Stat. §§ 513.075 and 513.076 (1982) do not apply where the claimant does not seek to assert any rights in the property of a cohabitant but to preserve and protect her own property, which she acquired for cash consideration wholly independent of any service contract related to cohabitation.

The probate court properly created a constructive trust consisting of one-half interest in the home decedent and his cohabitant were jointly purchasing, where failure to create the constructive trust would unjustly enrich decedent's estate.

Affirmed. Wahl, J.

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## STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

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### Department of Energy and Economic Development Energy Division

#### Notice of Request for Proposals for Superinsulation Housing Curriculum Revision and Instructor Training

The Energy Division has issued a Request for Proposal (RFP) for a contractor to revise a curriculum on superinsulated housing and conduct in-service training workshops for instructors throughout Minnesota. The RFP describes where to obtain the existing curriculum and the nature of the revisions required.

A copy of the RFP may be obtained from Bruce D. Nelson, DEED—Energy Division, 980 American Center Building, St. Paul, Minnesota 55101, 612/296-8279.

The deadline for receipt of proposals is September 12, 1983 at 2:00 pm. The cost for this contract is expected to be no more than \$14,000.

### Department of Energy and Economic Development Community Development Division

#### Notice of Request for Proposals for Technical Assistance Services

The Department of Energy and Economic Development is seeking proposals from qualified individuals or organizations to provide technical assistance services to local units of local government in Regions 4, 7W and 10 on the State Small Cities Development Grant Program and related economic and community development programs.

The technical assistance services provided must be designed to improve the capacity of local units of government in Regions 4, 7W and 10 to plan, develop and administer a Small Cities and related projects. The estimated amount of the contract will not

## **STATE CONTRACTS**

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exceed \$39,000.00. Responses must be in writing and received no later than 4:00 PM, September 21, 1983 by the Community Development Division, Department of Energy and Economic Development.

To obtain a copy of the guidelines for this proposal, call or write:

Michael Auger  
Department of Energy and Economic Development  
Room 100 Hanover Building  
480 Cedar Street  
St. Paul, MN 55101  
(612) 296-2394

### **State Planning Agency Developmental Disabilities Program**

#### **Notice of Request for Proposals for Projects Related to Services Provided to Developmentally Disabled Persons Who Are Not Mentally Retarded**

The Developmental Disabilities Program announces that it is seeking proposals from eligible public or private non-profit organizations with the interest and capacity to undertake the following tasks:

To identify and bring to resolution a problem associated with the provision of services to developmentally disabled persons who are not mentally retarded. Financial support will be provided by the Developmental Disabilities Program of the State Planning Agency using a grant from the McKnight Foundation.

Funding of up to a total of \$70,000 is available for these projects. Organizations receiving grants will be expected to begin work on the project sometime early in 1984. The grant will be for a one-year period.

The guidelines to be used in the preparation of an application are available from the Developmental Disabilities Program Office. Deadline for receipt of applications in the office is 5:00 p.m., Friday, Nov. 11, 1983. To obtain a copy of the guidelines, please write or call:

Ronald E. Kaliszewski  
Developmental Disabilities Program  
201 Capitol Square Building  
550 Cedar  
St. Paul, MN 55101  
Phone: (612) 297-3207

### **Department of Public Welfare Chemical Dependency Program Division**

#### **Notice of Request for Proposal for Inpatient/Outpatient Treatment Services**

Notice is hereby given that the Chemical Dependency Program Division (CDPD) of the Minnesota Department of Public Welfare is seeking proposals for the provision of outpatient chemical dependency treatment services in conjunction with state hospital inpatient chemical dependency treatment services. Two grant awards of \$25,000 each are available to county social service agencies. Those agencies may elect to provide the outpatient services or subcontract for their provision.

The purpose of the grants is to demonstrate a cost effective inpatient/outpatient primary treatment model which is replicable in various geographic locations.

Proposals must be submitted using the CDPD grant application format, which can be obtained by contacting Dorrie Hennagir at 612/296-4617 or at the bidders conference Monday, September 12, 1983 at 1:30PM in Conference Room A of the Veterans Service Building, 20 W. 12th Street, St. Paul. Six copies of the proposal must be submitted in the CDPD Office by 4:30PM on October 3, 1983 in order to be considered.

Any further requests for information or clarification concerning this request for proposals should be directed to:

Lee Gartner  
Chemical Dependency Program Division  
4th Floor, Centennial Bldg.  
658 Cedar Street  
St. Paul, MN 55155  
612/296-8574

## **Minnesota Racing Commission**

### **Notice of Solicitation for Services of a Rulemaking Consultant**

The Minnesota Racing Commission is seeking a consultant to provide assistance with the drafting of rules governing parimutuel horse racing in Minnesota pursuant to Laws 83, Chapter 214.

Applicants must have knowledge and experience of all aspects of rulemaking as provided for in the Minnesota Administrative Procedure Act and preferably have knowledge and experience in the field of parimutuel horse racing.

The consultant selected can expect to work on this project for a large percentage of his or her time for six months commencing upon the final execution of the contract. The fee will be negotiated based on submitted proposals; however, the commission has limited funds for this project.

Proposal submissions will be accepted until 4:30 p.m. on September 9, 1983. The formal RFP may be requested from and other inquiries may be made to:

James Weiler  
Minnesota Racing Commission  
Suite 400  
United Labor Center  
312 Central Avenue  
Minneapolis, Minnesota 55414

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## **OFFICIAL NOTICES**

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## **Department of Commerce**

### **Regarding Notice of Rule Hearings**

The Department of Commerce has notified each person who has registered with this agency to receive notice of rule hearings requesting a response if the person desires to maintain their name on this list. If you have not received such a letter your name is not on our list.

If you desire to register your name with the Department of Commerce for the purpose of receiving notice of rule proceedings please indicate in writing to:

Debbi Lindlief  
Department of Commerce  
500 Metro Square Building  
St. Paul, Minnesota 55101

## **OFFICIAL NOTICES**

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### **Department of Economic Security Training and Community Services Division Office of Economic Opportunity**

#### **Notice of Availability of FY '84 Community Services Block Grant Plan**

Notice is hereby given that the state plan for the use and distribution of the FY '84 Community Services Block Grant is available for public review and comment. Copies are available for review at the offices of current grantees of Community Services Block Grant funds: community action agencies, Indian Reservations and the Minnesota Migrant Council. There will be a legislative hearing on the content of the plan before the Health, Welfare and Corrections Division of the House Appropriations Committee on Tuesday, September 20, 1983 at 8:30 a.m. in Room 51, State Office Building.

A single copy of the plan may be obtained from the Office of Economic Opportunity, 690 American Center Building, 150 East Kellogg Blvd., St. Paul, MN 55101.

Written comments will be accepted until September 30, 1983 at the same address.

### **State Board of Education (State Board for Vocational Education) Department of Education Vocational-Technical Education Division**

#### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Vocational Education Personnel**

Notice is hereby given that the State Board of Education (State Board for Vocational Education) is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Nine: Rules for Licensure of Vocational Education Personnel. The promulgation of these rules is authorized by Minn. Stat. §§ 121.11 subd. 12, 121.21 subd. 6, and 125.185 subd. 4.

The State Board of Education (State Board for Vocational Education) requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written statements should be addressed to:

Ms. Helen Henrie  
Division of Vocational-Technical Education  
549 Capitol Square Building  
550 Cedar Street  
St. Paul, Mn. 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-9599 and in person at the above address.

All statements of information and comments shall be accepted until January 31, 1984. Any written material received by the State Board of Education (State Board for Vocational Education) shall become part of the record in the event that the rules are amended.

August 29, 1983

Mary Thornton Phillips  
Assistant Commissioner  
Division of Vocational-Technical Education

### **Department of Health Emergency Medical Services Licensure Application**

As of August 29, 1983, a complete application was submitted by Hanscom Ambulance, Inc., Faribault, Minnesota, for a change in license from a basic life support transportation service to an advanced life support transportation service.

This notice is given pursuant to Minnesota Statutes 1979, section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the State Health Planning Agency, 550 Cedar St., 100 Capitol Square Bldg., St. Paul, MN 55101, before the close of business on September 29, 1983.

After a public hearing has been held, the State Health Planning Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The State Health Planning Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the commissioner shall grant or deny the license to this applicant.

## **Minnesota Pollution Control Agency Administration Division**

### **Public Input Sought on Pollution Control Objectives**

Citizens interested in helping set pollution control priorities for 1984 are invited to attend a public meeting at the Minnesota Pollution Control Agency (MPCA) on September 29, 1983.

Agency staff will present the MPCA's 1984 draft work plans for air, water, and solid and hazardous waste pollution control. These plans guide MPCA resource allocation and are necessary for federal grant assistance.

Each division of the MPCA will review the highlights of its work plan. The Air Quality Division will discuss air monitoring, the air emission permit program, rule revisions, and the state plan for compliance with air quality standards. The Water Quality Division will cover the management of construction grants for wastewater treatment plants, the implementation of revised state and federal regulations, and the planning of remedies for combined sewer overflow into the Mississippi River. The Solid and Hazardous Waste Division will discuss the state hazardous waste rules and efforts to merge the state and federal hazardous waste programs into one state-run program.

Interested citizens can attend the meeting or submit written statements to the MPCA. Copies of the draft plans will be available for review beginning September 15, 1983 at the MPCA Public Information Office, 1935 West County Road B-2 in Roseville, and at the MPCA regional offices in Brainerd, Duluth, Detroit Lakes, Marshall and Rochester. The meeting will be held in the MPCA's Board Room (first floor) at 9:00 a.m. on September 29, 1983. Written comments must be received by October 13, 1983. For additional information, contact the MPCA Public Information Office, 612/296-7373.

August 22, 1983

Sandra S. Gardebring  
Executive Director

## **Minnesota Pollution Control Agency Water Quality Division**

### **Notice of Approval of Metropolitan Council's 208 Plan (Part 1) and Recommendation for Certification by the Governor**

On July 26, 1983, pursuant to Section 208(a) (4) and 40 CFR Part 35, the Minnesota Pollution Control Agency (MPCA) approved the Metropolitan Council's 208 Water Resources Management Plan, Part 1, and recommended it to the Governor for certification, as conditioned. It is expected that the Governor will certify the Plan and forward it to the U.S. Environmental Protection Agency (EPA) by August 31, 1983.

Copies of the Metropolitan Council's 208 Water Resources Management Plan are on file at the MPCA (contact Dave L. Johnson, 296-7387) and the Metropolitan Council (contact John Harrington, 291-6359).

August 17, 1983

Sandra S. Gardebring  
Executive Director

**Department of Public Welfare  
Income Maintenance Bureau**

**Notice of Hospital Cost Index**

Pursuant to the 12 MCAR § 2.05401D.1. [Temporary] hospitals participating in the Medical Assistance and General Assistance Medical Care programs are subjected to a Health Cost Index (HCI) that is to be used in the calculation of prospective inpatient hospital rates. Each hospital whose fiscal year starts during a given calendar quarter shall be notified of the HCI to be used 30 days prior to the start of that quarter. It has been determined that the HCI is 7.4% according to an independent source, Data Resources, Inc. for Health Care Costs. However, pursuant to Senate File 1234, Article 5, Section 9 (1983), the HCI is subjected to the legislatively imposed limit of 5%. Consequently the HCI is 5% for hospitals whose fiscal years begin during the calendar quarter beginning October 1, 1983.

**Department of Public Welfare  
Health Care Programs**

**Sliding Fee Schedule for Alternative Care Grants Program**

The proposed sliding fee schedule for the Alternative Care Grants program was published in the *State Register* on June 20, 1983, (Cite 7 S.R. 1805). After allowing 30 days for interested persons to comment on the proposed sliding fee schedule and having considered the comments received, the department has adopted the sliding fee schedule below. The establishment of the sliding fee schedule was specifically exempted from the rulemaking requirements of Minnesota Statutes, chapter 14 by Minnesota Session Laws of 1983, chapter 199.

**SLIDING FEE SCHEDULE FOR ALTERNATIVE CARE GRANTS PROGRAM**

**Sliding fee schedule.** The county agency shall assess the person who would be eligible for medical assistance within 180 days of nursing home admission, for part or all of the costs of alternative care services provided to that person.

The monthly amount which a person shall pay is the lesser of the cost of the alternative care services or the sum of the amounts determined from Exhibits 1 and 2.

The amount shall be calculated when alternative care services begin and shall remain constant until the person's income and liquid assets reach the point where the person is eligible for the Medical Assistance Program.

**Exhibit 1  
Sliding Fee Schedule: Income**

Level	Annual Gross Income	Family Size			
		1	2	3	4
A	\$ 0-10,000	\$ 0	\$ 0	\$ 0	\$ 0
B	10,001-11,000	9	0	0	0
C	11,001-12,000	18	0	0	0
D	12,001-13,000	29	9	0	0
E	13,001-14,000	43	18	0	0
F	14,001-15,000	61	29	9	0
G	15,001-16,000	84	43	18	0
H	16,001-17,000	113	61	29	9
I	17,001-18,000	149	84	43	18
J	18,001-19,000	193	113	61	29
K	19,001-20,000	246	149	84	43
L	20,001-21,000	309	193	113	61
M	21,001-22,000	NE	246	149	84

NE—Not eligible for alternative care grants under 12 MCAR § 2.065 H.1.

Annual gross income is any income, earned or unearned, and any gift or benefit which is received by or available to a person.

The family size is the number of persons in the group composed of the client, a spouse, and legal dependents of the client as defined for federal income tax purposes.



**Exhibit 2**  
**Sliding Fee Schedule: Liquid Assets**

Level	Liquid Assets		Family Size	
	Under	\$	1	2
A	Under	\$ 3,000	MA	MA
B	\$ 3,000	5,999	\$ 0	MA
C	6,000	8,999	42	\$ 0
D	9,000	11,999	83	42
E	12,000	14,999	125	83
F	15,000	17,999	NE	125
G	18,000	20,999	NE	166
H	21,000	23,999	NE	208
I	24,000 & Over		NE	NE

MA—Meets resource criteria for medical assistance.

NE—Not eligible for alternative care grants under 12 MCAR § 2.065 H.1.

The county shall report to the department the income received from fees. The department shall use this income to reduce the state and local liability for alternative care expenditures for the persons not eligible for medical assistance.

## **Minnesota Teachers Retirement Association**

### **Meeting Notice**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, September 16, 1983, at 9 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the board.

### **Errata**

At *State Register*, Volume 8, Number 5, August 1, 1983, pp. 159-160 (Department of Public Welfare Proposed Temporary Rule 12 MCAR § 2.164 [Temporary]), the following changes should be noted:

12 MCAR § 2.164 [Temporary] E., last line, "36 days" should read "360 days."

Repealer. "12 MCAR § 2.163 A.1, B., C., and F., are repealed." should read: "12 MCAR § 2.163 A.1., B., C., D., and F., are repealed."

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