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STATE REGISTER

STATE OF MINNESOTA

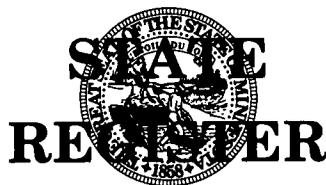
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VOLUME 9, NUMBER 22

November 26, 1984

Pages 1181-1228



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 9			
23	Friday Nov 16	Monday Nov 26	Monday Dec 3
24	Monday Nov 26	Monday Dec 3	Monday Dec 10
25	Monday Dec 3	Monday Dec 10	Monday Dec 17
26	Monday Dec 10	Friday Dec 14	Monday Dec 24

*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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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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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 also.

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 Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Issues 1-13, inclusive Issue 39, cumulative for 1-39
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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 Administration Procurement Division

Adopted Rules Relating to Debarment and Suspension

The rules proposed and published at *State Register*, Volume 9, Number 8, pages 362-365, August 20, 1984 (9 S.R. 362) are adopted with the following modifications:

Rules as Adopted

1230.3100 DEFINITIONS.

Subp. 7. Conviction. "Conviction" has the meaning given to it in Minnesota Statutes, section 609.02, subdivision 5.

Subp. 8. Debar. "Debar" means to disqualify under parts 1230.3100 to 1230.4300 from entering into or receiving a Mn/DOT contract or from serving as a subcontractor or material supplier under a Mn/DOT contract.

Subp. ~~8.~~ 9. Mn/DOT contract. "Mn/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Subp. ~~9.~~ 10. Person. "Person" means a natural person or a business.

Subp. ~~10.~~ 11. Principal. "Principal" means an officer, director, or partner, or an employee of a business, or a shareholder engaged in management of the business.

Subp. ~~11.~~ 12. Suspend. "Suspend" means to temporarily disqualify from entering into or receiving a Mn/DOT contract or from serving as a subcontractor or material supplier under a Mn/DOT contract.

1230.3300 ~~LIABILITY~~ CONVICTION OF INDIVIDUAL PERSON IMPUTED TO BUSINESS.

1230.3400 DEBARMENT PROCEDURE.

Subpart 1. Requirement. A business must be debarred by the Minnesota Department of Transportation when one or more of the grounds set forth in part 1230.3200 are established at a hearing or opportunity for hearing conducted under Minnesota Statutes, chapter 14.

Subp. 2. Three-year limitation. A debarment or a suspension must be initiated within three years from the date of the conviction of a business for an offense described in part 1230.3200.

1230.3500 TERM OF DEBARMENT.

The administrative law judge shall recommend and the commissioner of transportation shall establish the term of debarment. The term of debarment depends upon: the seriousness of the grounds offense; whether restitution has been made; whether the debarred person cooperated in civil or criminal lawsuits; and the state's need to preserve the competitive bidding process; and whether the business is debarred or has been debarred in another jurisdiction. The length of the debarment period in another jurisdiction must be taken into account in determining the term of debarment in Minnesota.

1230.3600 DEBARMENT BASED ON AFFILIATION.

Subpart 1. Liability Conviction of business imputed to individual person. The conviction of a business in any jurisdiction, for offenses listed in part 1230.3200 is imputed to any principal or other person associated with the business subject to debarment or suspension, who participated in, knew of, or had reason to know of the conduct.

Subp. 2. Debarment. A business must be debarred when it:

B. is owned by or associated in a joint venture with a debarred or suspended business or is controlled by a principal or former principal of a debarred or suspended business; or

1230.3900 TERMINATION OF DEBARMENT OR AWARD DURING DEBARMENT.

The commissioner of transportation may terminate a debarment by order or may award a Mn/DOT contract to a debarred or suspended business when:

B. the commissioner of transportation determines that an emergency exists as defined in Minnesota Statutes, section 161.32, subdivision 3; or

C. the commissioner of administration determines that an emergency exists as defined in Minnesota Statutes, section ~~16.06~~ 16B.08, subdivision ~~2~~ 6; or

D. the contract is for purchasing materials or renting equipment for routine road maintenance.

1230.4000 CONTINUATION OF CONTRACTS.

Mn/DOT contracts in existence at the time of debarment or suspension are not terminated by the debarment or suspension except as provided in part 1230.1200.

1230.4200 SUSPENSION.

Subpart 1. Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon ~~learning~~ receiving evidence of an affiliation described in part 1230.3600, subpart 2.

Department of Commerce

Adopted Rules Governing Health Maintenance Organizations

The rules proposed and published at *State Register*, Volume 9, Number 12, pages 586-588, September 17, 1984 (9 S.R. 586) are adopted as proposed.

Department of Commerce

Adopted Rules Relating to the Liability of a Prior and Succeeding Group Insurance Carrier

The rules proposed and published at *State Register*, Volume 8, Number 51, pages 2682-2683, June 18, 1984 (8 S.R. 2682) are adopted with the following modifications:

Rules as Adopted**2755.0400 LIABILITY OF PRIOR CARRIER.**

The prior carrier remains liable to the extent of its accrued liability and any contractual liability for extension of benefits at the time of replacement. "Accrued liability" includes, but is not limited to, responsibility for covered inpatient hospital expenses, subject to applicable deductibles, copayments, and limitations, incurred by a covered individual who is confined in a hospital on the date of replacement. The responsibility on the part of the prior carrier continues until the covered individual is discharged from the hospital or contract maximums have been reached, whichever first occurs.

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

Department of Economic Security

Adopted Rules Relating to Registration for Employment Services and Allowances Under General Assistance

Notice is hereby given that the State of Minnesota has adopted the above-entitled rules.

The adoption of these rules is authorized by Minnesota Laws 1983, chapter 312, Article 8, Section 12 which authorizes the Department to establish registration requirement.

As required by Minnesota Statutes, section 14.27, noncontroversial rules have the force and effect of law upon publication of this notice in the *State Register*.

The adopted rules are published in their entirety with modifications made to the proposed rules.

Barbara S. Beerhalter
Commissioner
Department of Economic Security

The rules proposed and published at *State Register*, Volume 9, Number 6, pages 292-295, August 6, 1984 (9 S.R. 292) are adopted with the following modifications:

Rules as Adopted

GENERAL ASSISTANCE: REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES

3300.4010 DEFINITIONS.

Subp. 4. Full-time student. "Full-time student" means a student at a postsecondary institution who 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 involves shop practice, or who registers for and attends a minimum of 12 semester hours per semester or 12 quarter hours per quarter.

Subp. 5. Good cause. "Good cause" means circumstances beyond the recipient's control, including, but not limited to: illness, illness of another family member which requires the recipient's presence, a family emergency, or the inability to obtain transportation.

Subp. 4. 6. Local agency. "Local agency" means ~~the a county welfare board and any or a multicounty welfare boards or departments if they have been established in accordance with agency that is authorized by Minnesota law as the agency~~ responsible for the administration of the general assistance program.

Subp. 7. Recipient. "Recipient" means an adult who is receiving a grant of general assistance pursuant to Minnesota Statutes, sections 256D.01 to 256D.21, and who has been referred to the department by a local agency pursuant to Minnesota Statutes, section 256D.111, subdivision 1.

3300.4020 PURPOSE.

Parts 3300.4010 to 3300.4110 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, in some cases, the joint responsibility of the department and the Department of Economic Security and the Department of Human Services.

Nothing in parts 3300.4010 to 3300.4110 precludes an individual from seeking or participating in the full range of services available from the department of Economic Security.

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, ~~an individual a recipient~~ is not "available for work" with respect to any period when the individual recipient is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the ~~individual's~~ recipient's health limits availability to less than full-time work.

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a reasonable schedule provided by the

~~department or~~ as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall be ~~prescribed by the department. Frequency of reporting is to be determined solely by the department prescribed in the recipient's employability development plan.~~ Availability and cost of transportation, either public or private, shall be taken into consideration in the reporting requirement.

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the reasonable conditions of the job search ~~established by an employability development plan developed by the department in consultation with the recipient. The~~ for suitable employment prescribed in the recipient's employability development plan must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force. The employability development plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment. The availability and cost of public or private transportation shall be considered in determining reasonable job search requirements.

3300.4060 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, provides more than 60 hours of work per month, meets all required health and safety standards, and which the ~~individual~~ recipient is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability and cost of public or private transportation shall be considered in determining suitable employment.

3300.4065 EMPLOYABILITY DEVELOPMENT PLAN.

The basis for the reasonable reporting and job search requirements in Minnesota Statutes, section 256D.111, shall be the employability development plan. The department shall prepare a written employability development plan for each recipient in consultation with the recipient. The plan shall be prepared by a qualified person, shall identify the specific conditions applicable to the recipient which limit the recipient's ability to seek or secure suitable employment, shall include reasonable reporting and job search requirements, and shall be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as education attainment and association with the work force. The plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment. In the preparation and execution of the plan, the department shall provide at least the same degree of counseling, job referrals, and other services to the recipient as is provided generally to unemployment insurance claimants exclusive of the federal, eligibility review program. A copy of the plan shall be given to the recipient at the time of its preparation. An employability development plan need not be prepared for a recipient who is certified by the department as exempt under Minnesota Statutes, section 256D.111, subdivision 2, clause (1).

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2 and this part, "noncompliance" means that a recipient has failed, without good cause, to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. ~~In the absence of good cause,~~ A determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

- A. failure to be available for work as in part 3300.4030;
- B. failure to comply with established reasonable reporting or job search requirements as in parts 3300.4040 and 3300.4050; or
- C. failure to accept any offer of suitable employment; ~~or~~
- ~~D. voluntary termination from suitable employment as in part 3300.4060.~~

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section ~~256D.112, clause (+)~~ 268.80, an individual will be considered "not able to successfully perform a job" available through the jobs program if:

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ADOPTED RULES

A. 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

3300.4110 ALLOWANCE.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to ~~parts 9555.3400 to 9555.3408~~ part 9555.3402, subpart 1, and shall not exceed these amounts. The initial allowance from the commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

~~The allowance shall be paid in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408 and shall not exceed those amounts.~~

Department of Energy and Economic Development Energy and Economic Development Authority

Adopted Emergency Rules Governing the Special Assistance Program

The rules proposed and published at *State Register*, Volume 9, Number 10, pages 544-546, September 10, 1984 (9 S.R. 544) are adopted as proposed.

Department of Human Services

Adopted Emergency Rules Governing AFDC

The rules proposed and published at *State Register*, Volume 9, Number 10, pages 450-463, September 3, 1984 (9 S.R. 450) are adopted with the following modifications:

Emergency Rules as Adopted

9500.0031 [Emergency] STATE AND FEDERAL COOPERATION.

Notwithstanding any provisions of parts 9500.0010 to 9500.0370, administration of the AFDC program in parts 9500.0051 [Emergency]; 9500.0071 [Emergency]; 9500.0081 [Emergency]; 9500.0091 [Emergency]; 9500.0111 [Emergency]; 9500.0331 to 9500.0339 [Emergency]; and 9500.0351 to 9500.0353 [Emergency] shall be subject to changes in federal or state law.

9500.0051 [Emergency] CLIENT RESPONSIBILITIES.

Subpart 1. General information. Applicants and recipients of AFDC shall provide all information necessary to determine initial and ongoing eligibility. This shall include information requested at the time of application, at the time a redetermination or household report form is due, and if the case is randomly selected for a quality control review. This responsibility also requires a timely report of any change in income and household circumstances which affect eligibility.

Subp. 2. Applicant responsibility. All applicants for assistance shall provide information necessary to determine initial eligibility. Applicants are required to verify or authorize the local agency to verify those statements on the application identified by these parts as necessary to the determination of initial eligibility. An applicant shall promptly report any changes in circumstances which may affect eligibility while his or her application is pending a determination of eligibility. The failure of an applicant to promptly provide necessary information may result in a delay in receiving initial benefits or a denial of his or her application.

Subp. 3. Recipient responsibility. All recipients of assistance shall provide a regular report concerning his or her household income and other circumstances of eligibility. A recipient shall report changes in income and other circumstances which may affect their eligibility within ten days of their occurrence or within eight calendar days of the end of a reporting period, whichever occurs earlier. When the eighth calendar day of the month falls on a weekend or holiday, the first working day of

the local agency that follows the eighth calendar day shall be established as the date on which this report is due. All recipients shall receive a monthly household report form except that quarterly household report forms shall be received when the United States Secretary of Health and Human Services waives the monthly reporting requirement or provides allows alternative direction for certain specified categories of recipients.

Subp. 4. Report form. A recipient's responsibility for completion of the required report form requires that the recipient provide a completed report form by the eighth calendar day of the month following the period covered by the form. ~~The caretaker shall sign and date the report form~~ A report is complete if it is signed and dated by the caretaker no earlier than the last day of the reporting period, answer answers all questions necessary to determine payment eligibility, and include includes verification of earned income. A delay in the submission of the completed form may cause a delay in receiving AFDC payment in the month following the month in which the report was due. A delay without good cause in providing a completed form must result in the following penalties:

A. if the completed form is received by the local agency after the eighth calendar day of the month following the period covered by the form, ~~the delay in providing the completed form may also cause a delay in receiving AFDC payment in the month following the month in which the report was due;~~ and if the delayed report included earned income, the recipient shall lose the work expense, dependent care expense, and work incentive disregards in the payment month corresponding to the last month covered by the household report form; and

B. if the completed form is received by the local agency on or after the first day of the month following the month in which the report is due, assistance shall be terminated; if further assistance is required, a reapplication shall be required and payment eligibility shall be prorated from the date of reapplication or the date all other eligibility factors are met, whichever is later; and if reapplication is made during the initial month of termination, the client shall also be subject to the loss of all earned income disregards.

Subp. 5. Qualifications. The following qualifications must apply to the penalties in subpart 4:

A. If a client has earned income and submits an incomplete household report form on or prior to the eighth calendar day of the month in which the report is due, the client shall be granted an additional eight calendar days from the date that the local agency remailed the form to complete those portions related to earned income identified as incomplete. If received by the local agency on or before the eighth day, the penalties for loss of earned income disregards shall not apply.

B. If a client provides an incomplete household report form prior to the last working day of the month on which a ten-day notice of termination can be issued for failure to provide a completed household report form, the local agency shall return the incomplete form with the incomplete portions identified on or before the ten-day notice deadline or that termination notice shall be regarded as invalid and reapplication and proration of benefits cannot be imposed by the local agency.

C. Good cause exemptions from application of either penalty shall be granted if the following factors, singly or in combination, caused the recipient to miss the deadlines for providing a completed form:

- (1) the local agency failed to accurately identify those items that were incomplete;
- (2) the receipt of the ~~form was unduly delayed within the postal system;~~ forms postmarked the day prior to the deadline, but which were received by the local agency two or more agency working days after they were postmarked, shall be presumed to be unduly delayed;
- (3) the employer delayed completion of employment verification;
- (4) the local agency failed to provide needed assistance to the recipient in the completion of the form;
- (5) the recipient did not receive a report for completion because of agency error or because of a reported change of address; or
- (6) illness, physical or mental incapacity, or some other circumstances that could not have been avoided by the recipient through the exercise of reasonable care caused the recipient to be unable to provide a completed form in a timely manner; and these factors, singly or in combination, caused the recipient to miss the deadlines for providing a completed form.

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ADOPTED RULES

Subp. 6. Changes in status. Recipients of assistance shall report all changes which produce a change in AFDC eligibility within ten days of their occurrence ~~if those changes produce a change in AFDC eligibility and the occurrence of those changes precedes or by~~ the eighth day following the last day of the report period in which such change occurred ~~by ten or more calendar days, whichever is earlier~~. These reports shall be made in writing or in person. Failure to report these changes within ten calendar days may result in an overpayment. If the local agency could have reduced or terminated payment for one or more payment months if the delay had not occurred, a determination shall be made if a proper notice could have been issued on the day that the change occurred and each month's overpayment subsequent to that notice shall be regarded as a client error overpayment. The changes which must be reported within ten days include:

- A. initial employment;
- B. initial receipt of unearned income;
- C. any significant, recurring change in net earned or unearned income;
- D. receipt of a lump sum;
- E. resources exceeding AFDC limits;
- F. change in the physical or mental status of an incapacitated parent;
- G. change in the status of an unemployed parent;
- H. change in the status of the absent parent, change in the household composition to include departures from and returns to the home of AFDC eligible members, or change in custody;
- I. marriage or divorce of an assistance group member;
- J. death of a parent or child;
- K. change in address or residence for the assistance unit;
- L. sale, purchase, or other transfer of property; and
- M. change in school attendance for a member of the AFDC assistance unit.

All changes in circumstances which require reporting within ten days shall also be reported on the household report form for the period in which those changes occurred.

Subp. 7. Cooperation with quality control review. Recipients shall cooperate with the state agency's quality control review process by providing information necessary for verifying eligibility for and the amount of AFDC. Cooperation in the quality control review process is a requirement for continued eligibility and includes:

- A. agreeing to a personal interview with the quality control staff person at a mutually acceptable time and location; and
- B. assisting the quality control staff person in securing verifications necessary to establish program and payment eligibility for the month of review, provided verifications do not duplicate what is already in the case record and do not cause the recipient to incur an expense in securing those verifications.

Failure to cooperate with the quality control review process without good cause will result in termination of assistance. A person shall have good cause under this subpart if the person's refusal to cooperate stems from a diagnosis of mental illness or a physical disability or illness of such severity and duration that it precludes them from participating within the period the quality control unit has allotted to complete their review process.

9500.0071 [Emergency] CONTINUED ABSENCE OF A PARENT.

Subpart 1. Definitions. The definitions contained in items A ~~through~~ to I apply to this part and have the meanings given them.

- A. "Absent parent" means ~~an otherwise eligible~~ a child's natural or adoptive father or mother who does not live at the child's home.
- B. "Care" means regular and ongoing planning and provision of services to a child, such as feeding, dressing, and cleaning.
- C. "Custodian" means the person who has the physical custody of the child at any particular time.
- D. "Guidance" means regular and ongoing planning and provision of services to the child, such as supervision, training, discipline, and help with school work on a regular basis.
- E. "Home" means the primary place of residence used by an individual as a the base for day-to-day living and does not include residences used primarily to establish AFDC eligibility.

F. "Joint legal custody" means a court order under which both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care, and religious training.

G. "Joint physical custody" means a court order under which the routine daily care and control of the child is shared between both parents.

H. "Support" means financial assistance paid by the absent parent on behalf of a child which is equal to or greater than the children standard of the AFDC family allowance.

I. "Uniformed services" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, and National Oceanographic and Atmosphere Administration.

Subp. 2. ~~Eligibility~~ Continued absence. Continued absence of a parent shall exist when the parent resides out of the home of the child and the absence interrupts or terminates the absent parent's support, care, or guidance of the child. To qualify for AFDC, a child must meet all other eligibility conditions.

There is no minimum time period used to establish absence of a parent. The absence may be permanent or temporary, and a temporary absence may be of a known or indefinite duration.

Two exceptions shall apply when eligibility based on parental absence is determined:

A. Eligibility based on the absence of a parent from the home shall not exist when the parent is absent solely by reason of active duty in the uniformed services of the United States.

B. Eligibility shall exist when a parent is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday. No provision may be made for the offender's needs in computing the amount of the assistance payment.

Subp. 3. Visitation. Regular or sporadic visitation by an absent parent shall not constitute the provision of care or guidance.

When the frequency of the absent parent's presence in the child's home causes the local agency to question whether absence exists, the issue shall be resolved by determining whether the absent parent ~~maintains~~ lives in a home apart from the home of the child.

Subp. 4. Evidence of a home. Evidence of a home includes, but is not limited to, where a person keeps the majority of personal belongings; the amount of time spent there as opposed to other residences; the address given to a current employer; the address given for current school registration; the mailing address for government benefits which require mailing to the current address; the address recently used to apply for credit; the address for service of legal documents; the address the individual has given to monthly creditors or utility companies as a current address; vehicle registration, driver license, or post office address which has been changed since the absence; and frequency, type, and length of absences. Each item of evidence shall be evaluated together with other items in determining the home. No item shall be considered conclusive.

Subp. 5. Shared custody. This part applies to both formal and informal custody arrangements.

The language of a court order that specifies joint legal or physical custody shall not, in and of itself, preclude a determination that a parent is absent. Absence shall be determined based on the actual factual facts of the absence and according to this part.

A. In situations where the physical custody of a child alternates between parents from month to month, each parent may be eligible only for the months the child's home is with that parent.

B. In situations where the child spends time in each of the parent's homes within a month, the child's home shall be considered that home in which the majority of the child's time is spent.

When this time is exactly equal within a month, or if the parents alternately live in the child's home within a month, the child's home shall be with that parent who is applying for assistance, unless the child's needs for the full month have already been met through the provision of AFDC to the other parent for that month.

Subp. 6. Special circumstances. A child shall be considered deprived of the support, care, or guidance of a parent if:

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ADOPTED RULES

- A. paternity has not been acknowledged or adjudicated;
- B. a child has been adopted by a single parent; or
- C. a child is born from artificial insemination to an unmarried mother.

Subp. 7. Substitute parent. The determination of whether a child has been deprived of parental care or support by reason of the absence of a parent from the child's home shall only be made in relation to a child's natural or adoptive parent. Under this requirement, the inclusion in the home of a "substitute parent" or any other such individual is not an acceptable basis for a finding of ineligibility.

Subp. 8. Return of parent to child's home. When the client states that financial need exists, eligibility shall continue at the same payment level for one month following the month in which the absent parent returns home. During this period, the local agency shall inform the family about other bases of eligibility for AFDC and offer an application.

9500.0081 [Emergency] ELIGIBILITY FACTOR: UNEMPLOYED PARENT (AFDC-UP).

An unemployed parent is a parent:

- A. whose family is in need;
- B. whose unemployment is not the result of participation in a labor dispute;
- C. who works less than 100 hours per month or exceeds that standard for a particular month if work is intermittent and the excess is of a temporary nature as evidenced by the fact that he or she was under the 100-hour standard for two prior months and is expected to be under the standard for the next month;
- D. who has not quit or refused a bona fide offer of employment or training for employment for good cause in the last 30 days;
- E. who has not been fully employed during the 30-day period preceding the receipt of AFDC-UP;
 - (1) when employment is less than 100 hours in the month employment is lost but was 100 or more hours in the preceding month, the last day of the preceding month shall be considered the last day of full employment; or
 - (2) when employment is 100 hours or more in the month employment is lost, the day employment is lost shall be considered the last day of full employment; and
 - (3) ~~upon completion of the 30-day waiting period~~, eligibility shall be established as the day of application, ~~the day~~ 30 days following the last day of full employment, or the day all other eligibility factors are met, whichever is later;
- F. who is currently registered with WIN or the local job service office of the Department of Economic Security and is available for training and/or employment or qualifies for an exemption from registration with WIN; when exemption from WIN registration exists, the requirement for current registration shall be met by the other parent unless that parent also qualifies for exemption from registration;
- G. who has:
 - (1) worked at least six quarters during any 13 calendar quarter period ending within one year prior to the quarter of application for AFDC-UP; earned the equivalent of not less than \$50 per quarter during this period; under this subitem, compensation for this work may be in United States dollars or in a foreign currency which purchases goods and services equal to or exceeding \$50 in United States currency, and may be in the form of cash compensation or in the form of goods and/or services of a fair market value equivalent to \$50; alternatives to cash compensation include, but are not limited to, the fair market value in the United States of food, shelter, personal items, and medical care that was provided; and that work performed shall include the labor or services rendered, to an employer or through self-employment that was necessary to secure that compensation; that the administering authority shall ordinarily verify such employment by contacting the individuals for whom the work was performed; and that when such verification is not readily available, the administering authority shall accept a personal affidavit from the applicant as a satisfactory substitute for such verification; that cooperation in the WIN program or a community work experience program shall qualify as a quarter of work under this subitem; or
 - (2) received or could have qualified for unemployment compensation during the year prior to application for AFDC-UP, or could have qualified if the work performed had been covered by unemployment compensation; and
- H. who has earned the greater amount of income during the 24 months immediately preceding the month of application for AFDC-UP; when there are no earnings or when earnings are identical for each parent, the applicants may designate the principal wage earner and that designation may not be transferred upon determination of eligibility.

9500.0091 [Emergency] STEPPARENT.

Subpart 1. Income. A stepparent is required to support his or her spouse and his or her stepchildren who reside with the

stepparent. If a stepparent and natural parent do not have sufficient income to meet the needs of their common and separate children, AFDC eligibility shall exist for the natural parent and his or her separate children when all other eligibility factors are met. When two parents have a common child and at least one separate child residing with them, they may elect to seek eligibility on the basis of unemployed parent or incapacitated parent or they may elect to have the needs of the natural parents and his or her separate children met on the basis of continued absence. The local agency shall explain this option and its effects when the option is available. When there are no common children who reside with the parent and stepparent, eligibility for AFDC shall only exist on a stepparent basis.

Stepparent eligibility shall exist for;

A. A single household grant that includes the needs of the natural parent and his or her separate children. This eligibility shall be available when the natural parent and the stepparent do not have common children who reside with them; when they do have common children who reside with them and elect not to receive or do not qualify for AFDC-UP or AFDC-IP eligibility; or they only have separate children in residence and elect to have one parent and his or her children excluded from the AFDC grant.

B. A combined household grant that includes the needs of both parents and their separate children who reside with them. This eligibility shall be available when each parent has separate children who reside with them; any common children who reside with them are excluded from the combined stepparent grant.

Subp. 2. Eligibility for a single household grant. If the combined net income of the natural parent and the stepparent does not equal the combined need for both parents and their common and separate children who reside with them, as defined by AFDC payment standards, and all other eligibility factors are met, AFDC eligibility exists on the basis of need for both the natural parent and his or her separate children. A gross income test shall be applied which includes the gross income of the natural parent and the net income of the stepparent.

A. To determine the net income available to the natural parent and his or her separate children, the deductions made from the stepparent's income shall be those available to AFDC recipients with the exception of the work incentive disregard and dependent care deductions. Additionally the following deductions shall be allowed to determine the income that is available:

(1) expenses paid in the budget month by the stepparent to persons who reside out of the home and are or could be dependents for federal tax purposes;

(2) alimony or child support for persons who reside out of the home when those payments are paid during the budget month by the stepparent;

(3) an allocation for the need of the stepparent at the level of the second adult AFDC payment standard; and

(4) an allocation to the need of any common and separate children of the stepparent if they are under the age of 21; if they reside with the natural parent and the stepparent, and if they have insufficient personal income to meet their need.

The amount of this allocation to the common and separate children of the stepparent equals the difference between the AFDC payment standard for the members of the AFDC assistance unit and the AFDC payment standard if those excluded children were included in the AFDC assistance unit.

B. The net income of the stepparent, after application of these deductions, shall be considered available to the natural parent and his or her separate children in determining AFDC eligibility and payment level. If the gross income test is met, the deductions from the income of the natural parent shall include:

(1) allowances at the AFDC level for work expenses and child care costs;

(2) an allocation to the stepparent up to the second adult AFDC payment standard to cover the portion of the stepparent's need that is unmet after allocating the net income of the stepparent to his or her own need; and

(3) an allocation to the need of any common children and separate children of the natural parent who are not included in the AFDC assistance unit if they:

(a) are under the age of 21;

(b) reside with the natural parent and the stepparent;

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ADOPTED RULES

(c) have insufficient income to meet their needs; and

(d) have any portion of their need unmet after allocating the net income of the stepparent; only the unmet portion of their need is met by allocating income from the natural parent.

The amount of this allocation to the common and separate children of the natural parent that are not included in the AFDC assistance unit equals the difference between the AFDC payment standard for the members of the AFDC assistance unit and the AFDC payment standard if those excluded children were included in the AFDC assistance unit.

(4) If eligibility exists, a deduction shall be allowed for the work incentive disregard when eligibility for this disregard is still available; the amount of the work incentive disregard is deducted from the balance of the gross employment income of the natural parent after deductions for the work expense and the child care allowance have been made.

Subp. 3. Eligibility for a combined household grant. When a husband and wife each have separate children who reside with them and for whom they apply for AFDC, the needs of both parents and the separate children shall be combined into one assistance unit, and they shall receive a single grant with either parent as the payee. Eligibility for AFDC is determined by combining the gross income of the husband and wife and applying the gross income test. If eligibility exists, deductions are allowed for:

A. a work expense against the separate gross employment incomes of the husband and wife;

B. child care expenses against the separate remaining employment income of whichever spouse's employment requires the incurrence of that expense; if both spouses incur the expense, the total expense is divided equally and deducted equally from each spouse's gross employment income;

C. an allocation for the need of any common children and separate children not included in the AFDC assistance unit, except that allocation to the need of separate children shall only be made from the income of the natural parent of those separate children, if they:

- (1) are under the age of 21;
- (2) reside with their parent and stepparent; and
- (3) have insufficient income to meet their needs.

The amount of the allocation to the common children and the separate children of the husband and wife that are not included in the AFDC assistance unit equals the difference between the AFDC payment standard for the members of the AFDC assistance unit and the AFDC payment standard if those excluded children were included in the AFDC assistance unit.

D. If eligibility exists, a deduction shall be allowed for the work incentive disregard for each parent, when eligibility for this deduction is still available; the amount of the work incentive disregard is deducted from the balance of employment income of each parent after deductions for the work expense and dependent care have been made; this allowance is then applied to the incomes of the parents that qualify for it before allocations are deducted from his or her income.

9500.0111 [Emergency] EMPLOYMENT EXPENSE DEDUCTIONS AND DISREGARDS.

Subpart 1. Self-employment expense deductions. The following expenses shall be deducted from self-employment income to determine gross earned income:

A. All business expenses with the following exceptions:

- (1) purchase of capital equipment and payment on the principal of loans for capital assets;
- (2) depreciation;
- (3) amortization;
- (4) the wholesale cost of items purchased, processed, or manufactured which are being carried as unsold inventory (a deduction for the cost of those items shall be allowed at the time they are sold);
- (5) transportation costs which exceed 13 cents a mile unless higher reasonable expenses in excess of those costs have been documented, and costs for mileage to and from the place of employment;
- (6) salaries and other employment deductions made for members of the AFDC assistance unit or residents of the AFDC household for whom the employer is legally responsible;
- (7) monthly expenses in excess of \$69 for each roomer, monthly expenses in excess of \$84 for each boarder, and monthly expenses in excess of \$153 for a roomer-boarder;
- (8) annual expenses in excess of \$101 or two percent of market value, whichever is less, as a deduction for upkeep and repair against rental income;

(9) any expenses not admitted by the Internal Revenue Service for self-employment income or, if admitted, that have the effect of subsidizing business endeavors of recipients with AFDC funds.

B. Business income which is escrowed in a month for future employee FICA and employee tax withholding.

C. A 60 percent flat deduction from the gross receipts for child care performed in the recipient's home; a client may elect to have actual child care expenses, as defined in subpart 1, item A, deducted.

Subp. 2. Employment disregards. A deduction shall be made for all allowed disregards from the amount of gross earned income. Gross earned income is all self-employment income less any allowable business expenses as outlined in subpart 1 and all salaried income before application of mandatory and voluntary deductions, except that self-employment losses shall not be used to offset salaried earnings. The following disregards shall be deducted from gross earned income:

A. A \$75 monthly work expense, whether employment is part or full time.

B. A monthly allowance for dependent care costs actually paid, not to exceed \$160 per dependent when employment equals or exceeds 30 hours per week or not to exceed \$159 per dependent when employment is less than 30 hours per week.

C. Subject to AFDC federal program limitations, an allowance for a \$30 and one-third work incentive for each eligible recipient. This disregard shall apply against the balance of gross earned income which remains after deductions for the work expense and dependent care have been allowed.

9500.0331. [Emergency] DEFINITIONS.

Subpart 1. Scope. The definitions in this part apply to parts 9500.0331 to 9500.0339 [Emergency] and 9500.0351 to 9500.0353 [Emergency].

Subp. 2. Applicant. "Applicant" means an individual who submits a written request for emergency assistance.

Subp. 3. Available resources. "Available resources" means those assets owned by the applicant that are liquid or can be liquidated within the time necessary to avoid or promptly alleviate destitution, together with all other sources of income or of public funds for which the applicant is eligible and contributions from financially responsible relatives living in the home.

Subp. 4. Balloon payment. "Balloon payment" means an amount of money required to be paid on a specific date according to the terms of a contract for deed or mortgage loan agreement and that exceeds the monthly contract for deed or mortgage payment.

Subp. 5. Basic need items. "Basic need items" means subsistence items necessary for life and health, including food, safe drinking water, habitable shelter, clothing, medical care; the companion items necessary to assure these needs, including heating fuel, electricity, essential household appliances and furnishings, caregiving services to children and incapacitated adults, transportation necessary for medical care or employment, equipment or other expenses crucial for employment; and other goods or services necessary to protect a child's health and safety.

Subp. 6. Caretaker. "Caretaker" means a relative listed in Minnesota Statutes, section 256.12, subdivision 14, who lives with and is responsible for the care and well being of a child under the age of 21 years.

Subp. 7. Commissioner. "Commissioner" means the commissioner of the department of human services or his designee.

Subp. 8. Cost effective. "Cost effective" refers to a plan that is economical in terms of the goods or services received for the money spent.

Subp. 9. Department. "Department" means the Department of Human Services.

Subp. 10. Destitution. "Destitution" means the condition of a child who lacks a basic need item and who is without available resources to provide for that need.

Subp. 11. Emergency. "Emergency" means a situation or set of circumstances that causes or threatens to cause destitution.

Subp. 12. Emergency assistance. "Emergency assistance" means financial aid and services to, or on behalf of, a child to avoid or resolve conditions or destitution.

Subp. 13. Family budgeting services. "Family budgeting services" means a range of services directed toward developing a family's capacity to use its available income and resources to assure continued financial stability and provide itself with basic need items.

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

Subp. 14. Habitable shelter. "Habitable shelter" means housing that meets the health and safety standards provided under local ordinance, applicable state or federal law, and any specific criteria established by a physician as necessary to the life and health of the child.

Subp. 15. Local agency. "Local agency" means a county or multicounty agency that is authorized under Minnesota Statutes as the agency responsible for the administration of the emergency assistance program.

Subp. 16. Program. "Program" means the emergency assistance program established under Minnesota Statutes, section 256.871, Emergency Assistance to Needy Families with Children Under Age 21.

Subp. 17. Protective payee. "Protective payee" means a third party who receives funds on behalf of the applicant and bears responsibility for seeing that the applicant's basic needs are provided for out of those funds.

Subp. 18. Request for assistance. "Request for assistance" means a communication to a local agency by mail, telephone, or in person through which a person relates circumstances that indicate the potential destitution of a child. A person need not specifically request "emergency assistance."

Subp. 19. Threatened destitution. "Threatened destitution" means a time at which, unless an action is taken, destitution will result.

Subp. 20. Threatened eviction. "Threatened eviction" means any legal document or written communication that has or will have the effect of requiring a child to vacate the home.

Subp. 21. Utility budget period. "Utility budget period" means a continuous 12-month period preceding the month of application, or a shorter period if the applicant has received utility service for less than 12 months. Unpaid utility bills covering a period of time in excess of 12 months shall be divided into two or more utility budget periods.

Subp. 22. Utility costs. "Utility costs" means charges incurred by an applicant for the provision of electrical, gas, heating fuel, water, and sanitary service.

9500.0332 [Emergency] APPLICABILITY.

Parts 9500.0331 to 9500.0339 [Emergency] and 9500.0351 to 9500.0353 [Emergency] govern the administration of the emergency assistance provided through the aid to families with dependent children program. Parts 9500.0331 to 9500.0339 [Emergency] and 9500.0351 to 9500.0353 [Emergency] define circumstances under which aid or services shall be provided, conditions of eligibility for that aid or those services, and the conditions under which local welfare agencies and the department shall operate the program.

9500.0333 [Emergency] STATEMENT OF PURPOSE.

The purposes of the emergency assistance program are to avoid and to prevent the destitution of children. It does so by providing payments to resolve an emergency and by providing services that prevent recurrence of destitution.

9500.0334 [Emergency] APPLICATION PROCESS.

Subpart 1. Agency brochure. The local agency shall provide by hand or by mail an application form and an informational brochure provided by the department to each person who makes a request for assistance. The form and brochure shall be made available on the same day the request for assistance is received by the local agency. The brochure shall describe eligibility criteria for the program, list the limitations on the frequency with which emergency assistance can be issued, the emergencies for which payment of program funds may be authorized, and contain the following information:

"If a child in your family is threatened by an emergency, you may be eligible for the AFDC-emergency assistance program. If you want the local agency to help you avoid an emergency, you must make a written application with which the local agency must accept. No action will be taken regarding your situation unless you file the application form. If you file an application, a decision will be made promptly by the local agency and a written explanation of that decision will be mailed or delivered to you within one week of the date you filed the application form or you will be informed in writing within that time of the reason for the delay. You may appeal that decision to the Department of Human Services.

Any information given to you concerning your eligibility for emergency assistance before the agency has had the opportunity to review a written application form may not be accurate."

Subp. 2. Application. Any person may apply for emergency assistance. At the time of the application request for assistance, the local agency shall explain to the applicant the program's eligibility requirements, the limitation of annual eligibility, the extent of the program's coverage, the benefits provided by other programs provided by the local agency or known to the local agency to be advantageous to the applicant's circumstances, and the rights and responsibilities of applicants for and recipients of emergency assistance.

Subp. 3. Forms. The application shall be made on forms prescribed by the commissioner and shall be prepared and signed by the applicant or a representative of the applicant, if that representative has been authorized in writing by the applicant or a court to act in the applicant's behalf and if that representative has knowledge of the applicant's financial circumstances.

Subp. 4. Interview. A personal interview shall be conducted after receipt of the application for emergency assistance. If the ~~applicant indicates~~ applicant's circumstances indicate destitution is imminent or already present, the agency shall offer to conduct the personal interview on the same day that the application is received. In all other cases, the personal interview shall be conducted within a time that does not inhibit the local agency's ability to provide assistance in time to prevent destitution.

Subp. 5. Processing application. Applications shall be processed in a manner that considers the immediacy and severity of the destitution. The local agency shall assist applicants in completing the verification process in time to provide an eligible applicant with emergency assistance to prevent destitution. Verification shall be made promptly and by telephone whenever possible. When verification is not available from a third party, a client affidavit may be accepted. Each local agency shall designate at least one staff person to authorize immediate issuance of emergency assistance. Issuance shall not be delayed for the purpose of securing formal action from the county board.

Subp. 6. Notice of eligibility. The local agency shall provide written notice on a form prescribed by the commissioner to all applicants with regard to their eligibility for emergency assistance. The local agency's determination shall be mailed or delivered to the applicant within one week of the date the application was filed unless the applicant is informed within that time and in writing of the reason for the delay.

9500.0335 [Emergency] ELIGIBILITY.

Emergency assistance shall be granted to a family that meets the following conditions:

- A. the family has a child under the age of 21 years who is, or within six months prior to application has been, living with a caretaker;
- B. the family has an emergency;
- C. the family's available resources are not sufficient to resolve the emergency; and
- D. the emergency did not arise because a caretaker or child over the age of 16 years refused employment or training for employment without good cause as defined by the Work Incentive Program.

9500.0336 [Emergency] COVERED EMERGENCIES.

In accordance with parts ~~9500.0338~~ 9500.0331 to 9500.0339 [Emergency] and ~~9500.0339~~ 9500.0351 to 9500.0353 [Emergency], payments and services ~~may~~ shall be authorized when a child lacks, has lost, or is threatened with the loss of basic need items. The causes which produce need include evictions, condemnations, cancellation of a contract for deed, mortgage foreclosure; other relocations; return from residential treatment, long term hospitalization, incarceration or other separations of the child from the caretaker; civil disorders or strikes; fires, floods, storms, or other natural disasters; and loss or theft of funds. Payments and services may be authorized when the eligible household lacks, has lost, or is threatened with the loss of:

- A. shelter;
- B. shelter deposit;
- C. moving expenses;
- D. storage costs necessary to recover personal property;
- E. necessary home furnishings;
- F. necessary appliances, heating or cooking facilities;
- G. ability to pay for necessary home repairs;
- H. utility service;
- I. utility hookup;
- J. clothing;

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ADOPTED RULES

- K. food;
- L. safe drinking water;
- M. necessary medical care;
- N. necessary dependent care;
- O. transportation necessary for medical care or employment;
- P. equipment or other expenses crucial to employment; and
- Q. other items necessary to the health and safety of a child.

9500.0337 [Emergency] FAMILY BUDGETING SERVICES.

Subpart 1. Provision of family budgeting services. Each local agency shall provide a full range of family budgeting services as defined in part 9500.0331 [Emergency], subpart 13. These services shall be provided by experts in the field and shall be made available, without cost, to persons who apply for emergency assistance. The local agency may use administrative emergency assistance funds to either provide these services through its own qualified staff or may contract with outside experts to provide family budgeting services or provide these services itself. Agency initiated vendor or protective payments may be used if recommended under a family budgeting plan. Costs incurred for family budgeting services shall be considered administrative and program expenditures respectively for purposes of securing state and federal reimbursement.

Subp. 2. Vendor and protective payments. The local agency may not condition issuance of emergency assistance on the use of protective or vendor payments, but shall provide these services at the request of an eligible applicant or a recipient. If, subsequent to the decision of the agency regarding the application for emergency assistance, the local agency wishes to use agency-initiated vendor or protective payments, these payments must be established pursuant to Code of Federal Regulations, title 45, section 234.60.

9500.0338 [Emergency] ISSUANCE OF ASSISTANCE.

Subpart 1. Payments. Emergency assistance payments may be made as direct cash payment to the applicant, vendor payments, vouchers, or protective payee payments. Where assistance is requested for employment-related expenses under part 9500.0336 [Emergency], issuance is limited to an interest-free loan of up to \$100.

Subp. 2. Services. Services available under the emergency assistance program include negotiation with creditors, family budgeting services, protective payee arrangements, and coordination of agency financial assistance programs with public or private resources available in the community.

9500.0339 [Emergency] LIMITATIONS.

Subpart 1. 30-day period. Emergency assistance shall be granted only for one consecutive 30-day period in one consecutive 12-month period. Needs that accrue prior to the 30-day period may be met only when necessary to resolve emergencies arising or continuing during the 30-day period of eligibility. Assistance may be extended for up to 30 days beyond the initial 30-day period of eligibility if authorized during the initial period.

Subp. 2. Lost checks. Emergency assistance shall not be available when uncashed AFDC checks are lost or stolen. In these cases, the lost or stolen AFDC checks shall be replaced in accordance with part 9500.0240, subpart 1.

Subp. 3. Applicant move. Where continued payment of shelter and utility expenses appear beyond the ability of the applicant to pay from anticipated income, the local agency may condition the issuance of emergency assistance on the requirement that the applicant move to more affordable housing as a method of preventing destitution of the child. If this requirement is imposed, the local agency must specify one or more habitable locations which are available in the community which will result in at least a 20 percent reduction in monthly expense and which shall be cost effective for the applicant. The local agency shall issue emergency assistance for expenses directly related to the relocation. In considering relocation, the local agency shall evaluate the effect of the requirement to move in terms of the size of the proposed housing and the disruption to the child which could result from the move.

9500.0351 [Emergency] MORTGAGE ARREARAGES AND BALLOON PAYMENTS.

Subpart 1. Balloon payments. Balloon payments shall be made up to a maximum issuance of six times the AFDC family allowance standard for the size and composition of the applying family. These payments shall be made only if the applicant has been refused refinancing through a bank or other lending institution and the amount payable, combined with any payments made by the applicant, will be accepted by the creditor as full payment of the balloon and will avoid the threatened destitution.

Subp. 2. Arrearages. Mortgage and contract for deed arrearages shall be paid if those arrearages have caused or threaten to cause a foreclosure or cancellation action to be brought against the applicant subject to part 9500.0339 [Emergency], subpart 3.

In addition, the following limitations shall become effective November 1, 1984, and apply to the issuance of emergency assistance for these applicants:

A. If the applicant has paid less than 30 percent of his ~~total~~ gross income, in the 12 months preceding application, for house payments to include payments for principal and interest on mortgage or contract for deed payments; property taxes and special assessments (less any homestead credit paid to the applicant) homeowner's insurance, and balloon payments, no eligibility for emergency assistance payments for arrearages shall exist. ~~If the applicant has received emergency assistance payments against a prior foreclosure action, eligibility shall not exist if the applicant has paid less than 40 percent of his total income in the 12 months preceding application for house payments.~~

B. If the applicant has paid 60 percent or more of his total gross income, in the 12 months preceding application, for house payments he shall be eligible for full payment of any arrearage that exists at the time of foreclosure action. ~~If the applicant has received emergency assistance payments against a prior foreclosure action and has paid 70 percent or more of his total income, in the 12 months preceding application, he shall be eligible for full payment of any arrearage that exists at the time of the foreclosure action.~~

C. If the applicant has paid at least 30 percent but less than 60 percent of his gross income, in the 12 months preceding application, for house payments; ~~or if the applicant has received emergency assistance against a prior foreclosure action and has paid at least 40 percent but less than 70 percent of his income, in the 12 months preceding application,~~ he will be eligible for emergency assistance payment according to the following:

% OF TOTAL HOUSE PAYMENT DUE IN THE PRECEDING 12 MONTHS THAT WAS PAID BY THE APPLICANT	% OF FORECLOSURE AMOUNT DUE WHICH WILL BE PAID BY EMERGENCY ASSISTANCE	% OF FORECLOSURE AMOUNT DUE WHICH WILL BE PAID BY THE APPLICANT
less than 20%	50%	50%
at least 20% but less than 30%	60%	40%
at least 30% but less than 40%	70%	30%
at least 40% but less than 50%	80%	20%
at least 50% but less than 60%	90%	10%
60% or more	100%	0%

D. ~~Each applicant unit that has been threatened with foreclosure action may use emergency assistance to cover a maximum of two times. Emergency assistance issued prior to the effective date of this part shall not be used for the purposes of this item.~~

E. No payment against an arrearage shall be paid unless there is a confirmation from the foreclosing party that the emergency assistance payment in combination with any payment of the applicant will provide reasonable assurance that a subsequent foreclosure action will not force the applicant out of his home within the next 12 months.

F. E. If the local agency does not have family budgeting services available as defined in part 9500.0337 [Emergency], and the applicant is ineligible for payment or eligible for partial payment under this part, the limitations of this part, items A, C, and D shall not apply; the applicant shall receive payment of the full unpaid balance.

Subp. 3. Homestead requirement. These arrearages and balloon payments may only be paid on a home occupied, maintained, and ~~solely~~ owned by the applicant family as its primary residence.

Subp. 4. Arrearages and balloon payments due. When both monthly payments are in arrears and a balloon payment is due within the next 12 months, the value of the balloon payment shall be considered in addition to the total monthly payment arrearage when assessing the applicant family's financial ability to avoid destitution at the time the balloon payment becomes due.

Subp. 5. Applicant move. When the applicant is found ineligible for balloon payments or arrearages under the emergency assistance program and a move is required, the local agency shall assist the family in relocating according to the provision in part 9500.0339, subpart 3.

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ADOPTED RULES

9500.0352 [Emergency] UTILITIES.

Subpart 1. Conditions of payment. Subject to the limitations in this part, payment shall be made when an otherwise eligible family has had a termination or is threatened with a termination in electric, gas, or heating fuel service.

A. No payment shall be made from emergency assistance funds unless the local agency has received confirmation from the utility provider that payment in the amount specified as owed by the applicant satisfies the full amount of the applicant's debt to the utility, including any delinquent accounts of the applicant, and only if the total funds available from the local agency combined with the applicant's resources, either paid from present funds or obligated by the applicant under a repayment plan with the utility, will be sufficient to prevent termination of utility service.

B. Except as provided in subpart 2, item D, payment shall not be made to persons who:

(1) ~~Effective November 1, 1984, and thereafter~~ paid less than four percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

(2) ~~Effective November 1, 1985, and thereafter~~ paid less than six percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

(3) ~~Effective November 1, 1986, and thereafter~~ paid less than eight percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

Subp. 2. Amounts of payment. The amount paid through emergency assistance shall depend upon the percent of gross income paid toward utility costs and the percent of the total utility cost paid prior to the issuance of emergency assistance, as follows:

A. Payments Payment of the balance owed to the utility shall be made in full when:

(1) ~~Effective November 1, 1984, and thereafter~~, the applicant paid no less than eight percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

(2) ~~Effective November 1, 1985, and thereafter~~, the applicant paid no less than 12 percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

(3) ~~Effective November 1, 1986, and thereafter~~, the applicant paid no less than 16 percent of the family's gross income toward utility payments due during the utility budget period or while the application is pending.

B. Except as provided in subpart 2, item D, payments made from emergency assistance on the balance owed to the utility shall be limited to the amounts under Table 1 when:

(1) ~~Effective November 1, 1984, and thereafter~~, the applicant paid at least four percent and less than eight percent of gross available income toward utility payments due during the utility budget period or while the application is pending.

(2) ~~Effective November 1, 1985, and thereafter~~, the applicant paid at least six percent and less than 12 percent of gross available income toward utility payments due during the utility budget period or while the application is pending.

(3) ~~Effective November 1, 1986, and thereafter~~, the applicant paid at least eight percent and less than 16 percent of gross available income toward utility payments due during the utility budget period or while the application is pending.

C. If the applicant paid the amounts indicated in subpart 2, item B, above, the local agency shall issue emergency assistance according to the following:

Table 1: Amounts paid by emergency assistance

% of total utility consumption cost paid by applicant prior to issuance of emergency assistance	% of the unpaid balance which will be paid by emergency assistance	% of the unpaid balance which must be paid by the applicant
less than 10%	70%	30%
at least 10% and less than 20%	76%	24%
at least 20% and less than 30%	82%	18%
at least 30% and less than 40%	88%	12%
at least 40% and less than 50%	94%	6%
50% or more	100%	0%

D. If the local agency does not have family budgeting services available as defined in part 9500.0337 [Emergency], and the applicant is ineligible for payment or eligible for partial payment under this part, the limitations of subpart 1, item B, and subpart 2, item B, shall not apply; the applicant shall receive payment of the full unpaid balance.

Subp. 3. Negotiations with utility providers. The local agency shall negotiate on behalf of the applicant eligible for reduced payments under subpart 2, item B, if the utility provider does not ordinarily offer repayment plans to its customers or refuses to offer a repayment plan to the applicant. If the utility provider refuses to accept the amount the agency may pay under subpart 2, item B, together with establishment of a repayment plan for the additional money owed on the balance by the applicant, the local agency shall pay nothing to the utility provider and shall assist the family in seeking ~~an alternate provider or making~~ alternate arrangements.

Subp. 4. Termination of water or sanitary service. The local agency shall pay the full amount of the unpaid balance due the utility provider.

Subp. 5. Threat to child's life. The restrictions contained in this part shall not be construed to prevent the use of emergency assistance where the local agency is required to take immediate and temporary action necessary to protect the life of a child.

9500.0353 [Emergency] APPEALS.

Subpart 1. Right to appeal. Each applicant shall have the right to appeal any action or failure to act with reasonable promptness on the part of the local agency relating to the application for emergency assistance. The local agency shall inform the applicant in writing of the right to appeal and the procedure to follow in filing an appeal. Within two working days after receiving a written request for an appeal, the local agency shall forward the written request and an agency appeal summary to the appeals office of the Department of Human Services.

Subp. 2. Hearings. The appeals office shall schedule a hearing on the earliest available date and, following the hearing, shall promptly forward the decision of the referee to the commissioner.

Subp. 3. Decisions of the commissioner. The commissioner shall issue a written order within five working days of receipt of the referee's decision, shall immediately provide the parties with the outcome of his decision by telephone, and shall mail the written decision to the parties no later than the second working day following the date of the commissioner's decision.

APPLICATION. Parts 9500.0031 to 9500.0353 [Emergency] shall be read together with permanent rules parts 9500.0010 to 9500.0370, and where these parts are in conflict, the emergency rules shall prevail until their expiration date.

Department of Human Services

Adopted Emergency Rules Governing the Community Work Experience Demonstration Programs: Registration and Work Requirements

The rules proposed and published at *State Register*, Volume 9, Number 10, pages 464-469, September 3, 1984 (9 S.R. 464) are adopted with the following modifications:

Emergency Rules as Adopted

9505.1053 [Emergency] COUNTIES ELIGIBLE FOR CWEP.

Subp. 2. Plan proposal. Each county that has an approved CWEP program as of January 1, 1984, must submit a written plan complying with this part to the commissioner before operation of the program can begin. Counties in which a CWEP program is in operation as of the effective date of parts 9505.1050 to 9505.1065 [Emergency] shall submit a written plan in compliance with this part by December 1, 1984.

9505.1057 [Emergency] PARTICIPANT REIMBURSEMENT.

Subp. 3. Amount of participant cost reimbursement. The local agency shall reimburse each CWEP participant for costs within the scope of subpart 2 not to exceed \$25 per month per participant. If it is determined that the cost of the items listed in subpart 2, items A to L exceed \$25 per month per participant, the local agency may shall either choose to reimburse for such costs in excess of \$25 per month per participant or find that the recipient has good cause not to participate in the CWEP program.

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

9505.1058 [Emergency] GOOD CAUSE.

The local agency shall determine whether there is good cause for a participant to refuse to accept an available assignment or to refuse to cooperate with the conditions of an assignment. A determination or recommendation by the Department of Economic Security is not binding on the local agency. ~~Good cause exists when~~ In addition to part 9505.1057 [Emergency], subpart 3, situations in which good cause exists include:

9505.1059 [Emergency] RESTRICTIONS ON TYPE OF WORK DONE BY PARTICIPANTS.

Work performed by participants in CWEP must comply with Code of Federal Regulations, title 45, section 238.52, ~~as amended through December 31, 1983~~ and Minnesota Statutes, section 256.737.

9505.1062 [Emergency] SPONSORS.

Subp. 2. Duties of sponsor. The duties of a sponsor are to:

B. Allow the CWEP participant at least one business day per week to search for work. This day may, at local agency option, count as eight hours of authorized CWEP work.

Department of Public Service Weights and Measures Division

Adopted Rule Governing Weights and Measures Inspection Fees

The rule proposed and published at *State Register*, Volume 9, Number 9, pages 422-424, August 27, 1984 (9 S.R. 422) is adopted as proposed.

Public Utilities Commission

Adopted Rules Governing Automatic Adjustment of Charges

The rules proposed and published at *State Register*, Volume 8, Number 41, pages 2214-2220, April 9, 1984 (8 S.R. 2214) are adopted with the following modifications:

Rules as Adopted

7825.2390 PURPOSE.

The purpose of parts 7825.2390 to 7825.3000 is to allow a means by which regulated gas and electric utilities may adjust for increases and decreases in the cost of energy delivered to customers that are different from those costs authorized by the commission in the utility's most recent general rate case. Energy costs included in rate schedules are subject to evidentiary hearings in general rate cases filed by the utility. Proposed energy cost adjustments must be evaluated submitted before billing by to the Department of Public Service. Annual evaluation of energy cost adjustments must be made by the Department of Public Service and others as provided for in parts 7825.2390 to 7825.3000.

7825.2400 DEFINITIONS.

Subp. 4. Base cost. "Base cost" is the cost of peak shaving gas volumes or the cost of fuel consumed in the manufacture of gas or generation of electricity and purchased gas or purchased power in the base period expressed as a cost per kilowatt-hour sold or cost per Mcf, Ccf, or Btu sold.

7825.2700 PURCHASE GAS ADJUSTMENT.

The computation of the automatic adjustment ~~to~~ of charges must conform to the procedures set forth below.

7825.2820 ANNUAL AUDITOR'S REPORT.

By September 1 of each year, all gas and electric utilities shall submit to the commission an independent auditor's report evaluating accounting for automatic adjustments for the prior year commencing July 1 and ending June 30 or any other year if requested by the utility and approved by the commission. The commission shall approve the request unless it finds that to do so would seriously affect the administration of the automatic adjustment reporting program.

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.

Department of Administration Cable Communications Board

Outside Opinions Sought Regarding Rules Governing Municipally Owned Cable Communications Systems

The Minnesota Cable Communications Board, a division of the Department of Administration, seeks to obtain information and opinions from sources outside the agency to aid it in determining whether there is a need to propose rules governing procedures to be followed in the establishment of initial and renewed ordinances for cable communications systems to be owned and operated by municipalities, as well as for specific provisions to be included in such ordinances.

This solicitation of opinion responds to questions raised with the Board by the Minnesota Cable Communications Association, a trade group representing the privately owned cable industry. Minnesota cable statutes do not specifically direct the Board to establish such rules, but Chapter 238.08, Subdivision 3 states as follows:

“Nothing in this chapter shall be construed to limit any municipality from the right to construct, purchase and operate a cable communications system. Any municipal system shall be subject to the laws, rules and regulations of the board to the same extent as would any nonpublic cable communications system.”

Interested persons and organizations are invited to submit data and views on this subject either in writing or orally at the December 14, 1984 and January 11, 1985 board meetings convening at 9:00 a.m. Any written material received by this agency will become part of the official record on this matter.

Information or comments should be submitted to W. D. Donaldson, Executive Director, Minnesota Cable Communications Board, Department of Administration, 500 Rice Street, Saint Paul, Minnesota 55103, (612) 296-2545.

State Board of Education Department of Education Management Effectiveness Division

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to Grants for Public Library Services and Multi-County Multi-Type Library Cooperation (Minnesota Rules 3530.0200-3530.2600)

Notice is hereby given that the Department of Education is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules governing grants for public library services and multi-county multi-type library cooperation (Minnesota Rules 3530.0200-3530.2600). Promulgation of these rules is authorized by Minnesota Statutes, section 134.32, subd. 8 and section 121.11, subd. 12.

The Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: William G. Asp, Director, Office of Library Development and Services, Department of Education, 440 Capitol Square Bldg., St. Paul, MN 55101, (612) 296-2821.

All statements of information and comment shall be accepted until December 16, 1984. Any written material received by the Department of Education shall become part of the record in the event that rules are promulgated.

Dr. Ruth E. Randall
Commissioner of Education

**State Board of Education
Department of Education
Management Effectiveness Division**

**Outside Opinion Sought Regarding Proposed Rules Relating to Grants for Public
Library Construction and Remodeling**

Notice is hereby given that the Department of Education is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing grants for public library construction and remodeling. Promulgation of these rules is authorized by Minnesota Statutes, section 134.32, subd. 8 and section 121.11, subd. 12.

The Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: William G. Asp, Director, Office of Library Development and Services, Department of Education, 440 Capitol Square Bldg., St. Paul, MN 55101, (612) 296-2821.

All statements of information and comment shall be accepted until December 16, 1984. Any written material received by the Department of Education shall become part of the record in the event that rules are promulgated.

Dr. Ruth E. Randall
Commissioner of Education

**State Board of Education
Department of Education
Partnerships Division**

**Outside Opinion Sought Regarding Proposed Rules Governing the Rules for Licensure
of Secondary Vocational Education Personnel**

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter 3515: Licensure for Personnel in Vocational Schools. 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 requests information and comments concerning the subject matter of these rules as related to secondary vocational licensure. Interested or affected persons may submit written statements of information or comment orally. Written statements should be addressed to:

Audrey M. Grote
520 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3306 and in person at the above address.

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

November 26, 1984

Nan Skelton
Assistant Commissioner

Department of Energy and Economic Development Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under Minnesota Statutes, Section 116M.01 to Section 116M.13, Inclusive—Litchfield Woolen Mills Company

Notice is hereby given that the Minnesota Energy and Economic Development Authority (THE "Authority"), shall cause to be considered by their duly appointed representative, Edward J. Meyer, Jr., on December 13, 1984, at 3:00 p.m., at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Litchfield Woolen Mills Co. (the "Company"), a Minnesota corporation. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction of a building adjacent to its existing facility to house equipment for the processing of wool, to be located in Litchfield, Minnesota (street address: 111 East 10th Street, Litchfield, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to \$700,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

November 15, 1984

By order of the members of the
Minnesota Energy and Economic
Development Authority

Mark B. Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Ethical Practices Board

Advisory Opinion #90 Re: Voluntary Campaigning by State Officeholders for Legislative Candidates

ADVISORY OPINION #90

Approved by the Ethical Practices Board on November 15, 1984

Issued to:

Mr. Walter J. Duffy, Jr., Treasurer
(Rudy) Perpich Volunteer Committee
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, MN 55402

RE: Campaign Expenditures

OFFICIAL NOTICES

SUMMARY

90. Volunteer services by a state officeholder on behalf of legislative candidates need not be allocated to or reported by any candidate.

The full text of the opinion is available upon request from the office of the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155-1289, (612) 296-5148.

Department of Human Rights

Outside Opinion Sought Concerning Proposed Rules Governing Certificates of Compliance and Public Contracts

Notice is hereby given that the Department of Human Rights is seeking information or opinions from persons or groups in preparing and amending rules governing Certificates of Compliance and Public Contracts.

The promulgation of these rules is authorized by Minnesota Statutes 363.74 (1984) which authorizes the commissioner to adopt suitable rules and regulations for effectuating the purposes of Chapter 363.073.

The Department of Human Rights requests information and comments concerning the subject matter of these rules, including comment on the issue of whether or not these rules and amendments are likely to have a qualitative or quantitative impact upon small business as defined by Minn. Stat. § 15.115. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

James Robinson, Supervisor
Compliance Unit
Minnesota Department of Human Rights
500 Bremer Tower—7th and Minnesota Streets
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-5683.

All statements of information and comment shall be accepted until December 10, 1984. Any written material received by the Department of Human Rights shall become part of the record.

Department of Human Services Health Care Programs

Notice of Hospital Cost Index

Pursuant to 12 MCAR § 2.05401, D. 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 7.0 percent 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 percent. Consequently the HCI is 5 percent for hospitals whose fiscal years begin during the calendar quarter beginning January 1, 1985.

Leonard W. Levine, Commissioner
Department of Human Services

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Outside Opinion Sought Concerning Proposed Rules Governing the General Assistance Program Including Assistance Standards, Certain Exemptions from Registration Requirements, and Interim Assistance Reimbursement

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources

outside the agency in preparing to promulgate permanent rules governing the General Assistance Program including assistance standards, certain exemptions from registration requirements, and interim assistance reimbursement. Once the permanent rules are promulgated, they will replace Parts 9555.3410 to 9555.3412 [Emergency], 9555.3415 [Emergency], and 9555.1317 [Emergency].

The promulgation of permanent rules is authorized by Minnesota Statutes, sections 256D.01, subdivision 1b. (1984), 256D.06, subdivision 5, and 256D.111, subdivision 5 (1984).

The Minnesota Department of Human Services requests information and comments concerning the subject of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements should be addressed to:

John Anderson
Assistance Payments Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55101

Oral statements of information and comment will be received over the telephone at (612) 297-1489 between the hours of 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until further notice. Any written material received by the Minnesota Department of Human Services shall become a part of the rule file in the event that the rules are promulgated.

Department of Human Services Mental Health Bureau

Outside Opinion Sought Concerning Proposed Permanent Rules Governing the Licensing of Day Training and Habilitation Services for Persons with Mental Retardation

Notice is hereby given that the Minnesota Department of Human Services is considering permanent rules governing the licensing of day training and habilitation services for persons with mental retardation. These rules establish a licensing process and set minimal standards for day training and habilitation services and the facilities in which these services are provided.

Authority for these rules is contained in Minnesota Statutes, sections 245.781-245.812.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Susan Canine
Department of Human Services
Rules Unit
Fourth Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/297-1241 between 9 a.m. and 4 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services Mental Health Bureau

Outside Opinion Sought Concerning Proposed Permanent Rules to Replace Parts 9510.1020-9510.1140 [Emergency]

Notice is hereby given that the Minnesota Department of Human Services is considering permanent rules relating to

OFFICIAL NOTICES

medical assistance funding for very dependent persons with special needs. These rules will establish a special needs rate exception for very dependent persons with mental retardation who have special needs.

Authority for these rules is contained in Minnesota Statutes 256B.501, subdivision 8.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Lisa Rotegard
Department of Human Services
Rules Unit
Fourth Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/296-5687 between 9 a.m. and 4 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services Mental Health Bureau

Outside Opinion Sought Concerning Proposed Permanent Rules to Replace Parts 9525.0015-9525.0145 [Emergency]

Notice is hereby given that the Minnesota Department of Human Services is considering permanent rules relating to county board responsibility for providing case management services. These rules govern the provision of case management services, diagnosis of mental retardation, assessment of individual service needs, screening of persons with mental retardation, development of individual service plans, development of individual habilitation plans, contracts, appeals, quality assurance, and development of services and determination of needs.

Authority for these rules is contained in Minnesota Statutes, sections 252.28, 252.291, 256B.092, 256B.501, and 256B.503.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Susan Canine
Department of Human Services
Rules Unit
Fourth Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/297-1241 between 9 a.m. and 4 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services Mental Health Bureau

Outside Opinion Sought Concerning Proposed Permanent Rules to Replace Parts 9525.1800-9525.1930 [Emergency]

Notice is hereby given that the Minnesota Department of Human Services is considering permanent rules relating to the medical assistance funding and administration of home and community-based services for persons who are mentally retarded. The rules will establish standards for the delivery of home and community-based services and govern the funding and administration of these services.

Authority for these rules is contained in Laws of Minnesota 1983, Chapter 312, Article 9.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Jane Delage
Department of Human Services
Rules Unit
Fourth Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/297-4302 between 9 a.m. and 4 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services Mental Health Bureau

Outside Opinion Sought Concerning Proposed Temporary Amendments to Parts 9525.1800-9525.1930 [Emergency]

Notice is hereby given that the Minnesota Department of Human Services is considering draft temporary amendments relating to the medical assistance funding and administration of home and community-based services for persons who are mentally retarded. The amendments will establish standards for the delivery of home and community-based services including in-home family support services, respite care, and supportive living arrangements for children and adults.

Authority for these rule amendments is contained in Laws of Minnesota 1983, Chapter 312, Article 9, and Laws of Minnesota 1984, Chapter 640, Section 28.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Jane Delage
Department of Human Services
Rules Unit
Fourth Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/297-4302 between 9 a.m. and 4 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Board of Investment Investment Advisory Council

Notice of Regular Meeting

The State Board of Investment will meet on Wednesday, December 12, 1984, at 1:30 p.m. in Room 118, State Capitol.

The Investment Advisory Council will meet at 2:30 p.m. on Tuesday, December 11, 1984, in the MEA Building Conference Room.

OFFICIAL NOTICES

Department of Labor and Industry Prevailing Wage Division

Correction to Prevailing Wage Rates for Sheet Metal Workers

The prevailing wage rate certified July 13, 1984 and published in the *State Register* July 23, 1984 for sheet metal workers in Steele County for commercial construction projects was printed in error.

The prevailing wage rates certified June 1, 1984 and published in the *State Register* May 28, 1984 for Bituminous Distributor Drivers and Tandem Axel or 3 Axel Unit in Itasca County for Highway and Heavy construction projects was also in error.

Copies of the corrected rates, effective November 9, 1984, may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Steve Keefe, Commissioner
Department of Labor & Industry

Department of Labor and Industry Prevailing Wage Division

Correction to Prevailing Wage Rates for Tile Setters

The prevailing wage rates certified in July of 1984 for tile setters on commercial construction projects in Anoka, Carver, Cass, Crow Wing, Dakota, Hennepin, Isanti, LeSueur, Mille Lacs, Ramsey, Scott, Sherburne and Sibley counties will be changed effective November 16, 1984 due to a reporting error.

Copies of the corrected certifications may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Steve Keefe, Commissioner
Department of Labor & Industry

Metropolitan Council

Notice of Review Schedule for Transportation Policy Plan/Amendment to Air Quality Control Plan for Transportation in the Twin Cities

The Metropolitan Council will begin review of proposed strategies to reduce carbon monoxide to acceptable levels at the intersection of Snelling and University Avenues in St. Paul. The proposed strategies will be incorporated into the Transportation Control Plan for Air Quality as an amendment to the Regional Transportation Policy Plan. The amended Air Quality Control Plan will then be submitted to the Minnesota Pollution Control Agency as a revision to the State Implementation Plan.

The following is a REVISED schedule for reviewing the proposed amendment.

Sept. 19 (Wednesday)	Air Quality Committee reviews recommended strategies
Nov. 7 (Wednesday)	TAC reviews draft Control Plan Amendment
Nov. 21 (Wednesday)	TAB reviews draft Control Plan Amendment
Nov. 26 (Monday)	Metro Systems Committee reviews public hearing draft amendment
Nov. 29 (Thursday)	Metropolitan Council adopts the draft amendment for public hearing
Jan. 3 (Tuesday)	Public Hearing on the proposed amendment before the Metropolitan Council
Jan. 17 (Thursday)	Hearing Record Closes
Jan. 24	Hearing Report and final document available

- Feb. 4 (Monday) Metropolitan Systems Committee reviews final hearing report and approves final amendment
- Feb. 14 (Thursday) Metropolitan Council adopts final amendment and forwards it to the Minnesota Pollution Control Agency

This schedule is tentative and subject to change. A subsequent notice of public hearing will be published. If you have any questions regarding the schedule or amendment, call Ann Braden of the Council's Transportation Planning staff at 291-6525.

Minnesota Teachers Retirement Association

Meeting Notice, Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, December 13, 1984, 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.

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration

Office Space Wanted for Department of Human Services

The Dept. of Administration desires proposals for rental of approx. 150,000 usable sq. ft. of office space, 23,000 of usable sq. ft. of special space, and approx. 8,000 usable sq. ft. of storage type space for the Dept. of Human Services. Close proximity to the State Capitol complex is desired. Contact the Dept. of Administration, Real Estate Management Division, 50 Sherburne Ave., Rm. G22, St. Paul, MN 55155 (612) 296-6674. Proposals must be submitted by 4:30 p.m. (CST) on Monday, December 17, 1984.

Department of Administration

Office Space Wanted for Department of Revenue

The Dept. of Administration desires proposals for rental of approx. 145,000 usable sq. ft. of office space, 21,000 usable sq. ft. of special space and approx. 12,000 usable sq. ft. of storage type space for the Dept. of Revenue. Close proximity to the State Capitol complex is desired. Contact the Dept. of Administration, Real Estate Management Division, 50 Sherburne Ave., Rm. G22, St. Paul, MN 55155. (612) 296-6674. Proposals must be submitted by 4:30 p.m. (CST) on Monday, December 17, 1984.

STATE CONTRACTS

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-44822	PBX Telephone System	Transportation	Owatonna	Contact buyer
29-000-36949	Rental Peat Screening Equipment	Natural Resources		Contact buyer
26-073-17037	Library Shelving	St. Cloud State University	St. Cloud	Contact buyer
29-004-05895, etc.	Used Trucks—Rebid	Natural Resources	St. Paul	Contact buyer
29-006	PBX Telephone System	Natural Resources	St. Paul	Contact buyer
79-900-02859	Fitch Impact Atinuator Walls	Transportation	No. St. Paul	Contact buyer
79-050-44779	Discrinator Modules	Transportation	St. Paul	Contact buyer
26-071-14657	Tower Erection	Mankato State University	Mankato	Contact buyer
53-000-01454, 3754	Minnesota Legislative Manual Rebid	Secretary of State	St. Paul	Contact buyer
26-071-14764, 4036	Codabar Bar Code Labels	Mankato State University	Mankato	Contact buyer
79-000-44774	Sign Lite Luminaire	Transportation	St. Paul	Contact buyer
27-152-42900	Rubbish Disposal	Anoka Ramsey Community College	Anoka	Contact buyer
02-410-43915	Cable	Administration—Info. Systems Bureau	St. Paul	Contact buyer
07-700-32749, 3885	Prebill w/Title	Public Safety	St. Paul	Contact buyer
67-260-10251, 3873	Student Guide to Mn Short Form	Revenue	St. Paul	Contact buyer
67-260-10261, 3872	Printing/Processing/Bulk Mailing of 1099 Self-Mailer	Revenue	St. Paul	Contact buyer
29-003-08141	Electrofishing Boat & Trailer Package	Natural Resources	Brainerd	Contact buyer
78-630-06223	Install Man Barrier	Minnesota Correctional Facility	Oak Park Heights	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Energy and Economic Development Energy Division

Request for Proposals for Biomass Fired Boiler Emission Survey

The Minnesota Department of Energy and Economic Development, Energy Division (DEED/Energy) is requesting proposals from firms interested in working with DEED/Energy on a project to monitor the performance of selected fiber fuel boilers. The objective of this proposal is to document the performance characteristics (efficiency, emissions, etc.) of fiber fuel fired boilers now being used in Minnesota. The results of this project will help to define the magnitude of the emissions problem as well as indicate the need for additional work.

Proposals are being requested from qualified firms with experience in the design and implementation of emissions tests for small and intermediate size boiler systems. Emphasis is placed on emissions testing with additional knowledge of boiler design and operations being beneficial.

The formal Request for Proposals (RFP) may be obtained and inquiries should be directed to:

James F. Idzorek
Department of Energy and Economic Development
Energy Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612-296-3741

Funds presently available for this work are in the amount of \$22,500. Respondents should be prepared to modify their proposals should additional funds become available.

The deadline for the submission of completed proposal will be 4:30 p.m., December 12, 1984.

Department of Energy and Economic Development Energy Division

Request for Proposals for Wind Park Feasibility Study

The Alternative Energy Engineering Office of the Department of Energy and Economic Development is requesting proposals for a study on the financial feasibility of developing a wind park of at least 1 megawatt capacity in western Minnesota.

Proposals should specify how experience of wind energy developers in other states, financial installations, park designers, and wind machine manufacturers will be incorporated in the study.

The study should:

- (1) Select appropriate wind machine for use in a wind park development.
- (2) Develop project cost estimates, for machines, and site development such as underground transmission lines, substation and utility interconnection.
- (3) Operating and maintenance costs.
- (4) Evaluate ownership scenarios.
- (5) Effects of incentives such as federal and state energy investment tax credits.
- (6) Effects of various utility buy-back rates.

The Alternative Energy Engineering Office has budgeted \$15,000 for this study. Proposals must be received by the Department of Energy and Economic Development, Alternative Energy Engineering Office no later than 4:30 p.m., December 11, 1984. The formal Request for Proposals document may be requested and inquiries should be directed to:

Paul Helgeson
Wind Energy Programs
Department of Energy and Economic Development
Energy Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/297-4008

Department of Energy and Economic Development Office of Development Resources

Request for Proposals to Study and Recommend Feasibility Options for the Potential Development of a National Theme/Amusement Facility

The Minnesota Department of Energy and Economic Development is requesting proposals from qualified individuals interested in studying the feasibility of the potential for developing a year-round National Destination Point Theme Park in

STATE CONTRACTS

Minnesota. This request does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Proposals are being requested to complete the following major project activities:

1. Identify an Amusement Park Theme which has the potential for operating economically year-round in Minnesota.
2. Recommend the optimal location for the facility.
3. Project economic impact of the proposed project.
4. Estimate the regional, national, and international attendance the Park will expect to draw during its first five years of operation.
5. Estimate the impact the proposed facility will have on existing recreation facilities in Minnesota.
6. Identify options for funding the facility.
7. Examination of other factors impacting the project.

It is estimated that the cost of the study need not approach, but shall not exceed \$50,000. Proposals should be received by MN DEED no later than 4:30 p.m., December 17, 1984.

The formal Request for Proposal may be requested and inquiries should be directed to:

Harry Rosefelt
Development Resources Division
MN Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 51501
(612) 296-5010

Metropolitan Council Parks and Open Space Department

Contract for Consultant Services for Ski Jump Feasibility Study

The Parks and Open Space Dept. of the Metropolitan Council announces availability of a contract for assisting the Council in conducting a comprehensive feasibility study of the Minnesota Holmenkollen Ski Jump facility. The contract period will be approximately December 1984 through April 1985. Selection will be based on response to the Council's Request for Proposals, a copy of which is available from Jack Mauritz at (612) 291-6602. Demonstrated expertise in ski jump facility design, economic impact and feasibility analysis and environmental impact analysis will be prime criteria in selection. Deadline for submission of proposals is Dec. 7, 1984.

Pollution Control Agency

Request for Proposals/Request for Qualifications for Consultants/Contract Services for Remedial Investigations/Feasibility Studies at Hazardous Waste Sites

The Minnesota Pollution Control Agency (MPCA) wishes to retain one or a limited number of contractor(s) to conduct Remedial Investigations/Feasibility Studies (RI/FS's) at various hazardous waste sites located throughout Minnesota. All qualified contractors are invited to submit proposals. Funding to conduct the RI/FS's will be provided by both Environmental Response and Liability Act (State Superfund) and Comprehensive Environmental Response, Compensation, and Liability Act (Federal Superfund). Federal Superfund monies to conduct the RI/FS's are obtained by the MPCA through a Cooperative Agreement between the MPCA and the U.S. Environmental Protection Agency (EPA). Specific sites will be funded each quarter during the federal fiscal year 1985. Federal Superfund monies are currently available to conduct RI/FS's at the Kummer Sanitary Landfill, Long Prairie Ground Water Contamination, and Whittaker Corp. The contract amount for the first three RI/FS's is approximately \$500,000. Four additional sites may also be funded under the Cooperative Agreement. The funding level for these four RI/FS's is approximately \$908,000. The RI/FS's which will be funded with State Superfund monies have not been identified as yet. After the contractor(s) are selected and the contract(s) are executed, the MPCA will make site assignments and the contractor(s) will be required to prepare a RI/FS work plan, cost proposal, and project schedule for that specific site(s). After review and approval by the MPCA, a work order will be issued to reflect the scope of the RI/FS for the specific site in accordance with the costs specified in the contract(s).

The final Remedial Investigation Report and Feasibility Study Report for each site are to be completed within 5 months and 9 months respectively from the issuance of the work order.

Copies of the Request for Proposals are available from:

Clifford T. Anderson
Minnesota Pollution Control Agency
Division of Solid and Hazardous Waste
1935 West County Road B2
Roseville, Minnesota 55113
Telephone Number (612) 296-7742

All proposals must be submitted by January 4, 1985 to Clifford T. Anderson, Minnesota Pollution Control Agency, Division of Solid and Hazardous Waste, 1935 West County Road B2, Roseville, Minnesota 55113.

Department of Public Safety State Patrol Division

Request for Proposals for DWI Instructor Training

The Minnesota State Patrol is seeking a training institution to conduct a one-week (40-hour) "DWI Instructor" Course for state and local agency police officers.

This course will provide instructional techniques relative to the application of DWI/Implied Consent law and procedures regarding the detection, apprehension, and prosecution of the alcohol/drug impaired driver.

Course content will include, but not be limited to, Basic Instructor Techniques, DWI detection cues, Legal aspects of DWI and Implied Consent, Psychophysical testing including Gaze Nystagmus, Constitutional issues of DWI roadblocks, Case preparation and court testimony, and Minnesota case law.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in the Request for Proposal (RFP) "DWI Instructor Course". The formal RFP may be obtained by calling or writing:

Captain C. D. Swanson
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$7,500. The deadline for submission of proposals is 4:30 p.m., January 18, 1985.

Department of Public Safety State Patrol Division

Request for Proposals for Police Staff and Command Training

The Minnesota State Patrol is seeking a training institution to conduct a two-week (80-hour) "Staff and Command" Course for state and local agency police personnel holding middle management, executive level, or first-line supervisory positions.

The course will address the necessary Staff and Command knowledge, skills, and techniques to effectively perform such functions within their respective police agencies.

Course content will include, but not be limited to, Leadership, Organization, Inspections, Policy Development and Implementation, Allocation of Resources, Planning, Decision Making, and Line-Staff Concepts.

STATE CONTRACTS

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in the Request for Proposal (RFP) "Staff and Command". The formal RFP may be obtained by calling or writing:

Captain C. D. Swanson
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$11,000. The deadline for submission of proposals is 4:30 p.m., December 21, 1984.

Department of Public Safety State Patrol Division

Request for Proposals for Police Supervisory Training

The Minnesota State Patrol is seeking a training institution to conduct a one-week (40-hour) "Basic Supervision Training" Course for state and local agency first-line police officers.

This course will address those basic first line supervision issues necessary to establish an effective and productive supervisory subordinate relationship.

Course content will include, but not be limited to, Fundamentals of Organization, Supervisor-Subordinate Relations, Development of Human Resources, Leadership Principles, and Effective Communications.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in the Request for Proposal (RFP) "Basic Supervision". The formal RFP may be obtained by calling or writing:

Captain C. D. Swanson
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$7,500. The deadline for submission of proposals is 4:30 p.m., May 31, 1985.

Department of Public Safety State Patrol Division

Request for Proposals for Workshop for Police Training Officers Program

The Minnesota State Patrol is seeking a training institution to conduct a one-week (40-hour) "Workshop for Police Training Officers" Program for state and local officers responsible for police training within their respective departments.

The course will address current issues pertinent to the police training effort and training techniques and procedures necessary to effectively perform the training function within their respective police agencies.

Course content will include, but not be limited to, a review of instructional techniques including lesson plan development, teaching outlines, video training, etc., pertinent legal issues, police physical fitness programs, use of force, and police civil liability issues.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in the Request for Proposal (RFP) "Workshop for Police Training Officers". The formal RFP may be obtained by calling or writing:

Captain C. D. Swanson
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$7,500. The deadline for submission of proposals is 4:30 p.m., February 8, 1985.

SUPREME COURT

Decisions of the Supreme Court Filed Friday, November 16, 1984

Compiled by Wayne O. Tschimperle, Clerk

C1-83-300 Vernon M. Mattsen and Blance M. Mattsen, Husband and Wife, Appellants, v. Colleen Packman. Hennepin County.

A conciliation court judgment in favor of the plaintiff extinguishes his entire claim for damages arising out of an occurrence and precludes any subsequent action for damages by reason of either personal injury or property damage.

Affirmed. Coyne, J.

Dissenting, Todd, J.

C6-82-1674, C7-83-995 Daniel Paul Hammer v. Thomas Frederick Soderberg, Appellant; Ronald G. Weathers, Donna Lee Hammer, and Perkins Motor Transport, Inc. Dakota County.

Affirmed. Coyne, J.

Concurring specially, Todd, J.

Order Filed November 2, 1984

C5-78-49629 In the Matter of the Application for the Discipline of Seth Robert Phillips, an Attorney at Law of the State of Minnesota. Supreme Court.

Probation. Amdahl, C.J.

ORDER FORM

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