

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1051

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-25
DATE FOR REVIEW 8-3
DATE DUE 8-8

Adopted w/a hearing _____
Adopted w/o hearing X
Temporary rule _____

Approved 8/7/84 (COS) Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 7.27.84 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 7.12.84 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency bare bones small biz statement —

✓ Affidavit of Mailing Notice or rulemaking
6.1.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
6.11.84 At least 30/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

AG copy

Department of Economic Security

Adopted Rule Relating to Opportunities Industrialization Centers; Job Training

Rule as Adopted

3300.3300 OPPORTUNITIES INDUSTRIALIZATION CENTERS; JOB TRAINING.

Subpart 1. Purpose. The purpose of this part is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

Subp. 2. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

A. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;

B. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;

C. is receiving food stamps pursuant to the Food Stamp Act of 1977;

D. is a foster child on behalf of whom state or local government payments are made; or

E. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of item A or B, but who is a member of a family whose income does not meet those requirements.

APPROVED AS TO LEGALITY

August 7, 1984

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 7 1984 3:45 P.M.
Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : BARBARA BEERHALTER, Commissioner
Department of Economic Security

DATE: August 7, 1984

ATTN: PAUL N HECKT
Special Assistant
Attorney General

FROM : LARRY D. STARNS
Special Assistant
Attorney General

LDS

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

LDS:cb

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JUDITH WEHRWEIN, Administration Div.
Legal Assistant

DATE: July 24, 1984

FROM: PAUL N. HECKT
Special Assistant
Attorney General

PHONE: 7-3864

SUBJECT: In The Matter Of The Proposed Adoption Of Rule Of The State Of Minnesota Governing The Definition Of "Economically Disadvantaged: In Minnesota Statutes Section 268.61, Subdivision 4.

Pursuant to Minn. Stat. § 14.26 (Supp. 1983), as amended by Minn. Laws 1984, ch. 640, § 15, the Department of Economic Security submits the following Documents for your approval:

1. Order for Notice of Intent to Adopt a Rule Without a Public Hearing;

2. Mailing List Certificate;

3. Findings of Fact and Conclusions;

4. Statement of Need and Reasonableness (including section on small business considerations in rulemaking);

5. Certificate of Compliance With Rulemaking Procedures;

6. Notice of Intent to Adopt Rule Without Public Hearing;

7. Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing;

8. Copy of State Register pages containing Notice of Intent to Adopt Rule Without a Public Hearing and Rule as Proposed;

9. Rule as Adopted (No changes in rule from that originally published in State Register) (Original plus 4 copies; one copy is for the Revisor's office); and

10. Order Adopting Noncontroversial Rule (2 copies).

With respect to the other requirements of Minn. Rule 2000.0400, please be advised that:

I. Regarding Subpart 1:

A. A certificate of Board's resolution is not applicable since this rule is being submitted by the Commissioner of Economic Security;

B. A Notice of Intent to Solicit Outside Opinion was neither issued nor required because the agency did not seek to obtain information or opinions from outside sources in preparing to propose the adoption of this Rule;

C. It appears that Minn. Rules 2000.9965 and 2000.9975 are miscaptioned. Minn. Rule 1000.9965 should be captioned Notice of Intent to Adopt Rule Without Public Hearing. Minn. Rule 2000.9975 should be captioned Order for Notice of Intent to Adopt Rules Without Public Hearing;

D. For the reasons discussed above, a certificate of boards authorizing resolution is not applicable;

....

F. Since there were no changes between the Rule as proposed and the Rule as adopted, the Findings of Fact and Conclusions submitted by the Department are probably unnecessary; they were nonetheless included because they provide useful information;

....

H. No petition for suspension, amendment or repeal of a rule is required because the agency is not adopting this rule in response to a petition filed pursuant to Minn. Stat. § 17.09 (1982);

I. No written comments or requests for public hearing were received;

....

K. No affidavit of mailing notice of submission to the attorney general and accompanying notice is included because no persons requested such notification;

II. Regarding Subpart 2:

Once again, the reference to Part 2000.9975 appears to be incorrect.

E. Minn. Laws 1984, Ch. 640, § 12 mandates that the statement required by Minn. Rule 1000.0400, subpart 2(E) be changed to read "...25 or more persons..." rather than "seven or more persons"; the Department's statement reflects this change;

....

J. The proposed Rule was printed in the State Register;

K. The Agency does not believe the adoption of this rule will require an expenditure of over $100,000 of public funds in either of the two years immediately following its adoption; and

III. Regarding Subpart 6:

I believe the reference in Minn. Rule 2000.9977 to Minn. Stat § 14.14, subdivision 1 should be changed to subdivision 1a. See Minn. Stat § 14.14, subd. 1a (Supp. 1983).

If you have any questions concerning this submission, please contact me as soon as possible. I will be on vacation from July 26 through August 6, 1984. If you need information during that time period, please contact Mike Fratto (6-3574) or Caroline Robinson (6-3691) at the Department of Economic Security.

cc: Chuck Mottl
Larry Simmons

cc: w/enclosures:
Bill Brown
Mike Fratto
Caroline Robinson

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.	NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING

Notice is hereby given that the Department of Economic Security proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The promulgation of the proposed rule is authorized by Minnesota Statutes, section 268.61, subdivision 4, which requires the Department to establish by rule the criteria for determining an "economically disadvantaged" person, to be used in providing financial assistance for comprehensive job training and related services through opportunities industrialization centers.

The public is encouraged to comment on the proposed rule. The public shall have 30 days to submit comment in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not required, notice of the date of submission of the proposed rule to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive the notice.

Comments, written requests for a public hearing, and requests for notice of the date of submission to the Attorney General should be submitted to:

Larry Simmons, Director
Grants Management Unit
690 American Center Building
150 West Kellogg Blvd.
St. Paul, MN. 55101
(612) 296-6066

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Mr. Simmons.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, Small business considerations in rulemaking, that the proposed rule may affect small businesses in Minnesota. For more information, please see the Statement of Need and Reasonableness.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF

THE DEPARTMENT OF

ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes section 268.61, subdivision 4.

ORDER ADOPTING NONCONTROVERSIAL RULE

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on June 11, 1984, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on June 1, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule,

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 3300.3300, Opportunities Industrialization Centers; Job Training is adopted this 12th day of July, 1984, pursuant to the authority vested in me by Minnesota Statutes, section 268.61, subdivision 4.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.	ORDER FOR NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING

IT IS ORDERED this 24 day of May, 1984, that a Notice of Intent to Adopt Rule Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Economic Security for that purpose and be published in the State Register.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF

THE DEPARTMENT OF

ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.

AFFIDAVIT OF MAILING

Caroline Robinson being duly sworn deposes and says:

That on the 1st day of June, 1984, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rule Without Public Hearing by depositing in the State of Minnesota Central Mail System at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of rulemaking by the Department.

STATE OF MINNESOTA

Caroline Robinson

Caroline Robinson
Management Services Unit
Office of Budget and Management
DEPARTMENT OF ECONOMIC SECURITY

Subscribed and sworn to before me
this 1st day of June, 1984.

M E Kelly

Notary Public
Ramsey County

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
of Rule of the State of Minnesota
Governing the definition of "economically
disadvantaged" in Minnesota Statutes,
section 268,61, subdivision 4.

MAILING LIST
CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of the proposed adoption of rules by the Department is accurate and complete as of 9:00 A.M., this 1st day of June, 1984.

STATE OF MINNESOTA

Michael J. Fratto
Rules Coordinator
Management Services Unit
Office of Budget and Management
DEPARTMENT OF ECONOMIC SECURITY

Rule as Proposed

1700.2300 CONTENTS OF HEALTH CERTIFICATE.

The health certificate shall certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and shall include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

The health certificate shall certify that all horses in this shipment were negative to a test for EIA conducted at an approved laboratory within ~~six~~ 12 months prior to date of importation. The test date and the name of the laboratory shall be recorded on the health certificate.

A test is not required for horses listed as exceptions in part 1700.2200 or suckling foals accompanying a negative dam.

Where a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the Coggins test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to submit the laboratory results promptly to the board.

A copy of the health certificate approved by the chief livestock regulatory official of the state of origin shall be mailed to the board.

1700.2400 SALES.

Horses imported into Minnesota for sale or resale will be accompanied by a health certificate and shall be tested and negative for EIA before leaving the sale premises if sold to remain in Minnesota, unless the health certificate certifies to a negative test for EIA conducted at an approved laboratory within ~~six~~ 12 months prior to the date of sale. Suckling foals accompanying a negative dam are not required to be tested.

Reactors shall be quarantined and shall not be moved intrastate except on a permit issued by the board. Reactors may be moved interstate in accordance with the provisions of Code of Federal Regulations, part 75, revised as of January 1, 1974.

Reactors shall be destroyed, consigned for slaughter to a slaughtering establishment under federal inspection, or returned to the state of origin under a permit issued by the state of origin.

Department of Economic Security

Proposed Rule Relating to Opportunities Industrialization Centers; Job Training

Notice of Intent to Adopt Rule without Public Hearing

Notice is hereby given that the Department of Economic Security proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The promulgation of the proposed rule is authorized by Minnesota Statutes, section 268.61, subdivision 4, which requires the Department to establish by rule the criteria for determining an "economically disadvantaged" person, to be used in providing financial assistance for comprehensive job training and related services through opportunities industrialization centers.

The public is encouraged to comment on the proposed rule. The public shall have 30 days to submit comment in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not required, notice of the date of submission of the proposed rule to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive the notice.

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.

Comments, written requests for a public hearing, and requests for notice of the date of submission to the Attorney General should be submitted to:

Larry Simmons, Director
Grants Management Unit
690 American Center Building
150 West Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6066

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Mr. Simmons.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, small business considerations in rulemaking, that the proposed rule may affect small businesses in Minnesota. For more information, please see the Statement of Need and Reasonableness.

Barbara Beerhalter
Commissioner, Department of Economic Security

Rule as Proposed (all new material)

3300.3300 OPPORTUNITIES INDUSTRIALIZATION CENTERS; JOB TRAINING.

Subpart 1. Purpose. The purpose of this part is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

Subp. 2. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

A. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;

B. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;

C. is receiving food stamps pursuant to the Food Stamp Act of 1977;

D. is a foster child on behalf of whom state or local government payments are made; or

E. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of item A or B, but who is a member of a family whose income does not meet those requirements.

Housing Finance Agency

Proposed Rules Governing Home Energy Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.14 et. seq. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.

FINDINGS OF FACT AND CONCLUSIONS FOR NONCONTROVERSIAL RULE

Notice of Intent to Adopt Rule Without Public Hearing in the above-entitled matter was published in the State Register on June 11, 1984, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on June 1, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule, I find the following: the above-captioned rule as originally proposed is the rule the Department proposes to permanently adopt.

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATEMENT OF NEED AND REASONABLENESS governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.

Need:

Minnesota Statutes, sections 268.60 to 268.64, authorize the use of financial assistance for comprehensive job training and related services for economically disadvantaged, unemployed, and underemployed individuals through Opportunities Industrialization Centers.

Minnesota Statutes, section 268.61, subdivision 4, requires the Commissioner of the Department of Economic Security to establish by rule the criteria for determining an economically disadvantaged person. For this reason, the Department of Economic Security needs to adopt a permanent rule defining the term "economically disadvantaged". The proposed rule will be used to determine which individuals will receive comprehensive job training and related services.

The permanent rule proposed by the Department of Economic Security is currently in effect as an emergency rule. The emergency rule was originally put into effect on September 28, 1983. It was continued in effect on March 26, 1984, and will remain in effect until September 21, 1984. Emergency rules can only be in effect for 361 days. This rule needs to be permanently adopted because the Department intends to provide financial assistance for economically disadvantaged individuals beyond the final effective date of the emergency rule, September 21, 1984.

Reasonableness:

The Department of Economic Security proposes to permanently adopt the federal definition of economically disadvantaged found in the Job Training and Partnership Act, 29 USCA §1503(8).

The five criteria used to define economically disadvantaged in 29 USCA §1503(8) are based upon economic factors. The use of economic factors is reasonable because it is consistent with the term "economically" disadvantaged.

Criteria based on social deprivation is an alternate way to measure disadvantage. Social deprivation includes physical or mental handicaps, incest, broken families, and alcohol abuse.

Since social deprivation is often the result of low economic status, income is a more reliable and reasonable indicia of disadvantage. Income is common to everyone. Economic factors are reasonable because they are easier to identify, document, and prove than factors based on social deprivation.

Economic factors are also reasonable because they can be accurately measured. Accurate measurement eliminates the chance of bias, and ensures uniform application of the requirements for financial assistance. Accurate measurement and uniform application of the requirements for financial assistance ensures fairness and consistency in program delivery. They also promote administrative efficiency.

Each of the five economic criteria used to define an individual as economically disadvantaged is based on income. An individual need only satisfy one of the five criteria to be considered economically disadvantaged.

Each criteria indicates low economic status. The term "economically disadvantaged" means an individual who:

1. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program.

   FOR EXAMPLE: A person who receives payments under the Aid to Families with Dependent Children (AFDC) Program would satisfy this criteria. A person who receives payments under the AFDC Program has a low economic status as a matter of public knowledge.

2. a person who has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70% of the lower living standard income level;

3. a person receiving food stamps pursuant to the Food Stamp Act of 1977;

4. a foster child on behalf of whom state or local government payments are made;

5. or, in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of 1. or 2., but who is a member of a family whose income does not meet those requirements.

It is self-evident that each of the above criteria indicates an individual who is poor and/or out of a job. Such an individual has a low economic status and is economically disadvantaged. Each of the five criteria is a reasonable means of defining economically disadvantaged because each criteria is a reliable indicia of low economic status.

Small business considerations in rulemaking:

The proposed rule is a definition used to determine which individuals will receive comprehensive job training and related services through Opportunities Industrialization Centers (OIC). OIC's are "small businesses" as defined in Minnesota Statutes, section 14.115, subdivision 1. OIC's may be affected by the proposed rule because the proposed rule determines which individuals will receive OIC services.

Whenever a proposed rule may affect small businesses, Minnesota Statutes, section 14.115, subdivision 2, requires an agency to consider methods for reducing the impact of the proposed rule on small businesses. The Department of Economic Security has considered each of the methods listed in subdivision 2 to reduce the impact of the proposed rule on small businesses. Under the proposed rule:

a. there are no compliance or reporting requirements for small businesses;

b. nor are there any schedules or deadlines for compliance or reporting requirements for small businesses;

c. thus, consolidation or simplification of compliance or reporting requirements for small businesses does not apply to the proposed rule;

d. there are no required design or operational standards to replace with performance standards for small businesses;

e. finally, small businesses cannot be exempted from any or all requirements of the proposed rule because the proposed rule's requirements only deal with individual economic status.

Thus, pursuant to Minnesota Statutes, section 14.115, subdivision 3, the Department finds that it is not feasible to incorporate any of the subdivision 2 methods into the proposed rule.

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the definition of "economically disadvantaged" in Minnesota Statutes, section 268.61, subdivision 4.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Paul N. Heckt, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Office of the Attorney General have been followed. Any exceptions are noted below.

STATE OF MINNESOTA

Paul N. Heckt

Paul N. Heckt
SPECIAL ASSISTANT ATTORNEY GENERAL
FOR THE DEPARTMENT OF ECONOMIC SECURITY

July 24, 1984