

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1078

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-27-84
DATE FOR REVIEW _____
DATE DUE 10-11-84

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

Approved 10/11/84 (LDS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 10-12-84 Revisor approved 9/28/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.1.84 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

✓ Affidavit of Mailing Notice or rulemaking
8.22.84 At least ~~30~~ days prior to ~~hearing~~/adoption
" Add. Email 25 Mailing

✓ Mailing list Certificate

✓ Publication in State Register
8.27.84 At least ~~30~~/20 days prior to ~~hearing~~/adoption
25

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

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

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Leonard Levine
Commissioner, Dept. of Human Services

DATE: October 12, 1984

ATTN: Vicki Sleeper
Special Assistant Attorney General

FROM : Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Emergency Rules Governing Exemption From Work Registration Requirements Under the General Assistance Program, Minnesota Rules, Part 9555.3415 (Emergency).

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.

LDS:slz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

A copy

Department of Human Services

Adopted Emergency Rules Governing Exemption from Work and Registration Requirements

Emergency Rules as Adopted

9555.3415 [Emergency] EXEMPTION FROM WORK REGISTRATION.

Subpart 1. **Applicability.** This part establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403 ~~[Emergency]~~, and identifies the process for the annual redetermination of that exemption.

Subp. 2. The definitions in part 9555.3400 ~~[Emergency]~~ apply to this part.

Subp. 3. **Exemption from registration and work requirements.** A recipient of general assistance shall be exempt from the registration and work requirements of part 9555.3403 ~~[Emergency]~~, subparts 3 and 5 if the local agency determines that the recipient meets conditions in item A or B.

A. The recipient has one or more substantial barriers to employment. A substantial barrier to employment means that the ~~person~~ recipient is unable to effectively participate in preparing for, searching for, obtaining, or retaining suitable employment due to:

(1) exhibiting severe symptoms of a mental or emotional disability or chemical ~~abuse~~ dependency for which the ~~person~~ recipient refuses evaluation or treatment; and for purposes of this subitem, a condition may be severe whether it is of short- or long-term duration; or

(2) exhibiting evidence of severely diminished functioning in areas of daily living such as social skills or personal relations; or

(3) ~~the person's residence being~~ living more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and

APPROVED IN THE REVISOR'S OFFICE

from child care, or the ~~person~~ recipient lacks and is unable to obtain needed public or private transportation to the employment site; or

(4) current involvement with protective or court-ordered services which prevent the ~~person~~ recipient from working at least four hours per day; or

(5) ~~the person's~~ circumstances, at the time of application for general assistance, that indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(6) being in the last trimester of pregnancy; or

(7) the lack of available child care necessary for children in the ~~person's~~ recipient's assistance unit; or

(8) evaluation by a vocational specialist which finds the ~~person~~ recipient unable to obtain or retain suitable employment; or

(9) an individual or family crisis.

B. The recipient has been certified by the commissioner of the Department of Economic Security as lacking work skills or training, or as being unable to obtain work skills or training necessary to secure employment.

Subp. 4. **Period of exemption.** A recipient exempt from the registration and work requirements in subpart 3, item A, subitems (1) to (8), is exempt for a period of 12 months, ~~or until~~ unless the local agency ~~determines~~ can establish prior to the expiration of the exemption period that the recipient no longer meets or will no longer meet the conditions of subpart 3, item A, ~~whichever is earlier~~. A recipient exempt from the registration and work requirements ~~in~~ pursuant to subpart 3, item A, subitem (9), is exempt for a period of 30 days. A recipient exempt from the registration and work requirements ~~in~~ pursuant to subpart 3, item B, is exempt for a period of 12 months.

Subp. 5. **Annual reassessment.** A recipient's exemption from the general assistance registration and work requirements

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under subpart 3 shall be reassessed ~~annually or at~~ prior to the expiration of ~~a shorter~~ the exemption period specified in subpart 4.

The local agency shall reassess ~~the~~ each recipient exempted under subpart 3~~, item A~~ during the final month of exemption to determine if the recipient is exempt under subpart 3 or part 9555.3403, subpart 11. The reassessment must be completed by the end of the final month of exemption. If, at the time of the reassessment of exemption status, the local agency determines that the recipient meets the provisions of subpart 3, item A, the recipient shall be exempt for the period specified in subpart 4. If the local agency determines that the recipient is exempt pursuant to part 9555.3403, subpart 11, the recipient shall be exempt for the period specified in that part. If the recipient does not meet the exemption provisions of subpart 3, item A or B part 9555.3403, subpart 11, the recipient shall be subject to the registration and work requirements of part 9555.3403 ~~[Emergency]~~.

~~B.--Upon expiration of the recipient's exemption under subpart 3, item B, the local agency shall refer the recipient to the commissioner of economic security as in part 9555.3403 [Emergency]. --If the commissioner of the Department of Economic Security subsequently certifies in writing that the recipient lacks work skills or training or is unable to obtain work skills or training necessary to secure employment, the recipient shall be exempt under subpart 3, item B for another 12 month period.~~

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Subp. 6. Referral to supportive service programs. A recipient who is exempt from the registration and work requirements ~~in~~ pursuant to subpart 3, ~~items~~ item A, subitems (1), (2), (7), (8), and (9); ~~and~~ or B, shall be offered referral to supportive service programs for assistance in overcoming the barrier to employment.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

APPROVED AS TO LEGALITY
October 11, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY [signature]
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 12 1984
[signature]
Secretary of State
3:05
P.M.

Emergency Rules as Proposed (all new material)

9555.3415 [Emergency] EXEMPTION FROM WORK REGISTRATION.

Subpart 1. **Applicability.** This part establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403 [Emergency], and identifies the process for the annual redetermination of that exemption.

Subp. 2. The definitions in part 9555.3400 [Emergency] apply to this part.

Subp. 3. **Exemption from registration and work requirements.** A recipient of general assistance shall be exempt from the registration and work requirements of part 9555.3403 [Emergency], subparts 3 and 5 if the local agency determines that the recipient meets conditions in item A or B.

A. The recipient has one or more substantial barriers to employment. A substantial barrier to employment means that the person is unable to effectively participate in preparing for, searching for, obtaining, or retaining employment due to:

(1) exhibiting severe symptoms of a mental or emotional disability or chemical abuse for which the person refuses evaluation or treatment; and for purposes of this subitem, a condition may be severe whether it is of short- or long-term duration; or

(2) exhibiting evidence of severely diminished functioning in areas of daily living such as social skills or personal relations; or

(3) the person's residence being more than two hours round trip from all potential employment, exclusive of time needed to transport his or her children to and from child care, or the person lacks and is unable to obtain needed public or private transportation to the employment site; or

(4) current involvement with protective or court-ordered services which prevent the person from working at least four hours per day; or

(5) the person's circumstances, at the time of

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application for general assistance, indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(6) being in the last trimester of pregnancy; or

(7) the lack of available child care necessary for children in the person's assistance unit; or

(8) evaluation by a vocational specialist which finds the person unable to obtain or retain suitable employment; or

(9) an individual or family crisis.

B. The recipient has been certified by the commissioner of the Department of Economic Security as lacking work skills or training, or as being unable to obtain work skills or training necessary to secure employment.

Subp. 4. **Period of exemption.** A recipient exempt from the registration and work requirements in subpart 3, item A, subitems (1) to (8), is exempt for a period of 12 months, or until the local agency determines that the recipient no longer meets or will no longer meet the conditions of subpart 3, item A, whichever is earlier. A recipient exempt from the registration and work requirements in subpart 3, item A, subitem (9), is exempt for a period of 30 days. A recipient exempt from the registration and work requirements in subpart 3, item B, is exempt for a period of 12 months.

Subp. 5. **Annual reassessment.** A recipient's exemption from the general assistance registration and work requirements under subpart 3 shall be reassessed annually or at the expiration of a shorter exemption period.

The local agency shall reassess the recipient exempted under subpart 3, item A during the final month of exemption. The reassessment must be completed by the end of the final month of exemption. If, at the time of the reassessment of exemption status, the local agency determines that the recipient meets the provisions of subpart 3, item A, the recipient shall be exempt for the period specified in subpart 4. If the recipient does

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not meet the exemption provisions of subpart 3, item A or B, the recipient shall be subject to the registration and work requirements of part 9555.3403 [Emergency].

B. Upon expiration of the recipient's exemption under subpart 3, item B, the local agency shall refer the recipient to the commissioner of economic security as in part 9555.3403 [Emergency]. If the commissioner of the Department of Economic Security subsequently certifies in writing that the recipient lacks work skills or training or is unable to obtain work skills or training necessary to secure employment, the recipient shall be exempt under subpart 3, item B for another 12-month period.

Subp. 6. **Referral to supportive service programs.** A recipient who is exempt from the registration and work requirements in subpart 3, items A, subitems (1), (2), (7), (8), and (9); and B, shall be offered referral to supportive service programs for assistance in overcoming the barrier to employment.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD600E

Agency: Department of Human Services

Division:

Agency Contact: Debra Flanagan

Minnesota Rules: Part 9555.3415 [Emergency]

Title: Proposed Emergency Rules Governing Exemption from Work and Registration Requirements

Type of Rules: Emergency

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Susan M. Lentsch
Assistant Revisor
Phone: 296-0956
Date: August 13, 1984

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

ORDER ADOPTING EMERGENCY RULES

The above-entitled matter was published in the State Register on August 27, 1984, as a proposed emergency rule pursuant to Minnesota Statutes, sections 14.29 - 14.36.

After affording interested and affected persons an opportunity to submit written data and views within 25 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as emergency rules Governing **exemption from work registration requirements under the general assistance program, Minnesota Rules, part 9555.3415 (Emergency)** are adopted this **1st** day of **October**, **1984**, pursuant to authority vested in me by **Minnesota Laws 1984, chapter 654, article 5, section 34.**

STATE OF MINNESOTA

COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

Proposed Emergency Rules Governing
Exemption from Work Registration
Requirements under the General
Assistance Program, Minnesota Rules,
part 9555.3403 [Emergency].

ORDER FOR PUBLICATION
OF EMERGENCY RULE

IT IS ORDERED this 13th day of August, 1984, that the proposed emergency rule in the above-entitled matter be published in the State Register.

LEONARD W. LEVINE
Commissioner of Human Services

BTH/14

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

Proposed Emergency Rules Governing
Exemption from Work Registration
Requirements under the General
Assistance Program, Minnesota Rules,
part 9555.3403 [Emergency].

NOTICE OF INTENT TO
ADOPT EMERGENCY RULES

The State Department of Human Services proposes to adopt the above-entitled emergency rules to implement Laws of Minnesota 1984, chapter 654, article 5, section 34.

Persons interested in these rules have until 4:30 p.m., September 21, 1984 to submit written comments. The proposed emergency rules may be modified 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. Written comments should be sent to:

Debra Flanagan
Department of Human Services
Rulemaking Unit
Fourth Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-1469

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

Notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rules will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

Minnesota Rules, part 9555.3415 [Emergency] establishes the rights and responsibilities of the Department of Human Services, local agencies, and

recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403, and identifies the process for the annual redetermination of that exemption. Part 9555.3415 [Emergency] lists criteria for a person's exemption from the registration and work requirements of the General Assistance Program; it establishes the period of exemption; and procedures for referral to a person to other support service programs, if necessary.

These emergency rules will not result in any additional state or county spending beyond the amount of funds appropriated by the legislature.

A free copy of the proposed emergency rule may be obtained by contacting:

Mike Sirovy
Department of Human Services
Policy Development
Second Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101



LEONARD W. LEVINE
Commissioner of Human Services

BTH/15

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

AFFIDAVIT OF MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 22nd day of August, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, She served the attached Notice of Intent to Adopt Emergency Rules by depositing in the State of Minnesota Central Mail System for first class mailing, 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 of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 22 day of August, 1984.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1985

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

Proposed Emergency Rules Governing
Exemption from Work Registration
Requirements under the General
Assistance Program, Minnesota Rules,
part 9555.~~3403~~ 3415 [Emergency].

NOTICE OF INTENT TO
ADOPT EMERGENCY RULES

The State Department of Human Services proposes to adopt the above-entitled emergency rules to implement Laws of Minnesota 1984, chapter 654, article 5, section 34.

Persons interested in these rules have until 4:30 p.m., September 21, 1984 to submit written comments. The proposed emergency rules may be modified 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. Written comments should be sent to:

Debra Flanagan
Department of Human Services
Rulemaking Unit
Fourth Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-1469

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

Notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rules will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

Minnesota Rules, part 9555.3415 [Emergency] establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403, and identifies the process for the annual redetermination of that exemption. Part 9555.3415 [Emergency] lists criteria for a person's exemption from the registration and work requirements of the General Assistance Program; it establishes the period of exemption; and procedures for referral to a person to other support service programs, if necessary.

These emergency rules will not result in any additional state or county spending beyond the amount of funds appropriated by the legislature.

A free copy of the proposed emergency rule may be obtained by contacting:

Mike Sirovy
Department of Human Services
Policy Development
Second Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101



LEONARD W. LEVINE
Commissioner of Human Services

BTH/12

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

AFFIDAVIT OF ADDITIONAL MAILING

Wendy Johnson , being first duly sworn, deposes and says:

That on the 22nd day of August , 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Intent to Adopt Emergency Rules to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, she also served the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following agencies:

Don Buckner - Economic Security Employment Programs

Barry Friesan - So. MN Regional Legal Services

Wendy Johnson

Subscribed and sworn to before me

this 22 day of August, 1984.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNEOSTA RULES, PART 9555.3415 (EMERGENCY).

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. S.14.14, subd. 1, that their names be placed on file with and maintained by the Department of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 3:00, P.M., this 22nd day of August , 1984.



Emergency Rules as Proposed (all new material)

4170.4105 [Emergency] GOOD CAUSE.

As required by Laws of Minnesota 1984, chapter 595, section 4, "good cause" means any one of the following:

A. That the installation of a program measure to comply with a standard in part 4170.4100 is economically infeasible as defined in part 4170.0100, subpart 8.

B. That the installation of a program measure to comply with a standard in part 4170.4100 is technologically infeasible. Technological infeasibility means that the installation of the measure would threaten the structural integrity of the building.

C. That the installation of a program measure to comply with a standard in part 4170.4100 would necessarily violate the building's esthetic or historic value.

4170.4110 [Emergency] FINE SCHEDULE.

If an administrative law judge finds that an owner or an owner's agent has not demonstrated good cause for failure to comply with the minimum mandatory energy efficiency standards, the judge shall assess the following penalties:

A. For a one-to-four unit building, an immediate fine of $100 plus $200 each month beginning 120 days after the finding of failure to show good cause, until the owner demonstrates to the administrative law judge that she or he has complied with the standards. If a person certified under chapter 4170 to conduct evaluations certifies that an owner complies with the applicable standards, the judge shall consider the certification as proof of compliance by the owner.

B. For a building with five or more units, an immediate fine of the greater of $10 per unit or $100, up to a maximum of $500. In addition, a fine each month of two times the amount assessed beginning 180 days after the finding of failure to show good cause, until the owner demonstrates to the administrative law judge that she or he has complied with the standards. If a person certified under chapter 4170 to conduct evaluations certifies that an owner complies with the applicable standards, the judge shall consider the certification as proof of compliance by the owner.

Department of Human Services

Proposed Emergency Rules Governing Exemption from Work and Registration Requirements

Notice of Intent to Adopt Emergency Rules

The State Department of Human Services proposes to adopt the above-entitled emergency rules to implement Laws of Minnesota 1984, chapter 654, article 5, section 34.

Persons interested in these rules have until 4:30 p.m., September 21, 1984 to submit written comments. The proposed emergency rules may be modified 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. Written comments should be sent to:

Debra Flanagan
Department of Human Services
Rulemaking Unit
Fourth Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-1469

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

Notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive this notice. The Attorney General shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

The adopted emergency rule will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form. Emergency rules take effect five working days after approval by the Attorney General.

As required by the Administrative Procedures Act, Minnesota Statutes, Chapter 14, these emergency rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the *State Register* and mailing the same notice to all persons registered with the

Commissioner to receive notice of rulemaking proceedings. The emergency rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

Minnesota Rules, part 9555.3415 [Emergency] establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403, and identifies the process for the annual redetermination of that exemption. Part 9555.3415 [Emergency] lists criteria for a person's exemption from the registration and work requirements of the General Assistance Program; it establishes the period of exemption; and procedures for referral to a person to other support service programs, if necessary.

These emergency rules will not result in any additional state or county spending beyond the amount of funds appropriated by the legislature.

A free copy of the proposed emergency rule may be obtained by contacting:

Mike Sirovy
Department of Human Services
Policy Department
Second Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101

Leonard W. Levine
Commissioner of Human Services

Emergency Rules as Proposed (all new material)

9555.3415 [Emergency] EXEMPTION FROM WORK REGISTRATION.

Subpart 1. Applicability. This part establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403 [Emergency], and identifies the process for the annual redetermination of that exemption.

Subp. 2. The definitions in part 9555.3400 [Emergency] apply to this part.

Subp. 3. Exemption from registration and work requirements. A recipient of general assistance shall be exempt from the registration and work requirements of part 9555.3403 [Emergency], subparts 3 and 5 if the local agency determines that the recipient meets conditions in item A or B.

A. The recipient has one or more substantial barriers to employment. A substantial barrier to employment means that the person is unable to effectively participate in preparing for, searching for, obtaining, or retaining employment due to:

(1) exhibiting severe symptoms of a mental or emotional disability or chemical abuse for which the person refuses evaluation or treatment; and for purposes of this subitem, a condition may be severe whether it is of short- or long-term duration; or

(2) exhibiting evidence of severely diminished functioning in areas of daily living such as social skills or personal relations; or

(3) the person's residence being more than two hours round trip from all potential employment, exclusive of time needed to transport his or her children to and from child care, or the person lacks and is unable to obtain needed public or private transportation to the employment site; or

(4) current involvement with protective or court-ordered services which prevent the person from working at least four hours per day; or

(5) the person's circumstances, at the time of application for general assistance, indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(6) being in the last trimester of pregnancy; or

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.

(7) the lack of available child care necessary for children in the person's assistance unit; or

(8) evaluation by a vocational specialist which finds the person unable to obtain or retain suitable employment; or

(9) an individual or family crisis.

B. The recipient has been certified by the commissioner of the Department of Economic Security as lacking work skills or training, or as being unable to obtain work skills or training necessary to secure employment.

Subp. 4. Period of exemption. A recipient exempt from the registration and work requirements in subpart 3, item A, subitems (1) to (8), is exempt for a period of 12 months, or until the local agency determines that the recipient no longer meets or will no longer meet the conditions of subpart 3, item A, whichever is earlier. A recipient exempt from the registration and work requirements in subpart 3, item A, subitem (9), is exempt for a period of 30 days. A recipient exempt from the registration and work requirements in subpart 3, item B, is exempt for a period of 12 months.

Subp. 5. Annual reassessment. A recipient's exemption from the general assistance registration and work requirements under subpart 3 shall be reassessed annually or at the expiration of a shorter exemption period.

The local agency shall reassess the recipient exempted under subpart 3, item A during the final month of exemption. The reassessment must be completed by the end of the final month of exemption. If, at the time of the reassessment of exemption status, the local agency determines that the recipient meets the provisions of subpart 3, item A, the recipient shall be exempt for the period specified in subpart 4. If the recipient does not meet the exemption provisions of subpart 3, item A or B, the recipient shall be subject to the registration and work requirements of part 9555.3403 [Emergency].

B. Upon expiration of the recipient's exemption under subpart 3, item B, the local agency shall refer the recipient to the commissioner of economic security as in part 9555.3403 [Emergency]. If the commissioner of the Department of Economic Security subsequently certifies in writing that the recipient lacks work skills or training or is unable to obtain work skills or training necessary to secure employment, the recipient shall be exempt under subpart 3, item B for another 12-month period.

Subp. 6. Referral to supportive service programs. A recipient who is exempt from the registration and work requirements in subpart 3, items A, subitems (1), (2), (7), (8), and (9); and B, shall be offered referral to supportive service programs for assistance in overcoming the barrier to employment.

Department of Labor and Industry Workers' Compensation Rehabilitation Review Panel; and Workers' Compensation Medical Services Review Board

Proposed Rules Governing Workers' Compensation Rules of Practice for the Medical Services Review Board and Rehabilitation Review Panel

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Rehabilitation Review Panel and the Medical Services Review Board propose to adopt the above-captioned rules without a public hearing. The panel and board have determined that the proposed adoption of these rules will be noncontroversial in nature and have elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 12-15).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed rules are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the panel and board and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period. If a public hearing is required, the panel and board will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 7-11). Any person requesting a

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED
ADOPTION OF EMERGENCY RULES
GOVERNING EXEMPTION FROM
WORK REGISTRATION REQUIREMENTS
UNDER THE GENERAL ASSISTANCE
PROGRAM
(Part 9555.3415)

FINDINGS OF FACT
AND CONCLUSIONS

The Commissioner published notice of proposed emergency rule on the above-entitled matter in the State Register on August 27, 1984. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1, on August 22, 1984. After affording all interested and affected persons an opportunity to submit comments for 25 days after the notice and reviewing and considering the comments, I find the following:

1. In part 9555.3415 (Emergency), subpart 5 of the proposed rule (page 2, lines 31-36, page 3, lines 1-16), the Department required local agencies to reassess the exemption status of recipients who have been exempt under subpart 3, item A during the final month of exemption. The Department required that recipients who have been exempt under subpart 3, item B be referred to the commissioner of economic security upon expiration of the exemption period. One commentator, Mr. Steve Swanson of the Legal Services Advocacy Project, suggested that the exemption status of all recipients be reassessed prior to the expiration of the exemption period to determine if they are exempt under the provisions of subpart 3 and part 9555.3403, subpart 11. The commissioner agrees with this suggestion and therefore has modified subpart 3, item A and has deleted subpart 3, item B.

2. In part 9555.3415 (Emergency), subpart 3, item A of the proposed rule (page 1, lines 24 and 34), the Department provided for exemption from work registration requirements for persons who are unable to participate in preparing for, searching for, obtaining, or retaining employment. The Department provided exemption under this category for persons whose residence is more than two hours round trip from all potential employment. One commentator, Mr. Steve Swanson of the Legal Services Advocacy Project, suggested that these provisions be modified to allow exemption for persons who are unable to prepare for, search for, obtain, or retain suitable employment and that this category include exemption for persons whose residence is more than two hours round trip from all potential suitable employment. The commissioner agrees that this modification would make the proposed rule consistent with the requirement in part 9555.3403, subpart 5 that recipients who are subject to the work registration requirements accept an offer of suitable employment in order to remain eligible for general assistance.

Therefore, the commissioner accepts this suggestion.

3. As a result of the Department's review of the comments received and the proposed rule, the Department has made numerous minor changes to correct problems of grammar, spelling, or lack of clarity in the proposed rule. Such changes did not change the substance of the rule. These changes are as follows:

Part 9555.3415 (Emergency), subpart 1 (page 1, line 12), delete "[Emergency]"
Part 9555.3415 (Emergency), subpart 2 (page 1, line 14), delete "[Emergency]"
Part 9555.3415 (Emergency), subpart 3 (page 1, line 19), delete "[Emergency]"
Part 9555.3415 (Emergency), subpart 3, item A (page 1, line 23), delete "person" and insert "recipient"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 1 (page 1, line 26), delete "abuse" and insert "dependency", delete "person" and insert "recipient"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 3 (page 1, line 33), delete "the person's residence being" and insert "living"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 3 (page 1, line 36), delete "person" and insert "recipient"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 4 (page 2, line 3), delete "person" and insert "recipient"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 5 (page 2, line 5), delete "the person's"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 5 (page 2, line 6), insert "that" before "indicate"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 7 (page 2, line 12), delete "person's" and insert "recipient's"
Part 9555.3415 (Emergency), subpart 3, item A, subitem 8 (page 2, line 14), delete "person" and insert "recipient"
Part 9555.3415 (Emergency), subpart 4 (page 2, line 23), delete "or" and insert "unless"
Part 9555.3415 (Emergency), subpart 4 (page 2, line 24), delete "until" and after "the local agency" insert "can establish prior to the expiration of the exemption period"
Part 9555.3415 (Emergency), subpart 4 (page 2, line 26), delete ", whichever is earlier"
Part 9555.3415 (Emergency), subpart 4 (page 2, line 27), delete "in" and insert "pursuant to"
Part 9555.3415 (Emergency), subpart 4 (page 2, line 29), delete "in" and insert "pursuant to"
Part 9555.3415 (Emergency), subpart 6 (page 3, line 19), delete "in" and insert "pursuant to"
Part 9555.3415 (Emergency), subpart 6 (page 3, line 20), delete the semicolon after "(9)", delete "and" and insert "or item"

4. All comments concerning the proposed emergency rule received within the period allowed by law were considered by the Department.

5. The changes made to the proposed emergency rule are not substantial changes.

CONCLUSIONS

I hereby conclude that:

1. The Commissioner has statutory authority to promulgate this rule.

2. Proper notice of the Department's intent to adopt the proposed above-captioned emergency rule was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed emergency rule.

3. All modifications made to the proposed emergency rule are supported by the data and views submitted to the Department, and are not substantial changes.

4. The emergency rule, as modified, is necessary and reasonable.

5. Any duplication in this rule of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rule to comprehend their meaning and effect.

6. The Department has complied with all applicable provisions of law and rule in the promulgation of this rule.

7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: September 24, 1984

STATE OF MINNESOTA

LEONARD W. LEVINE
Commissioner of Human Services

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Vicky Sleeper 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 Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Vicki Sleeper
Special Assistant Attorney General

Dated: 9/24/84

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Debra Flanagan , being first duly sworn, deposes and says:

That on the 27 day of September , 1984, in the City of St. Paul, County of Ramsey, State of Minnesota, served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Debra Flanagan

Subscribed and sworn to before me
this 27th day of September, 1984.

WAYLAND E. CAMPBELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My Commission Expires Feb. 20, 1986

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE DEPARTMENT OF HUMAN SERVICES EMERGENCY RULE GOVERNING EXEMPTION FROM WORK REGISTRATION REQUIREMENTS UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PART 9555.3415 (EMERGENCY).

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes 1984, section 14.30 and 14.32:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, September 27 , , 1984 for review for form and legality.

The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the agency.

If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, Room 204 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612)296-7030.

The proposed emergency rule has been modified. A free copy of the proposed emergency rule, as modified, is available upon request from:

Mike Sirovy
Policy Development
Department of Human Services
Second Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101
(612) 297-2011