

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1108

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-5-84
DATE FOR REVIEW
DATE DUE 11-20-84

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

Approved Nov. 20, 1984 (COS) Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 11-20-84 Revisor approved 11/5/84 disapproved

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✓ Rule as Adopted

Rule as Proposed

7. Order Adopting 11.2 84 Date incomplete citation to stat. authority - should include "Article 5"

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 except for incomplete citation

✓ Affidavits of Mailing Notice or rulemaking
9.20.84 At least ~~30~~ 25 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
9.24.84 At least 30/~~20~~ 25 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

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: November 20, 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 Standards of Assistance Under the General Assistance Program Minnesota Rules, Parts 9555.3410 to 9555.3212 (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

AG copy

Department of Human Services

Adopted Emergency Rules Relating to General Assistance

Emergency Rules as Adopted

9555.3410 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in parts 9555.3400 ~~[Emergency]~~ and 9500.0500 to 9500.0610 apply to this part.

Subp. 2. **AFDC.** "AFDC" means the federally aided program of aid to families with dependent children.

Subp. 3. **Household.** "Household" means persons with whom the general assistance applicant or recipient resides. Only the following persons shall be included in the household:

A. the applicant or recipient;

B. responsible relatives of the applicant or recipient;

C. the spouse of the responsible relative;

D. the minor children of the responsible relative and of his or her spouse.

Subp. 4. **Household countable income.** "Household countable income" means monthly net earned and unearned income of all members of a household, excluding the applicant or recipient. Household countable income shall not include income that is exempt or disregarded under the general assistance program or benefits received by a responsible relative under the supplemental security income program, the social security disability program, a worker's compensation program, FFI the Minnesota supplemental aid program, or other benefits based on the responsible relative's disability.

Subp. 5. **State participation.** "State participation" means state aid to local agencies for general assistance expenditures as specified in Minnesota Statutes, section 256D.03, subdivision 2.

9555.3411 [Emergency] APPLICABILITY.

Parts 9555.3410 to 9555.3412 [Emergency] establish the

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state standards of assistance, the reduced standards of assistance, and the monthly payment under the general assistance program, and shall be read together with parts 9500.0500 to 9500.0610 and 9555.3400 to 9555.3409 ~~[Emergency]~~ for purposes of administering the general assistance program. To the extent that parts 9555.3410 to 9555.3412 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409 ~~[Emergency]~~, parts 9555.3410 to 9555.3412 [Emergency] shall prevail.

9555.3412 [Emergency] ASSISTANCE STANDARDS, PAYMENT, AND STATE PARTICIPATION.

Subpart 1. **Full state assistance standard, payment, and state participation.** The full state assistance standard must be computed as follows:

A. The full state assistance standard must be the combined minimum standards for shelter and basic needs that were in effect under the general assistance program on February 1, 1983. Except as in subparts 2 and 3, the full state assistance standard must be the minimum amount used to calculate the monthly payment to the assistance unit. The full state assistance standards are:

Full State Assistance Standards

Number of Persons in Assistance Unit	1	2	3	4	5	6	7	8	9	10
Assistance Standard	$199	$260	$305	$343	$381	$424	$452	$488	$519	$548

If the assistance unit contains more than ten persons, the full state assistance standard is $28 for each additional person. The full state assistance standard shall be based on the number of persons in the assistance unit.

B. Except as in subparts 2 and 3, the monthly payment to an assistance unit must be the difference between the full state assistance standard, or the local agency standard as in

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subpart 4, and the assistance unit's countable and seasonal income.

C. Except as in subparts 2 and 3, the full state assistance standard minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 2. **Reduced state assistance standard, payment, and state participation.** The reduced state assistance standard shall be used to calculate the monthly payment to an assistance unit as follows:

A. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative receiving general assistance shall be the first adult standard in AFDC.

B. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative who is receiving AFDC shall be:

(1) if the applicant or recipient is a spouse of the responsible relative, the AFDC standard for a second adult; or

(2) if the applicant or recipient is not a spouse of the responsible relative, the AFDC standard for an additional child if he or she were added to the AFDC grant.

C. The monthly payment to an assistance unit covered under item A or B must be the difference between the applicable reduced state assistance standard or the local agency standard as in subpart 4 and the assistance unit's countable and seasonal income.

D. The reduced state assistance standard for an assistance unit composed of one person who is not exempt from the work registration requirements under part 9555.3403 ~~[Emergency]~~, ~~subdivision~~ subpart 11, item A, B, H, I, or J, who resides with a responsible relative, and who is not provided for under item A or B, shall be determined by:

(1) Calculating the AFDC standard applicable to the household. The applicant or recipient is considered a child

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in determining the AFDC standard applicable to the household.

(2) Subtracting household countable income from the standard in subitem (1). If the income of a household member who is not a responsible relative exceeds the AFDC standard applicable to that person, the excess shall be disregarded in determining household countable income.

(3) The reduced state assistance standard is the amount calculated in subitem (2) or the full state assistance standard as in subpart 1, whichever is less.

(4) When more than one assistance unit resides with a responsible relative common to each assistance unit, the reduced state assistance standard as in subitem (3) or the local agency standard as in subpart 4 shall be divided equally among the assistance units to determine the reduced state assistance standard for each assistance unit.

E. The monthly payment to an assistance unit covered under item D must be the reduced state assistance standard as in item D, subitem (3) or (4) or the local agency standard as in subpart 4, minus the countable and seasonal income of the assistance unit.

F. The difference between the applicable reduced state assistance standard and the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 3. **State assistance standard and payment.** The state assistance standard and payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be as follows:

A. The state assistance standard for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be the clothing and personal needs allowance that has been established for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1.

B. The monthly payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated

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OFFICE BY:

rate must be determined by calculating the sum of the negotiated rate and either the clothing and personal needs allowance paid to the person as in item A or the local agency standard as in subpart 4. The monthly payment shall be the difference between this amount and the assistance unit's countable and seasonal income.

C. The sum of the negotiated rate and the clothing and personal needs allowance minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 4. **Payment in excess of standards.** A local agency may establish a monthly payment in excess of the state assistance standards in subpart 1, 2, or 3 and may provide special need items. The local agency shall pay the full cost of the excess and the special need items.

Subp. 5. **Countable income.** The countable income of a recipient's spouse or parent is the spouse's or parent's monthly net earned and unearned income that is not exempt or disregarded under the general assistance program.

A. When a spouse or parent of a recipient is eligible to be included in the recipient's assistance unit and chooses not to ~~be included~~ apply for or receive general assistance, the spouse's or parent's countable income available to the assistance unit shall be calculated as follows:

~~A.~~ (1) calculate the assistance standard applicable to the parent or spouse who chooses not to ~~be included in the assistance unit~~ apply for or receive general assistance. The applicable assistance standard for each of those persons shall be the full state assistance standard for one person or the local agency standard as in subpart 4, for one person;

FF 2

~~B.~~ (2) subtract the amount calculated in item A from the spouse's or parent's countable income;

~~C.~~ (3) the difference calculated in item B shall be considered countable income available to the assistance unit.

The provisions of subpart 2 shall not apply to the

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remaining members of an assistance unit covered by the provisions of this subpart 5.

~~Subp. 6. Unmarried couple with minor child.~~ ~~Countable income of an unmarried couple with a minor child in common shall be determined as follows:~~

~~A.~~ B. When an unmarried couple has a minor child in common and the minor child's paternity has been legally established, relative responsibility extends from each parent to the child.

~~B.~~ If the unmarried couple reside together, the minor child shall be included in the assistance unit of the parent who applies first for general assistance. If both parents apply for general assistance at the same time, the parents must choose which assistance unit shall include the minor child. The countable income available for the support of the minor child shall be calculated as follows:

(1) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit which contains the minor child;

(2) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit in subitem (1), excluding the minor child;

(3) subtract the amount calculated in subitem (2) from the amount calculated in subitem (1);

(4) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit that does not contain the minor child;

(5) calculate the countable income of the assistance unit which does not contain the minor child;

(6) subtract the amount calculated in subitem (4) from the amount of countable income calculated in subitem (5);

(7) any excess countable income from the subtraction in subitem (6) up to and including the amount calculated in subitem (3) shall be considered countable income available to the assistance unit which contains the minor child.

~~Subp. 7. Verification of household income.~~ C. If the

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assistance unit is covered by subpart 2, item D, or this subpart 5, and if the responsible relative refuses or is unable to provide verification concerning his or her income, the assistance unit shall be ineligible for general assistance, except that when the assistance unit is subject to the provisions of item B, only the minor child shall be ineligible. The period of ineligibility shall continue until the responsible relative provides the verification or until the assistance unit is no longer subject to subpart 2, item D, or this subpart 5.

FF3

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

APPROVED AS TO LEGALITY

November 20, 1984

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 20 1984
Joan Anderson Growe
Secretary of State

10:57 AM

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULES GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM MINNESOTA RULES, PARTS 9555.3410 to 9555.3412 (Emergency).

ORDER ADOPTING EMERGENCY RULES

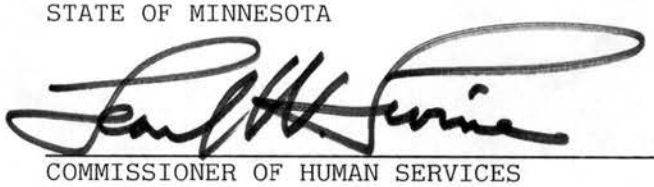
The above-entitled matter was published in the State Register on September 24 , 1984, as a proposed emergency rule pursuant to Minnesota Statutes, sections 14.29 - 14.36.

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 Standards of Assistance under the General Assistance Program, Minnesota Rules, parts 9555.3410 to 9555.3412

are adopted this 2nd day of November , 1984, pursuant to authority vested in me by Laws of Minnesota 1984, Chapter 654, section 26.

STATE OF MINNESOTA



COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION
OF EMERGENCY RULES OF THE STATE OF MINNESOTA
GOVERNING STANDARDS OF ASSISTANCE UNDER THE
GENERAL ASSISTANCE PROGRAM,
MINNESOTA RULES, parts 9555.3410 to 9555.3412
(Emergency)

ORDER FOR PUBLICATION
OF EMERGENCY RULES

IT IS ORDERED this 7th day of September, 1984, that the proposed emergency rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9555.3410 - 9555.3412 (EMERGENCY).

AFFIDAVIT OF MAILING

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

That on the 20 day of September , 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 20th day of September, 1984.

Jacqueline Sue Wierstad

JACQUELINE SUE WIERSTAD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES OCTOBER 12, 1990

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

Proposed Emergency Rules Governing
Standards of Assistance under the
General Assistance Program
Minnesota Rules, parts 9555.3410 to
9555.3412 [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, section 26.

Persons interested in these rules have until 4:30 p.m. on October 19, 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
Rulemaking Unit
Department of Human Services
Fourth Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

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.

The purpose of the general assistance program is to provide financial assistance to persons unable to provide for themselves and who are not otherwise provided for by law.

The proposed emergency rule establishes standards of assistance, payment, and state participation under the general assistance program. The proposed rule also establishes reduced standards of assistance for general assistance applicants and recipients who reside with responsible relatives. The proposed emergency rule includes a definition of terms, applicability, state assistance standards, reduced state assistance standards, payment in excess of standards, and verification of income.

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

LEONARD W. LEVINE
Commissioner of Human Services

LJ/fb

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9555.3410 - 9555.3412 (EMERGENCY).

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 20 day of September , 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 with 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:

7 additional persons requesting notice of intent to adopt, includir Legal Services Advocacy groups and county agencies

Wendy Johnson

Subscribed and sworn to before me

this 20th day of September, 1984.

Jacqueline Sue Wierstad

JACQUELINE SUE WIERSTAD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES OCTOBER 12, 1990

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

Proposed Emergency Rules Governing
Standards of Assistance under the
General Assistance Program
Minnesota Rules, parts 9555.3410 to
9555.3412 [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, section 26.

Persons interested in these rules have until 4:30 p.m. on October 19, 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
Rulemaking Unit
Department of Human Services
Fourth Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

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.

The purpose of the general assistance program is to provide financial assistance to persons unable to provide for themselves and who are not otherwise provided for by law.

The proposed emergency rule establishes standards of assistance, payment, and state participation under the general assistance program. The proposed rule also establishes reduced standards of assistance for general assistance applicants and recipients who reside with responsible relatives. The proposed emergency rule includes a definition of terms, applicability, state assistance standards, reduced state assistance standards, payment in excess of standards, and verification of income.

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



LEONARD W. LEVINE
Commissioner of Human Services

LJ/fb

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF PROPOSED EMERGENCY RULES GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9555.3410 - 9555.3412 (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 12:00, P.M., this 20 day of September , 1984.

Wendy J. [illegible]

Department of Human Services

Proposed Emergency Rules Relating to General Assistance

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, section 26.

Persons interested in these rules have until 4:30 p.m. on October 19, 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
Rulemaking Unit
Department of Human Services
Fourth Floor
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

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.

The purpose of the general assistance program is to provide financial assistance to persons unable to provide for themselves and who are not otherwise provided for by law.

The proposed emergency rule establishes standards of assistance, payment, and state participation under the general assistance program. The proposed rule also establishes reduced standards of assistance for general assistance applicants and recipients who reside with responsible relatives. The proposed emergency rule includes a definition of terms, applicability, state assistance standards, reduced state assistance standards, payment in excess of standards, and verification of income.

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
Police Department
Department of Human Services
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)

9555.3410 [Emergency] DEFINITIONS.

Subpart 1. Scope. The definitions in parts 9555.3400 [Emergency] and 9500.0500 to 9500.0610 apply to this part.

Subp. 2. AFDC. "AFDC" means the federally aided program of aid to families with dependent children.

Subp. 3. Household. "Household" means persons with whom the general assistance applicant or recipient resides. Only the following persons shall be included in the household:

A. the applicant or recipient;

B. responsible relatives of the applicant or recipient;

C. the spouse of the responsible relative;

D. the minor children of the responsible relative and of his or her spouse.

Subp. 4. Household countable income. "Household countable income" means monthly net earned and unearned income of all members of a household, excluding the applicant or recipient. Household countable income shall not include income that is exempt or disregarded under the general assistance program or benefits received by a responsible relative under the supplemental security income program, the social security disability program, the Minnesota supplemental aid program, or other benefits based on the responsible relative's disability.

Subp. 5. State participation. "State participation" means state aid to local agencies for general assistance expenditures as specified in Minnesota Statutes, section 256D.03, subdivision 2.

9555.3411 [Emergency] APPLICABILITY.

Parts 9555.3410 to 9555.3412 [Emergency] establish the state standards of assistance, the reduced standards of assistance, and the monthly payment under the general assistance program, and shall be read together with parts 9500.0500 to 9500.0610 and 9555.3400 to 9555.3409 [Emergency] for purposes of administering the general assistance program. To the extent that parts 9555.3410 to 9555.3412 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409 [Emergency], parts 9555.3410 to 9555.3412 [Emergency] shall prevail.

9555.3412 [Emergency] ASSISTANCE STANDARDS, PAYMENT, AND STATE PARTICIPATION.

Subpart 1. Full state assistance standard, payment, and state participation. The full state assistance standard must be computed as follows:

A. The full state assistance standard must be the combined minimum standards for shelter and basic needs that were in effect under the general assistance program on February 1, 1983. Except as in subparts 2 and 3, the full state assistance standard must be the minimum amount used to calculate the monthly payment to the assistance unit. The full state assistance standards are:

Full State Assistance Standards

Number of Persons in Assistance Unit	1	2	3	4	5	6	7	8	9	10
Assistance Standard	$199	$260	$305	$343	$381	$424	$452	$488	$529	$548

If the assistance unit contains more than ten persons, the full state assistance standard is $28 for each additional person. The full state assistance standard shall be based on the number of persons in the assistance unit.

B. Except as in subparts 2 and 3, the monthly payment to an assistance unit must be the difference between the full state assistance standard, or the local agency standard as in subpart 4, and the assistance unit's countable and seasonal income.

C. Except as in subparts 2 and 3, the full state assistance standard minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 2. Reduced state assistance standard, payment, and state participation. The reduced state assistance standard shall be used to calculate the monthly payment to an assistance unit as follows:

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.

A. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative receiving general assistance shall be the first audit standard in AFDC.

B. The reduced state assistance standard for an assistance unit composed of one person who resides with a responsible relative who is receiving AFDC shall be:

(1) if the applicant or recipient is a spouse of the responsible relative, the AFDC standard for a second adult; or

(2) if the applicant or recipient is not a spouse of the responsible relative, the AFDC standard for an additional child if he or she were added to the AFDC grant.

C. The monthly payment to an assistance unit covered under item A or B must be the difference between the applicable reduced state assistance standard or the local agency standard as in subpart 4 and the assistance unit's countable and seasonal income.

D. The reduced state assistance standard for an assistance unit composed of one person who is not exempt from the work registration requirements under part 9555.3403 [Emergency], subdivision 11, item A, B, H, I, or J, who resides with a responsible relative, and who is not provided for under item A or B, shall be determined by:

(1) Calculating the AFDC standard applicable to the household. The applicant or recipient is considered a child in determining the AFDC standard applicable to the household.

(2) Subtracting household countable income from the standard in subitem (1). If the income of a household member who is not a responsible relative exceeds the AFDC standard applicable to that person, the excess shall be disregarded in determining household countable income.

(3) The reduced state assistance standard is the amount calculated in subitem (2) or the full state assistance standard as in subpart 1, whichever is less.

(4) When more than one assistance unit resides with a responsible relative common to each assistance unit, the reduced state assistance standard as in subitem (3) or the local agency standard as in subpart 4 shall be divided equally among the assistance units to determine the reduced state assistance standard for each assistance unit.

E. The monthly payment to an assistance unit covered under item D must be the reduced state assistance standard as in item D, subitem (3) or (4) or the local agency standard as in subpart 4, minus the countable and seasonal income of the assistance unit.

F. The difference between the applicable reduced state assistance standard and the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 3. State assistance standard and payment. The state assistance standard and payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be as follows:

A. The state assistance standard for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be the clothing and personal needs allowance that has been established for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1.

B. The monthly payment for an assistance unit living in a nursing home, state hospital, or dwelling with a negotiated rate must be determined by calculating the sum of the negotiated rate and either the clothing and personal needs allowance paid to the person as in item A or the local agency standard as in subpart 4. The monthly payment shall be the difference between this amount and the assistance unit's countable and seasonal income.

C. The sum of the negotiated rate and the clothing and personal needs allowance minus the assistance unit's countable and seasonal income shall be used to determine the amount of state participation in the monthly payment.

Subp. 4. Payment in excess of standards. A local agency may establish a monthly payment in excess of the state assistance standards in subpart 1, 2, or 3 and may provide special need items. The local agency shall pay the full cost of the excess and the special need items.

Subp. 5. Countable income. The countable income of a recipient's spouse or parent is the spouse's or parent's monthly net earned and unearned income that is not exempt or disregarded under the general assistance program. When a spouse or parent of a recipient is eligible to be included in the recipient's assistance unit and chooses not to be included, the spouse's or parent's countable income available to the assistance unit shall be calculated as follows:

A. calculate the assistance standard applicable to the parent or spouse who chooses not to be included in the assistance unit. The applicable assistance standard for each of those persons shall be the full state assistance standard for one person or the local agency standard as in subpart 4, for one person;

B. subtract the amount calculated in item A from the spouse's or parent's countable income;

C. the difference calculated in item B shall be considered countable income available to the assistance unit.

The provisions of subpart 2 shall not apply to the remaining members of an assistance unit covered by the provisions of subpart 5.

Subp. 6. Unmarried couple with minor child. Countable income of an unmarried couple with a minor child in common shall be determined as follows:

A. When an unmarried couple has a minor child in common and the minor child's paternity has been legally established, relative responsibility extends from each parent to the child.

B. If the unmarried couple reside together, the minor child shall be included in the assistance unit of the parent who applies first for general assistance. If both parents apply for general assistance at the same time, the parents must choose which assistance unit shall include the minor child. The countable income available for the support of the minor child shall be calculated as follows:

(1) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit which contains the minor child;

(2) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit in subitem (1), excluding the minor child;

(3) subtract the amount calculated in subitem (2) from the amount calculated in subitem (1);

(4) calculate the full state assistance standard or the local agency standard as in subpart 4 for the assistance unit that does not contain the minor child;

(5) calculate the countable income of the assistance unit which does not contain the minor child;

(6) subtract the amount calculated in subitem (4) from the amount of countable income calculated in subitem (5);

(7) any excess countable income from the subtraction in subitem (6) up to and including the amount calculated in subitem (3) shall be considered countable income available to the assistance unit which contains the minor child.

Subp. 7. Verification of household income. If the assistance unit is covered by subpart 2, item D, or subpart 5, and if the responsible relative refuses or is unable to provide verification concerning his or her income, the assistance unit shall be ineligible for general assistance. The period of ineligibility shall continue until the responsible relative provides the verification or until the assistance unit is no longer subject to subpart 2, item D, or subpart 5.

Department of Human Services

Proposed Rules Relating to the Merit System Compensation Plan for the Department of Human Services In the Matter of the Proposed Amendments to Existing Rules Concerning the Compensation Plan and Salary Adjustments

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Amend Rules without a Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Conference Room A, fourth floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155 on November 2, 1984, commencing at 9:30 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process. PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO AMEND THE SAME RULES WITHOUT A HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Merit System before November 2, 1984, at (612) 296-3996.

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.

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED
ADOPTION OF EMERGENCY RULES
GOVERNING STANDARDS OF ASSISTANCE
UNDER THE GENERAL ASSISTANCE
PROGRAM (PARTS 9555.3410 TO 9555.3412).

FINDINGS OF FACT
AND CONCLUSIONS

The Commissioner published notice of proposed emergency rule on the above-entitled matter in the State Register on September 24, 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 September 20, 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 9555.3410 [Emergency] of the rule, subpart 4, the Department defined household countable income and provided for the exclusion of a responsible relative's income if the income was received from the Supplemental Security Income Program, the Social Security Disability Program, the Minnesota Supplemental Aid Program, or other benefits based on the responsible relative's disability. One commentor, Mr. Steve Swanson of the Legal Services Advocacy Project, noted that Minnesota Statutes, section 256D.01, subdivision 1a, clause b, also requires the exclusion of income received from a Worker's Compensation Program. The Commissioner agrees with the suggestion to include benefits from a Worker's Compensation Program in the list of excluded income, and has amended the rule accordingly. ✓ P.1

2. In part 9555.3412 [Emergency] of the rule, subpart 5, the Department specified the method of determining the amount of a parent's or spouse's income which would be considered countable income available to other members of an assistance unit when the parent or spouse chooses not to be included in the assistance unit. One commentor, Mr. Steve Swanson of the Legal Services Advocacy Project, suggested that the language of that part implies a distinction between electing not to apply for general assistance and electing not to be included in an assistance unit. Mr. Swanson further stated that such a distinction is confusing and not likely intended. The Department intended the language in subpart 5 to apply to a parent or spouse who would not receive general assistance benefits because he or she either did not apply for general assistance with other members of the family or because he or she decided not to accept those benefits after once applying. The Commissioner agrees that the language of subpart 5 as proposed was unclear and has modified the rule for clarity and specificity. ✓ P5

3. In part 9555.3412 [Emergency] of the proposed rule, subpart 6, the Department provided a mechanism for determining the amount of a parent's contribution for the support of a minor child when the parents are not married, are residing together with the minor child, and the minor child's paternity has been legally established. One commentor, Mr. Steve Swanson of the Legal Services Advocacy Project, suggests that the language of the introductory clause is too broad and addresses all situations where an unmarried couple have a minor child in common, regardless of the legal determination of paternity. The Commissioner agrees with and accepts the suggestion. The rule has been modified to eliminate confusion and to create clarity.

deleted p.6

During the month of October the Department conducted five information and training sessions for county welfare department staff concerning the emergency rules. In the course of the information and training sessions, oral comments were received from staff members of several county welfare departments questioning whether or not the definition of countable income of a recipient's spouse or parent contained in the introductory sentence of subpart 5 also applied to subpart 6. The Department intended that said definition of countable income would apply equally to all situations in which a responsible relative has income which must be dealt with in determining the level of assistance to an assistance unit. The Department notes, however, that the structural separation of subparts 5, 6, and 7 obscures that intention and confuses the applicability of the definition. In order to create clarity and to enhance the ease with which the rules are read, the Commissioner has modified the structure of subparts 5, 6 and 7 by incorporating subparts 6 and 7 into subpart 5.

In modifying the structure of subparts 6 and 7, the Department noted that a clarification was then necessary to prevent a misinterpretation of item C (old subpart 7). The Department specified in item B (old subpart 6) that an unmarried couple with a minor child in common cannot be considered as one assistance unit, but that either parent and the common minor child can form one assistance unit. When one of the parents and the minor child form one assistance unit, the second parent has financial responsibility for the minor child. In that case, the second parent's income is countable. If the second parent then should refuse or be unable to verify income, the language of item C could be read to state that the assistance unit containing both the first parent and the minor child would be ineligible. However, Minnesota Statutes, section 256D.15, specifies that "The financial responsibility of a relative for an applicant for or recipient of general assistance shall not extend beyond the relationship of a spouse, or a parent of an adult child who resides with the parent, or the parent of a minor child regardless of where the minor child resides". That statute clearly states that an unmarried couple has no financial responsibility under law to each other. This means that the restructured language of subpart 5, together with the statute, must be read to limit the loss of assistance to the minor child, but must not be read to affect the assistance of the first parent. Since the restructured section of the rule does not make this limitation clear, the Commissioner has modified item C (old subpart 7) to clarify the right of the first parent to receive assistance on his or her own behalf.

p.7

5. As a result of the Department's review of the comments received and the proposed rule, the Department has made a number of 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.

   The changes to part 9555.3410 [Emergency] are:

   Page 1, subpart 1, (line 8).

   The changes to part 9555.3411 [Emergency] are:

   age 2, (line 4).

   Page 2, (line 8).

   The changes to part 9555.3412 [Emergency] are:

   Page 3, subpart 2, item D, (line 32).

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

7. 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: November 2, 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 STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES PARTS 9555.3410 to 9555.3412 (Emergency).

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Vicki 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: 11/2/84

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED EMERGENCY RULES GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM MINNESOTA RULES, PARTS 9555.3410 to 955.3412 (Emergency)

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

, being first duly sworn, deposes and says:

That on the 2nd day of November, 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.

Michael Sroovy

Subscribed and sworn to before me

this 2nd day of November, 1984.

Jean D. Storm

JEAN D. STORM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEBURARY 3, 1991

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE DEPARTMENT OF HUMAN SERVICES EMERGENCY RULE GOVERNING STANDARDS OF ASSISTANCE UNDER THE GENERAL ASSISTANCE PROGRAM MINNESOTA RULES, PARTS 9555.3410 to 9555.3412 (Emergency).

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes 19 , 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, November 5 , 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
Department of Human Services
2nd Floor Space Center Building
444 Lafayette Road
St. Paul, MN 55101