

State

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Register

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Rules

BOARD OF REGISTRATION OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

RULES RELATING TO EXAMINATION OF LANDSCAPE ARCHITECT APPLICANTS

AE&LS 9.1 Examination of landscape architect applicants.

A. Education and experience. An applicant for registration as a Landscape Architect shall be required to pass a written and oral examination as provided herein. To qualify for such examination, the applicant shall present satisfactory evidence that the following requirements have been met.

1. Graduated from a landscape architecture curriculum of a university or college accredited by the American Society of Landscape Architects Committee on Education.

2. Completed at least three years of satisfactory diversified experience, after graduation, under the supervision of registered Landscape Architects.

3. An applicant may also qualify provided that satisfactory evidence is submitted to the Board that the education and subsequent experience of such applicant are substantially equivalent to the above requirements as set forth in the following table:

<u>Classification</u>	<u>Professional Education (years)</u>	<u>Professional Experience* (years)</u>	<u>Total Education and Experience</u>
Graduate of ASLA Accredited Landscape Architectural Curriculum			
5-year course	5	3	8
4-year course	4	4	8
Other Related Degree Plus Graduate of ASLA Accredited Graduate L.A. Curriculum	5	3	8

Graduate of Non-Accredited Landscape Architectural Curriculum			
5-year course	4	5	9
4-year course	3	6	9

Other Related Field Degree Plus Graduate of Non-Accredited L.A. Curriculum	4	5	9
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Graduate of NAAB Accredited Architectural Curriculum	3	7	10
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Graduate of ECPD Accredited Engineering Curriculum	3	7	10
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Graduate of Non-Accredited Architectural Curriculum	2	9	11
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Graduate of Non-Accredited Engineering Curriculum	2	9	11
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Graduate of Two Years Technical School in Landscape Architecture	2	9	11
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No Professional Education	0	13	13
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*Professional experience must be acquired after graduation except that continuous experience gained in increments of ninety days or more, before graduation will be evaluated by the Board. Professional experience is defined as equivalent to satisfactory diversified general practice under the supervision of registered Landscape Architects.

4. For non-graduates, each year of approved Landscape Architectural Education successfully completed at college level shall receive full credit.

5. Employment by government agencies, engineering firms, general contractors, in areas directly related to landscape architectural construction, may be substituted for professional experience, as defined above; one full year of such experience will be considered the equivalent of one-half year of full-time professional experience, but not over two years of credit toward professional experience will be given for such experience.

6. Employment by government agencies, including the military, when diversified and comparable to employment in the office of a registered Landscape Architect with a verified record of substantial practice shall receive full credit with no time limitation. Such work shall be directly related to Landscape Architecture and shall be under the direct supervision of a registered Landscape Architect. This provision shall also apply to those registered Landscape Architects employed in a capacity of manager.

7. Employment by organizations that have employees performing Landscape Architectural services in connection with projects owned or used by that organization when said employment is directly related to Landscape Architectural work and is under the direct supervision of a registered Landscape Architect shall receive full credit with no time limitation. This provision shall also apply to those registered Landscape Architects employed in a capacity of manager.

8. Employment or practice in such fields as interior design, architecture, engineering, city planning and periods of employment with such organizations as VISTA, HUD, Peace Corps and advocacy planning shall receive full credit up to a maximum of two years when such work is related to Landscape Architecture.

9. An advanced degree from ASLA Committee on Educations accredited Landscape Architecture curriculum shall receive full credit up to a maximum of two years. Teaching and research in an ASLA Committee on Education Accredited curriculum shall also receive full credit as determined by the Board.

10. Other training, education, teaching, or practical experience of a landscape architectural nature will be subject to review and determination by the Board.

B. Application and oral examination. The Board shall review the applicant's experience record and conduct a personal interview of each applicant for admission to the examination process. The personal interview shall consist of direct examination by the Board to include such additional exhibits of drawings, specifications, photographs of work, letters of reference, as the Board may direct.

C. Written examinations — Shall be provided by the National Council of Landscape Architectural Registration Boards (CLARB). Handbooks, tables, reference books, bound notes and hand-held non-programmable battery-operated electronic calculators are permitted when authorized by the Board.

D. Landscape architect-in-training. An applicant for certification as a Landscape Architect-in-Training shall present satisfactory evidence to the Board that they have either:

1. Graduated from an accredited Landscape Architectural curriculum appearing on the list of accredited curricula current at the time of applicant's graduation as published by the American Society of Landscape Architects (ASLA) Committee on Education, or

2. Completed ten years of satisfactory diversified experience, when such experience is directly related to Landscape Architectural work and is approved by the Board. Each scholastic year of study satisfactorily completed in a curriculum accredited by the ASLA Committee on Education or its educational equivalent shall be considered equal to two years of Landscape Architectural experience.

E. Professional practice examination. An applicant for registration as Landscape Architect by examination shall be admitted to the Professional Practice Examination in Landscape Architecture provided the applicant has:

1. Successfully completed the Landscape Architect-in-Training Examination and

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2. Completed total combined education and experience as noted in table contained in Rule 9.1 A.3.

F. Qualification for registration without written examination. The Board shall, with reference to applications received from persons not residing in Minnesota, issue a certificate of registration as a landscape architect when a CLARB certificate is furnished to the Board. Applicants shall submit a treatise to the Board.

G. Qualification for registration without written examination prior to January 1, 1977 (Expires January 1, 1977).

1. The Board shall, with reference to applications for registration received prior to January 1, 1977, issue

a certificate of registration as a landscape architect, without examination, to any applicant submitting evidence to the Board that one or more of the classifications listed in the table contained in Rule 9.1 A has been met.

2. Each applicant not holding a CLARB certificate shall appear before the Board for a personal interview for the purpose of reviewing the applicability of experience for registration.

3. Applicants who are not residents of Minnesota and are registered by another jurisdiction but do not hold CLARB certification shall submit a treatise to the Board relative to Minnesota construction conditions and plant materials applicable to Minnesota.

DEPARTMENT OF LABOR AND INDUSTRY

OCCUPATIONAL SAFETY AND HEALTH DIVISION

EMERGENCY RULE ADOPTING FEDERAL EMERGENCY TEMPORARY OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PLEASE TAKE NOTICE that E. I. Malone, Commissioner, Minnesota Department of Labor and Industry, has determined that the following Rule shall be promulgated pursuant to Minn. Stat. § 182.655, subd. 11 (1974), as an emergency temporary standard, modifying an Occupational Safety and Health Standard as follows:

Minnesota Occupational Safety and Health Codes and Rules are hereby changed and modified by incorporating and adopting by reference the following change made to Title 29 of the Code of Federal Regulations:

Part 1910 Emergency Temporary Occupational Safety and Health Standards as published in Vol-

ume 41, No. 116 of the *Federal Register* on Tuesday, June 15, 1976, which contains a new Occupational Safety and Health Standard for Diving Operations as Subpart T, beginning at § 1910.401. The standard is issued as an emergency temporary standard (ETS) and will be superseded by a permanent standard within six months. The standard will take effect on August 10, 1976, and applies to all employments covered by the Minnesota Occupational Safety and Health Act.

A complete copy of the specific standard modification above is available by writing Deputy Commissioner, Minnesota Department of Labor and Industry, 500 Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

DEPARTMENT OF NATURAL RESOURCES

RULES RELATING TO NOISE EMISSION LEVELS FROM SNOWMOBILES

NR 57 E.4.b. No snowmobile manufactured on or after July 1, [1976], (1977), for sale in Minnesota, except in a snowmobile designed for competition purposes

only, shall be sold, or ordered for sale, unless it is so equipped that overall noise emission does not exceed 73 decibels on the A scale at 50 feet.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

RULES RELATING TO MOTORCYCLE OPERATOR EYE PROTECTIVE DEVICES

Chapter Twenty: Requirements for Approval of Motorcycle Operator Eye Protective Devices

Commission (which was created and exists under the Interstate Vehicle Equipment Safety Compact).

SafAd 181 Purpose and scope.

A. The purpose of these rules is to prescribe the procedure for approval by the Commissioner of Public Safety of motorcycle operator eye protective devices.

B. The scope of these rules is intended to be consistent with the powers relative to eye protective devices conferred on the Commissioner of Public Safety by Minn. Stat. § 169.974, subd. 4 (1974), as amended by Laws of 1975, ch. 29, § 4.

SafAd 182 Definitions. For purposes of these rules:

A. "AAMVA" means the American Association of Motor Vehicle Administrators.

B. "Commissioner" means the Commissioner of Public Safety for the State of Minnesota.

C. "VESC" means the Vehicle Equipment Safety

SafAd 183 Standards and approval of devices.

A. The standard for motorcycle operator eye protective devices as incorporated in Vehicle Equipment Safety Commission Regulation VESC-8, adopted by the VESC August 5, 1971, is hereby incorporated by reference and made a part of these rules.

B. Motorcycle operator eye protective devices which are approved for use in Minnesota shall be of a type certified by the AAMVA as complying with the specifications of Regulation VESC-8 incorporated herein.

C. On and after the effective date of these rules, the Commissioner shall maintain a current list of specific eye protective devices which have been certified by the AAMVA as complying with Regulation VESC-8. Such list shall at all times be made available to any person upon request.

SafAd 184-187 Reserved for future use.

DEPARTMENT OF PUBLIC WELFARE

INCOME MAINTENANCE DIVISION

RULES CONCERNING AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

DPW 44: Aid to Families with Dependent Children (AFDC)

Former DPW 44 is hereby repealed.

A. Introduction.

1. This rule governs administration of the Aid to Families with Dependent Children (AFDC) program in Minnesota. The provisions of this rule are to be read in conjunction with Title IV-A of the Federal Social Security Act, Title 45 of The Code of Federal Regulations, Minn. Stat. ch. 256, and other rules of the Department of Public Welfare pertaining to public assistance and the administration of Minnesota's state and

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local welfare departments. (Local welfare department or agency means the county welfare department or those multi-county welfare agencies established under Minn. Stat. § 393.01, (1974) or Minn. Stat. ch. 402). The Commissioner of Public Welfare may issue instructions, bulletins, and manuals to the local welfare agencies to clarify the provisions of this rule (Rule 44 takes precedence over such documents) and may prescribe forms and procedures to be used in administration of this program.

2. The Commissioner shall cooperate with the federal government and its public welfare agencies in any reasonable matter that will be necessary to qualify for AFDC. Notwithstanding any provisions of this rule, administration of the AFDC program is subject to changes in federal or state law. The Commissioner will notify the local welfare agencies of such changes as they occur.

3. The AFDC program shall be administered to provide qualifying needy families with the resources necessary to sustain a reasonable subsistence compatible with decency and health, according to this rule. The AFDC program will not be administered to deny applicants and recipients their individual and civil rights, nor to obtain or disclose information regarding them except as provided by DPW Rules.

4. The Commissioner shall supervise AFDC program on a state-wide basis in accordance with equitable standards for assistance and administration which shall be mandatory on all political subdivisions.

B. Applications for assistance.

1. Any person may apply for AFDC to the local welfare agency in the county in which he/she resides, and the local agency shall promptly advise him/her of the program's eligibility requirements. The application form shall be signed by the applicant, his/her parent, eligible caretaker relative, legal guardian, an authorized representative of the applicant, or if the application is for AFDC-FC, the agency director or designee. (See Part H.3. below).

2. As soon as possible, but no later than 45 days from the date of request for assistance, the local agency shall determine the applicant's eligibility for assistance. All eligibility conditions must be met within this 45-day limit. Assistance may be issued before the eligibility process is completed, but if the applicant is found not eligible, no federal or state financial participation may be claimed for this assistance.

3. The applicant must be notified in writing that his/her application has been approved or denied, unless the applicant dies or cannot be located. If the applica-

tion is denied, the recipient must be notified in writing of the reasons for denial and of his/her right to appeal.

4. Any person has the right to reapply for assistance. New applications must be taken whenever a previous application has been denied or withdrawn, or a grant has been cancelled, or the payee has been changed, or the county of financial responsibility has been changed. An approved application shall be added for the purpose of adding additional eligible persons or when the payee has changed his/her name.

5. Eligibility shall be redetermined at least semi-annually. When the local income maintenance unit receives information about a change in case facts, eligibility shall be reviewed within 30 days. Eligibility for AFDC-UF cases shall be redetermined every three months. The recipient shall furnish such correct information and reports as required by the agency to assure eligibility and payments.

6. The local agency shall verify the information contained in the application from the applicant or other persons or agencies only with the applicant's signed permission; blanket consents may be used only for groups of related agencies (such as banks, insurance agencies, etc.). If the applicant refuses to cooperate with the county agency in verifying the needed information, the application must be denied.

7. The following information shall be verified:

a. Social Security numbers of all individuals applying for or receiving assistance and parents of dependent children;

b. Incapacity of a parent or unemployment of a father if such is the basis of eligibility; and

c. The applicant's income and acknowledged property.

Any other factor of eligibility may be verified depending on the circumstances of the case.

C. Financial responsibility and residence.

1. "Residence" or "abode" means where a person lives and intends to remain; the "county of financial responsibility" or "county of settlement" means the county which is liable for a person's public assistance.

2. Minnesota residence is an eligibility requirement for AFDC, but no length of residence is required. A person loses Minnesota residence when he/she leaves the state with the intent to establish a home elsewhere; evidence of intent under this rule is not simply the person's stated intentions, but includes consideration of objective criteria associated with the move (e.g., move-

ment of possessions, rent payments, changes in voter or driver's license registrations).

3. The county of financial responsibility for an AFDC grant is the county of the longest period of residence of the dependent child during the year preceding application, free of "excluded time". "Excluded time" is the period the child resides in a licensed hospital, detention home, county jail, licensed foster home, or public or private child care institution; if the child has always resided in places of excluded time, the county of financial responsibility is the county of the child's longest residence during the year preceding application.

4. For purposes of AFDC-UB (See D. 1), an unborn's residence begins on the estimated date of conception. If more than one county is financially responsible for the children in one AFDC grant, the caretaker's needs are assigned to the county having the responsibility for the most children, or the county responsible for the oldest child if each county is responsible for the same number of children.

5. If a child moves from one county to another and continues to receive AFDC, the county of financial responsibility transfers to his/her county of residence when he/she has resided in that county for one year, free of excluded time. However, the county of the child's residence is always the county which services his/her AFDC grant, whether or not it is the county of financial responsibility; moreover, whenever the county of financial responsibility and county of residence have policies which conflict, the latter takes precedence.

6. If counties disagree as to which is the county of financial responsibility, the following procedures apply:

a. The county of residence shall grant AFDC to the applicant (if eligible) while it refers the case to the alleged county of financial responsibility;

b. The alleged county of financial responsibility shall promptly decide if the applicant is eligible for AFDC and if it is the county of financial responsibility;

c. If the alleged county of financial responsibility denies eligibility or financial responsibility for the applicant, the county of residence may accept financial responsibility or may refer the matter to the Commissioner of Welfare;

d. The Commissioner of Welfare shall review

the matter and provide both counties with the opportunity to state their position (by formal hearing or otherwise) and decide which county is financially responsible; the Commissioner's determination is binding on both counties unless it is appealed to and reversed by the courts according to law;

e. The county determined to be financially responsible shall reimburse any other county for any costs the other county previously paid on the grant; if eligibility is denied, the county of residence is responsible for costs previously paid.

D. Eligibility factors.

Child status.

1. Age.

a. Children under the age of 18 are eligible for AFDC; children age 18-19 are eligible if they are full-time students attending a high school, college, university, vocational or technical training institute.

b. Unborn are eligible for AFDC during the last three months of the mother's pregnancy (as medically certified). AFDC grants for unborn are referred to as "AFDC-UB".

2. Eligible relatives.

a. Parents, grandparents, brothers, sisters, uncles, aunts, great grandparents, great uncles, great aunts, nephews, nieces, first cousins, stepparents, stepbrothers, and stepsisters, and spouses of these persons, are eligible to be the caretaker of a child receiving AFDC.

b. The caretaker must meet all eligibility requirements to be included in the child's AFDC grant.

3. Physical presence in the home.

a. A child must reside in the same home with an eligible caretaker to be eligible for AFDC unless he/she has special educational needs which require that he/she reside away from home.

b. If an emergency exists that deprives the child of the care of the relative through whom he has been receiving aid, temporary absences of the caretaker or the child from the home will not defeat AFDC eligibility, for a temporary period necessary to make and carry

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out plans for the child's continuing care and support. No absence may exceed six months and all absences of more than three months shall be referred to the Commissioner for a determination of continued eligibility.

4. Guardianship of a child does not affect AFDC eligibility, but if the child does not reside with an eligible caretaker, he/she must meet the requirements of AFDC-FC (See H.3.).

5. If a child dies (or if an unborn is stillborn), the AFDC grant shall be paid for the entire month in which death occurs.

Parental status.

6. To be eligible for AFDC a child must be deprived of parental support or care due to the death, incapacity or continued absence of a parent from the home, or due to unemployment of the father. This rule applies to natural and adoptive parents; the term "parental support or care" means financial maintenance, training, supervision, housekeeping and feeding normally given to children by their parents.

7. Death of a parent must be verified by official records (death certificates, military records, etc.).

8. Incapacitated parents.

a. A parent is incapacitated if he/she has a physical or mental defect, illness, or impairment which makes him/her unable to care for the child or substantially reduces or eliminates the ability to support the child. The incapacity must be expected to last at least 30 days from its onset. Budget deficiency alone does not establish need in incapacity cases; the physical or mental handicap must cause the budget deficiency.

b. The incapacitated parent, and caretaker relative, are to be included in the AFDC grant if need exists.

c. The incapacitated parent who is exempt from WIN registration (See H.1.) must be referred to the Department of Vocational Rehabilitation.

9. Continued absence.

a. A parent is continually absent from the home if he/she is physically absent from the home and if this absence interrupts or makes uncertain his/her parental support or care; there is no minimum time period used to establish continued absence.

b. Upon an absent parent's return to the home, AFDC shall continue, if need exists, for one month following the month of his/her return.

c. Where continued absence exists:

(1) The applicant/recipient must assign his/her rights to any child support which accrues or has accrued during a time when the child or other person with respect to whom support is due was a recipient of AFDC. The assignment does not give to the state the right to agree to a reduction in the support being assigned or to a lump sum compromise or settlement of support due in the future.

(2) The applicant/recipient must be referred to the Child Support Unit.

(3) The applicant/recipient must cooperate in establishing paternity or obtaining support.

The Child Support Unit shall not attempt to establish paternity in cases involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending if, in the opinion of the Child Support Unit, it would not be in the best interest of the child.

(4) If an applicant or recipient fails to assign rights to support or to cooperate in establishing paternity or obtaining support, an AFDC grant will be provided only for the children and through protective or vendor payments.

The needs of the caretaker shall not be deleted, nor protective or vendor payments instituted, if the caretaker demonstrates "good cause" that establishes paternity or obtaining support are not in the best interest of the child. The conditions of "good cause" as stated in federal regulation shall be applied.

10. Unemployed fathers (AFDC-UF).

a. An unemployed father is a father:

- (1) whose family is in need;
- (2) who is not unemployed due to a labor dispute;
- (3) who works less than 100 hours per month;
- (4) who has not been fully employed for 30 days prior to the receipt of AFDC-UF;
- (5) who has not refused or quit employment except for good cause, within 30 days prior to the receipt of AFDC-UF;
- (6) who has not been fired from his job within 30 days prior to the receipt of AFDC-UF;

(7) who is currently registered with the local Department of Employment Services and is available for training and/or employment;

(8) who has:

(a) worked at least six quarters during any 13 calendar quarters ending one year prior to the date of application; at least \$50 per quarter must have been earned during this period or the father must have been in an approved work-and-training program.

(b) received or could have qualified for Unemployment Compensation during the year prior to application for AFDC-UF.

b. To refuse or quite employment or training except for good cause means that an individual refused, or quit employment or training, or the offer of employment or training, which he was physically and technically able to perform, which was not excessively hazardous, for which transportation was available, and which paid the prevailing wage in the community for that type of work (but not less than the minimum wage).

c. An unemployed father may receive either Unemployment Compensation or AFDC-UF, but not concurrently.

d. To continue AFDC-UF eligibility in non-WIN counties, the father must re-register with the local Department of Employment Services every 30 days, and actively seek employment or enroll in a work training program; in WIN counties he must register for WIN (See H.1.).

e. If the father refuses or quits an offer of employment or training without good cause, he is no longer eligible for AFDC-UF; his needs will not be included in the AFDC grant, protective or vendor payments will be used for the needs of other eligible family members, and his income will be attributed first to his own needs and then to the needs of the members of his family still receiving AFDC. In WIN counties, a father who refuses or quits an offer of employment or training is subject to sanctions following a WIN project determination of refusal to participate without good cause. Part of the adjudication process attendant on such a determination includes 60 days of counseling. If he accepts this, his needs may be included in the grant for the duration of the counseling period, but protective or vendor payments will continue. If the father accepts training or employment after having refused

or quit such (without good cause) protective or vendor payments will stop, but the father's needs will not be included in the grant until 90 days have elapsed; if this happens a second time, the waiting period shall be six months.

11. Stepparents.

a. A stepparent is legally responsible for the support of his/her stepchildren, but cannot be required to support them. If a stepparent chooses to support a stepchild, that stepchild's needs must be removed from the grant.

b. A stepparent is legally responsible for the support of his/her spouse; if the stepparent is unable to support the spouse (and can document that fact), the spouse's needs may be included in his/her children's AFDC grant, assuming other eligibility conditions are met. To determine if the stepparent is unable to support his/her spouse, compare the amount of the stepparent's income (determined in the same way that an AFDC recipient's income is determined under D.13.) with the SSI payment level for one person; if the stepparent's income does not exceed this level, the spouse may be included in the AFDC grant, but any excess income is considered available for the support of the spouse.

Income and resources.

12. Property.

a. Types of ownership. The owner of property in joint tenancy shall be considered as owning one-half of the value of such property, but the county or the joint tenant may establish legal interest of a greater or lesser amount. An owner of property as a tenant-in-common owns his/her pro-rata share of the property's value. All other types of ownership shall be evaluated according to the law.

b. Transfers of property. The transfer of real or personal property to establish or continue AFDC eligibility is contrary to public policy. Under this provision:

(1) Each AFDC applicant shall be required to disclose whether he/she has transferred any property within the last year worth more than \$500 for which a reasonable consideration was not received; this disclosure requirement applies to all AFDC recipients upon a redetermination of their eligibility;

(2) Any property so transferred is a poten-

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tial resource for the applicant or recipient, and the transferer must disclose the property's description and value, the names of the transferees, and the circumstances of the transfer;

(3) The applicant or recipient must cooperate with the local agency in reasonable efforts to re-acquire the property or its value;

(4) If the property cannot be re-acquired, the matter must be referred to the county attorney for possible civil and criminal prosecution; the fact of transfer in itself will not defeat AFDC eligibility.

c. Real estate.

(1) No AFDC recipient may own an equity in real property used as a home (or in a mobile home) which exceeds \$7,500, unless the local welfare board waives such excess equity; the amount of equity is the difference between the recipient's share of the property's market value and encumbrances on the property.

(2) No AFDC recipient may own real property not used as a home (including mobile homes and properties being sold for contract for deed) unless the local welfare agency determines that the property produces income or that no market or a reasonable price exists for its sale. To determine income from such property, taxes and maintenance expenses (but not principal payments or costs of improvement) are deducted from the gross income of the property.

(3) In deciding if the property limits of part c. (1) of this section should be waived, the local welfare board should determine if the excess equity can be converted to cash for the family's support. If not, then the excess should be waived.

(4) The total real property (except for that used as a home and that which is income producing) plus all excluded and non-excluded personal property (except the earnings of a child being saved for educational needs) shall not exceed the limits established in federal regulations.

d. Personal property.

(1) No AFDC recipient may own personal property the value of which is more than \$300 if one child is included in the grant, or \$500 if more than one child is included in the grant.

(2) The provisions of part (1) do not apply to household goods, furniture, clothing, burial lots, mobile homes used as a home, or personal items; the limits of part (1) may be exceeded where the excess is:

(a) derived from a child's earnings and is designated for specific educational needs of the child,

and is in an amount reasonable for that need, and is held in a separate account,

(b) is designated for a specific purpose (such as real estate taxes or other large expenses), will be eliminated yearly, and does not exceed \$500,

(c) is a legislatively disregarded payment (such as some Indian tribal payments).

(3) A recipient may build his/her personal property to limits set forth in part (1) as long as all his/her non-exempt income has been reported and counted in determining the amount of his/her grant.

(4) Income-producing personal property is exempt from the limits of part (1). This includes tools, domestic animals, implements, and one automobile used to transport the recipient to work or a work training program, or for transportation in actively seeking employment. Automobiles are not otherwise excluded from this rule; an automobile's value shall be its current NADA average trade-in value minus encumbrances, unless the recipient can demonstrate that its value is less than the NADA average.

e. Life insurance and trust funds.

(1) A recipient unit may retain life insurance policies with total cash surrender values of not more than \$50 without defeating AFDC eligibility;

(2) A trust fund whose beneficiary is a dependent child is subject to the property limits of this rule unless it can be demonstrated that the fund cannot be made available for the child's support.

f. Prepaid burials. An AFDC recipient may have a prepaid burial contract which does not exceed \$750 for each family member plus \$200 in accrued interest. The funeral director must be the trustee of any such burial contract and a recipient must be the beneficiary, or a trust account specifically designated for funeral costs may be established by the funeral director and recipient jointly.

g. Personal property which has increased in value beyond the limits of this rule must be reported to the agency. Such property will not defeat AFDC eligibility if the applicant/recipient within 15 days of notice by the county agency:

(1) converts the excess to an excluded type of property;

(2) uses the excess to repay the county for assistance already received;

(3) uses the excess to reduce his/her grant for one month; or

(4) uses the excess to meet all his/her needs for up to three months (thereby suspending his grant for those months).

h. The resources of an SSI recipient are exempt in determining AFDC eligibility.

13. Income.

a. Generally, "income" is any benefit received by and available to an AFDC recipient as earnings or otherwise. Income may be earned or unearned. In family groups living together, the income of a spouse is considered available to his/her children under age 21. All income, except non-cash items provided free of cost and other items specifically disregarded in this rule, must be evaluated in determining the need of AFDC recipients. Real or personal property which has been converted to cash is treated within the property standards, stated in part D. 5. not as newly received income.

b. Exclusions. The following income is not considered a resource for AFDC purposes:

(1) Inconsequential income (amounts up to \$30 per month providing such amount is less than the grant);

(2) Reimbursement for the maintenance costs incurred in providing foster care;

(3) WIN work and training allowances;

(4) Non-WIN training allowances received as a social service expense;

(5) Food Stamp bonuses;

(6) Comprehensive Employment and Training Act incentive payments;

(7) Home-produced food used in the home;

(8) Reimbursement for out-of-pocket expense incurred for volunteer work;

(9) Corrective payments from the local agency;

(10) Assistance under the Uniform Relocation Act of 1970;

(11) Indian tribal payments specifically exempted by Congress;

(12) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;

(13) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the United States Commissioner of Education;

(14) Vietnam Veteran's Bonuses authorized by law;

(15) Benefits under Titles VI or VII of the Older Americans Act of 1965;

(16) Minnesota tax refunds for senior citizens and disabled persons;

(17) Federal payments for presidentially declared disaster areas when specifically identified in federal law;

(18) Volunteer payments under Title II and III of the Domestic Service Act of 1973;

(19) Assistance through the National School Lunch and Child Nutrition Act amendments of 1973;

(20) Up to \$20 per month in child support (Title IV-D) bonus payments;

(21) Allowances and expenses paid by Vocational Rehabilitation;

(22) Other income disregards as mandated by federal or state law.

c. Allocation of income.

(1) All income received must be reported promptly but no later than the fifth day of the month following the month of receipt. For current recipients, the local agency will use this report to determine the amount of the grant for the month in which the report is submitted;

(2) Before applying income to need, income may be allocated from spouse to spouse and from parents to children under age 21 if such person resides with the AFDC recipient and is in need;

(3) The income and resources of an SSI recipient are not counted in determining the AFDC recipient's income;

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(4) Trust funds for a particular person or purpose cannot be allocated to the family until that person's needs or the particular purpose are met; only legally restricted trust funds are excluded;

(5) RSDI payments are considered family income unless they are paid for a child who is excluded from the grant;

(6) Income from jointly-held property is allocated according to the share of ownership and availability to AFDC recipients.

d. Income cannot be allocated to meet past obligations. See DPW Rule 53.

e. During the period of eligibility, the county can determine income and work expenses monthly or average it over a three-month period.

f. All unexcluded unearned income and earned income minus allowable deductions must be applied against the AFDC Family Allowance Standards.

g. Income averaging involves dividing total income for the past three months by three; actual income variations are ignored when income averaging is used unless a significant change requires a stop in the averaging cycle; weekly income should be multiplied by 4.3, bi-weekly income by 2.16, and semi-monthly income by 2, to determine monthly income. Significant changes are: A change in net income totalling more than \$50 in a given month. A decrease in total income (disregard, available income and grant) to less than the need standard. An increase in net income which would result in ineligibility. The recipient's employment ends.

h. Earned income.

(1) Generally, earned income includes any compensation from employment or self-employment (wages, salary tips, commissions, profits, etc.), plus training incentive payments and work allowances under the Equal Opportunity Act and Title I of the Elementary and Secondary Education Act.

(a) \$30, plus one-third of the remainder of the family's total earned income is to be disregarded unless a family member has terminated or refused employment within the preceding 30 days (in which case the disregard is not applied for one month to the earnings of that individual); this disregard does not apply to income from WIN public service employment;

(b) The earned income of a child under age 14 shall be excluded;

(c) The earned income of a child over age 14 who is a full or part time student (but not employed

full time) in a high school, college, university, vocational or technical courses, shall be excluded; if the money is set aside for specified educational goals, the amount may exceed the personal property maximum; the earnings of the student are considered in determining initial eligibility and afterward, excluded;

(d) In new applications, the \$30 and $\frac{1}{3}$ earned income disregard is not applied to earned income unless the applicants' needs were met, whole or in part, by AFDC in any of the four months preceding the month of application.

(2) The following employment expenses are to be deducted in determining net earned income, if incurred, necessary, and reasonable:

(a) Mandatory retirement fund deductions;

(b) Transportation costs to and from work based on the actual cost of public transportation or car pool payments, or 13¢ per mile for the actual number of miles driven, not to exceed 100 miles per day of employment (unless the recipient can establish higher transportation costs that are both necessary and reasonable); cost of no fault insurance is included in the 13¢ per mile;

(c) Cost of work uniforms;

(d) FICA and SMI payments;

(e) Federal and state income taxes withheld;

(f) Union dues;

(g) Professional association dues required for employment;

(h) Child care costs unless these are paid as a social service, or paid to a relative included in the AFDC grant, or paid to a relative who is financially responsible for the family and able to contribute to it;

(i) Health insurance premiums;

(j) Cost of tools and equipment used on the job;

(k) One dollar per day for the cost of meals eaten during employment hours (unless the recipient can establish actual higher meal costs that are both necessary and reasonable);

(l) Public liability insurance required by the employer when an automobile is used in employment and the cost is not compensated for by the employer;

(m) Business expenses (except depreciation) as recognized by the federal and state tax authorities.

(3) Income from small businesses is the difference between gross receipts and business costs. (Capital expenditures and depreciation are not a business cost.)

(4) Farm income is the difference between gross receipt (sales, rents, soil conservation payments) and operating expenses. Home-produced foods for sale are included. (Capital expenditures are not included as an operating expense.)

(5) Income from child care in the home is the difference between gross receipts and the expenses allowed by IRS Schedule C; the cost of meals shall be 60¢ per meal per child, unless the actual reasonable cost exceeds this amount.

(6) Income from roomers and boarders is computed by allowing \$53 per month (for each boarder), \$42 per month (for each roomer), or \$95 per month (for each roomer and boarder), as the expenses of producing this income.

(7) Unearned income is not the direct result of labor performed by the recipient as an employee. Receipt of SSI is a bar to receipt of AFDC, but not AFDC-FC. Serviceperson's income shall be counted after deducting the amount needed for the serviceperson's clothing, personal needs, and transportation, but cannot be greater than the amount actually received by the family.

i. Special situations.

(1) Rental income is unearned income unless there is labor expended in obtaining the income from rental property. Deduct \$60 per year or two percent of market value (whichever is less) for upkeep and repairs, and deduct taxes, insurance, utilities and principal payments if the recipient lives on the property. Where the recipient lives on the property, these expenses shall be allocated according to the number of rooms.

(2) Unless otherwise excepted, lump sum payments and windfalls are unearned income in the month received and are considered property thereafter.

(3) Income tax refunds except those based on pre-AFDC earnings do not qualify for the \$30 and

1/3 disregard. If a refund is received for the income of a recipient and non-recipient, it shall be allocated according to the gross income of each. Recipients must be notified of the status of income tax refunds each January and April. Income tax refunds are counted as income.

14. An AFDC recipient must be a U. S. citizen, an alien lawfully admitted for permanent residence, or a continuous U. S. resident since July, 1948.

15. Social Security numbers of all applicants and recipients must be provided to the county agency as a condition of eligibility (but assistance shall not be denied where a number has been requested from the Social Security Administration, but not received).

E. AFDC family allowance.

1. Standards of need.

a. The need standards set forth in this section are to be used to determine the grant for every AFDC family in Minnesota (except AFDC-FC).

b. Definitions.

(1) An "eligible person" is one who is eligible for and receives AFDC; in most circumstances it means one caretaker relative and the dependent children he/she cares for (more than one caretaker may be included when eligibility is based on parental incapacity or unemployment of the father). All "eligible persons" receiving one AFDC grant constitute one "recipient unit".

(2) A "non-shared household" is one in which all persons in the household are eligible for and receive assistance in one AFDC check; if two AFDC checks are received by the household because more than one county is financially responsible, the household is "non-shared".

(3) A "shared household" is one in which AFDC recipients live with one or more persons not eligible for AFDC or who receive AFDC as a separate recipient unit (see exception in definition (2) above). A shared household's standard of need is less than that of a non-shared household because, on a statewide average, the per capita living costs of shared households have been found to be less than non-shared households; the difference is not due to the income, actual or supposed, of the non-eligible person in a shared household.

(4) NOTE: If the only non-eligible person living with an AFDC recipient unit is a boarder (meals

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only), a foster child placed by a licensed child-placing agency, an agency placed or approved homemaker, housekeeper, or live-in attendant, an unborn child, or an SSI recipient, the household is "non-shared". If the non-eligible person is a roomer or boarder and roomer, the household is "shared".

c. Need standards.

<u># of Eligible Persons In Recipient Unit</u>	<u>Non-Shared Households</u>	<u>Shared Households</u>
1	136	73
2	272	177
3	330	225
4	385	293
5	432	341
6	479	396
7	526	468
8	566	537
9	607	589
10	641	613
Each person over 10, add	33	24

d. Amount of grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' non-exempt, non-disregarded income (see Part D.13.).

2. Supplements. The local agency shall provide supplemental grants to AFDC families to cover the costs of the following special needs:

a. Major home repairs may be supplemented if the need for repair is established to the local agency's satisfaction. Major home repairs include foundation, wiring, furnace, hot water heater, chimney, and plumbing repairs over \$25; a written estimate is required on repairs of more than \$100 and the agency may require two additional estimates if one appears excessive.

b. Major appliance repairs will be supplemented if the agency authorizes them and if they are repairable. The only appliances covered are washers, dryers, refrigerators and stoves.

c. Replacement of essential major appliances and furnishings shall be authorized when the local agency worker identifies that the appliance or furnishing is not repairable, or the household does not have such an item. Appliances covered are washers, dryers, refrigerators, and stoves; furnishings covered are beds, mattresses, bedding, kitchen tables and chairs, couches and chairs, living room tables, lamps, and chests of drawers. More than one item may be allowed in the supplement. The actual cost of the items purchased or replaced shall be covered by the supplement, less \$25 per supplemental month.

d. Medically prescribed diets will be supplemented if they are prescribed by a physician and add expense to a normal diet. The following diets are not covered: diets by the Medical Assistance Program, reducing or low caloric diets (1800 calories or less), sodium restricted diets (1000 mg. sodium), diabetic diets (1800 calories or less), fat controlled diets (55 mg. fat or less), and bladder, ulcer, low residue or low fiber diets which prescribe only soft food or prescribe special food preparation.

e. The appropriation for supplements shall be allocated among the local agencies on the basis of case-loads. Unused funds shall be re-allocated. Supplements shall cease when each annual appropriation has been expended.

3. Funerals.

a. The local agency shall pay the funeral expenses of AFDC recipients (not exceeding \$370) and actual cemetery charges, unless the deceased's estate or surviving spouse and children are able to pay. If payment of these expenses causes undue loss to the estate, the local agency may pay. The local agency's payment shall not be limited by additional payments for or donations of a cemetery lot, interment, religious service, and transportation of the body to or from the community of the deceased's residence.

b. The state shall reimburse the county for 50 percent of the funeral expenses not exceeding \$370, under this provision, and the county shall have a prior claim against the deceased's estate for the full amount of the payments made hereunder.

F. Payment provisions.

1. Payment methods.

a. Money payments. In usual circumstances, AFDC payments will be made by monthly check to the AFDC recipient. The initial grant shall be retroactive to the first day of the month of application when all eligibility factors where met in that month. The county will impose no restrictions on the use of the grant. A money payment for one time only may be made to someone acting on behalf of the caretaker in an emergency situation.

Recipients may elect to have their monthly Food Stamp purchase requirement withheld from the assistance check.

b. Protective and vendor payments.

(1) A protective payment is one made to someone other than the recipient; a vendor payment is one made to a provider of goods and services.

(2) Protective and vendor payments will be made only in the following cases:

(a) Where a recipient fails to participate in WIN or during the 60-day WIN counseling period (See Part H. 1.);

(b) When the caretaker fails to assign support, furnish or obtain Social Security numbers, or cooperate in establishing paternity or obtaining support;

(c) Where the caretaker's continued mismanagement of funds causes hardship for the children; if this situation persists for more than two years, the agency should take steps to establish a guardianship or other arrangements for the children.

(3) Protective and vendor payments because of money mismanagement cannot continue for more than two years and are subject to a fair hearing appeal by the recipient. Not more than ten percent of the total state AFDC recipients may be paid through protective and vendor payments under this provision.

(4) Where protective and vendor payments because of money mismanagement are required, the local welfare board and the Commissioner of Welfare shall approve the payment method selected before it is implemented, and shall review it at least quarterly.

(5) Protective payments cannot be made to the local welfare director or welfare board members, or to landlords, grocers, or other vendors (who can receive vendor payments); a local agency staff member can be the protective payee for cases other than those in his/her own caseload if no other suitable payee can be found.

(6) As a WIN sanction, protective and vendor payments will be made according to the above requirements for selection of payees. There will be a quarterly review of the payee's performance; the recipient has the right to appeal the use of protective or vendor payments and the payee selected.

(7) For cases subject to protective or vendor payments because of failure to obtain support or establishing paternity, the requirements for the selection of protective payees and vendors and quarterly reviews of the way in which the protective payees' duties are carried out, must be met. The entire amount of assistance must be made as a protective or vendor payment.

2. Grant termination, suspension, and reduction.

a. AFDC applicants and recipients have the

right to a fair hearing if they are aggrieved by action or inaction of the local agency. This includes denial or failure to act on an application in 45 days, and grant suspension, termination, and reduction; it does not include complaints about the conduct of local agency staff, which should be directed to the local director or local welfare board.

b. The local agency must give the recipient timely, advance notice of a grant suspension, termination, or reduction. This notice must be in writing, mailed to the recipient at least ten days before the effective date of the action, and must clearly state what action the agency intends to take, the reasons for the action, the right to appeal the action, the conditions under which assistance can be continued, and any collateral consequences of the action (e.g., loss of Food Stamp or Medical Assistance eligibility). Timely notice of five days is sufficient when there is documentation of facts supporting the adverse action and probable fraud on the part of the recipient.

c. The local agency must give the recipient adequate written notice, no later than the effective date of the action, when there is: confirmation of the death of the recipient or payee; a written statement by the recipient that assistance is no longer desired; written information from the recipient that requires grant reduction or termination and the recipient understands that the change will occur; or when: the recipient has been admitted to an institution; placed in skilled nursing or intermediate care or long term hospitalization; accepted for assistance by another county; placed in foster care; or the recipient's whereabouts are unknown.

d. If the recipient appeals the agency's action before it is effected, the action shall not be effected until the appeal is decided by the local or state hearings process.

3. Incorrect payments.

a. Underpayments will be adjusted through an added or supplemental payment; the agency need not correct underpayments more than 12 months from the date of discovery.

b. Overpayments will be corrected through the process of recoupment or by the recipient's voluntary reimbursement. Voluntary reimbursements must be documented by the recipient's signed agreement and may not be fulfilled through reduction of the grant. Overpayments may not be recouped unless the process is begun within a year after the agency learns of the

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overpayment; overpayments more than 12 months old when the agency learns of the error may not be recouped. AFDC payments caused by agency error may not be recouped from disregarded income, but may be voluntarily reimbursed by the client.

c. Recoupment is made by deducting an amount up to one-half of the recipient's disregarded income from the AFDC grant until the overpayment has been corrected. Recoupment may be made only from recipients who have disregarded income. If recoupment has been interrupted by termination of employment or assistance, the recoupment may be resumed when the individual resumes AFDC and employment.

4. Wrongfully obtained assistance. The legal basis for prosecution of fraud in the AFDC program is Minn. Stat. § 256.98 (1975).

G. Relative responsibility.

1. Procedures.

a. Parents, grandparents, brothers and sisters are responsible for the support of children on AFDC; spouses are responsible for the support of their spouses whose needs are included in an AFDC grant.

b. Failure of responsible relatives to furnish support does not render an individual ineligible for AFDC; the local agency shall take the steps outlined in this rule to seek support from responsible relatives whom it believes are able to contribute toward the needs of AFDC recipients.

c. If the responsible relative fails to contribute support after the local agency notifies him/her of his/her obligation to do so, the agency should notify the county attorney or the Commissioner of Welfare to take legal action against the relative.

d. The amount of support recoverable from a responsible relative, other than the parent of a child under 18, shall not exceed the amount of AFDC assistance granted after the relative is notified of his/her obligation to support.

2. Standards of support.

a. The amount of support due from the absent parent of a child or the parents of a child in AFDC-FC shall be established by the court or through voluntary agreement by the absent parent and the local child support unit.

b. Parental income is totally available for the needs of children under 18 and residing in the parental home. The ability of parents to support a minor, including one who is eligible for AFDC as a caretaker rela-

tive, is based upon a determination of parental income according to the procedures used in establishing AFDC eligibility for new applicants. All income in excess of the appropriate Family Allowance is available for the support of the minor.

c. The financial contribution of other responsible relatives, and the parents of recipients over age 18, and the parents of caretakers under 18 and residing outside the parental home, shall be computed according to the relative responsibility scale.

3. Relative responsibility scale.

<u>Size of Family</u>	<u>Annual Cost of Living</u>	<u>Monthly Cost of Living</u>
1	\$ 4,824	\$ 402
2	7,452	621
3	10,716	893
4	12,804	1,067
5	14,724	1,227

Add 20 percent for each additional family member.

a. The gross income of the responsible relative is assessed against the above scale; do not deduct taxes on employment expenses.

b. "Size of family" means all persons who are in fact supported by the responsible relative (whether or not he/she is legally responsible for their support).

c. Other justified expenses (such as medical and education bills, or housing costs exceeding 30 percent of the family's gross income) are deducted from the gross income.

4. Child support and paternity.

a. Every AFDC applicant and recipient shall be required to furnish information (including court testimony) needed by the local agency to obtain child support payments, locate absent parents, establish paternity, and obtain support from responsible relatives.

b. If a caretaker relative fails to cooperate with the above requirement, his/her needs shall be deleted from the grant and the eligible children shall be furnished assistance through protective or vendor payments.

c. If a court orders alimony paid by an absent spouse, the local agency shall petition the court for an order directing that all such payments be made to the local welfare board until AFDC assistance stops.

d. The regulations and procedures of Title IV-D of the federal Social Security Act shall be applied in the collection of support and establishment of paternity.

H. Other program requirements.

1. Work Incentive Program (WIN).

a. Registration requirements.

(1) All AFDC applicants and recipients residing in WIN counties (who are not exempted below) must register for WIN as a condition of eligibility.

(2) The following persons are exempted from WIN registration:

(a) Children under age 16;

(b) Children age 16-19 attending school full time;

(c) Persons who are ill;

(d) Incapacitated; if WIN exemption is based on incapacity, a referral to the Division of Vocational Rehabilitation is mandatory; or (NOTE: the local agency may require a physical examination to test illness or incapacity);

(e) Over age 65;

(f) Persons who live so far away from a WIN project that more than a 10-hour day (employment plus commuting time) would be required to participate;

(g) Persons whose presence in the home is needed because of the illness or incapacity of other persons;

(h) A caretaker of a child under age six (only one such exemption is allowed per family);

(i) The spouse of a WIN registrant.

b. Other WIN requirements.

(1) If a required WIN registrant refuses to register, his/her needs shall be deleted from the AFDC grant; if the only dependent child in a family refuses to register, the entire AFDC grant for the family will be denied or terminated.

(2) An AFDC applicant or recipient may contest the requirement that he/she register for WIN through the fair hearing procedure.

c. "Failure to participate in WIN" means:

(1) Failure to attend the WIN appraisal interview;

(2) Failure to accept child care plans for the WIN program;

(3) Failure to participate in Employment Services activities;

(4) Failure to accept employment or training;

(5) Failure to remain in employment.

d. If a WIN registrant fails to participate in WIN, WIN Employment Services will provide him/her an opportunity to contest whether or not this failure was for good cause; the decision of this hearing is not appealable to the Commissioner of Welfare and the result is binding on the local welfare agency. If the hearing opportunity is not taken, or if the failure to participate is found to be without good cause, WIN will provide the individual with a 60-day counseling period to correct the situation.

e. If an individual is found to have failed to participate in WIN, the following sanctions shall apply:

(1) If the individual is the only dependent child in an AFDC family, assistance for the entire family will be terminated; if the individual is one of several dependent children in an AFDC family, his/her needs will be deleted from the AFDC grant.

(2) If the individual is the caretaker of AFDC children, his/her needs will be excluded from the grant and assistance to other family members will be provided through protective or vendor payments. These sanctions do not apply to persons who are undergoing the 60-day counseling period or who are voluntary WIN registrants.

An individual who has been found to have failed to participate in WIN without good cause must wait 90 days after his/her AFDC benefits are terminated to re-register for WIN; if an individual has twice failed to participate in WIN without good cause, he/she must wait six months to re-register. WIN need not reaccept any such re-registrant whose prior failure to participate was the result of criminal or other activities which presented a hazard to WIN staff or other WIN participants.

f. A WIN participant's monthly \$40 training allowance and \$30 incentive payment is to be disregarded as income in computing the AFDC grant.

g. Public Service Employment (WIN/PSE) is not subject to the \$30 plus 1/3 disregard.

h. On-the-job training (WIN/OJT) provides for the \$30 plus 1/3 disregard plus expenses. If the recipient is on AFDC-UF, the 100 hour rule applies.

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2. Emergency Assistance for families with children under age 21 (AFDC-EA).

a. Eligibility qualifications.

(1) Emergency Assistance is immediate financial aid for AFDC families and other families in situations that place some or all members of the family in jeopardy and cannot be resolved with the family's current resources. Examples of emergencies are natural and civil disorders, illness, accident, death, threat of eviction, etc.

(2) Emergency Assistance shall be granted only to a family which includes a child (under age 21) who is (or six months prior to application was) living with a relative eligible as an AFDC caretaker, and which is completely without resources to solve the emergency. It is not available to persons or on behalf of children over age 16 and not in school who have refused employment or training without good cause.

b. Allowable need items.

(1) Emergency Assistance covers payment for food, shelter, clothing, fuel and utilities, medical care and child care. It may also cover moving expense, major home repairs and major furniture and appliance replacement, replacement of furnace, roof, plumbing, or electrical systems, if authorized by the local agency before the expense was incurred.

(2) Emergency Assistance is available when the proceeds of cashed AFDC checks are lost or stolen; the theft must be reported to the police and the local welfare agency in the form of an affidavit. It is not available when uncashed AFDC checks are lost or stolen; in such cases, the lost or stolen AFDC funds should be replaced by another AFDC check.

c. Emergency Assistance payments.

(1) The amount of Emergency Assistance is based on the AFDC Family Allowance Standard; if this sum is insufficient to meet need, the AFDC-EA allowance shall be based on cost. Payments may be made as money, vendor payments, payments in kind, or in the form of interest free loans (up to \$100) for employment expenses.

(2) AFDC-EA may be granted only for one consecutive 30-day period in one consecutive 12-month period; needs which accrued prior to the 30-day period may be met only when necessary to resolve the current emergency situation (e.g., back rent or utility payments). Assistance may be extended for up to 30 days beyond the 30-day base period, if authorized during the base period.

(3) Each local agency shall designate at least one staff member to authorize immediate AFDC-EA grants and may establish a schedule of maximum allowances for the purchase of furniture and appliances.

3. AFDC-Foster Care (AFDC-FC).

a. Eligibility for AFDC-FC.

(1) AFDC-FC is available for children placed by judicial action in foster homes or private, non-profit child caring institutions. All such institutions, homes and agencies must be licensed as child caring. Payments for foster or institutional services may be made to cooperating public or private agencies for care given in foster homes or non-profit private child care institutions.

(2) AFD-FC is not available when the child lives with a relative who is legally liable for support. AFDC-FC is paid to non-legally responsible relatives who are licensed or approved as foster care providers.

(3) AFDC-FC is available only for children eligible for ordinary AFDC during the month in which judicial proceedings were started, or who would have been eligible during the prior six months if they had lived with an eligible relative.

b. AFDC-FC is available whether or not parental support is available; the local agency should petition the juvenile court for an order requiring the parents to contribute to the child's support.

c. AFDC-FC will be paid to the foster home parent or institutional care representative, as the provider of care, not as the payee.

d. AFDC Foster Care Rates (AFDC-FC).

(1) The rates for AFDC-FC shall be applicable to foster and group homes and child care institutions except where a rate for institutional maintenance has been established through a state agency rate-setting process. In no circumstances can rates paid to institutions include overhead costs.

Age		Initial Clothing
0-3	\$111	\$ 50
4-8	142	75
9-11	156	100
12-14	187	175
15-18	204	200

The initial clothing allowance is available only at the time of the first placement.

The care rate includes food, clothing, shelter, physical attendance, and supervision and transportation.

Additional payments may be made for specific social services provided by the foster home or child care institutions. Additional payments may not be made to supplement maintenance costs.

(2) In addition to the basic rate, monthly payments for additional maintenance needs (as determined by the local agency) can be made.

The additional care rates are determined by

adding the points assigned to each level and type of care required by the child.

	A	B	C	D	E
Emotional	5	15	30	60	175
Physical	5	15	30	60	175
Auxillary	5	10	15	60	

Difficulty of Care Rates

5	30.00	1.00	95	219.00	7.30
10	40.50	1.35	100	229.50	7.65
15	51.00	1.70	105	240.00	8.00
20	61.50	2.05	110	250.00	8.35
25	72.00	2.40	115	261.00	8.70
30	82.50	2.75	120	271.50	9.05
35	93.00	3.10	125	282.00	9.40
40	103.50	3.45	130	292.50	9.75
45	114.00	3.80	135	303.00	10.10
50	124.50	4.15	140	313.50	10.45
55	135.00	4.50	145	324.00	10.80
60	145.50	4.85	150	334.50	11.15
65	156.00	5.20	155	345.00	11.50
70	166.50	5.55	160	355.50	11.85
75	177.00	5.90	165	366.00	12.20
80	187.50	6.25	170	376.50	12.55
85	198.00	6.60	175	387.00	12.90
90	208.50	6.95			

(a) Emotional. Level A. These are children who periodically exhibit excessive dependency, passivity, lack responsiveness and the ability to relate.

Level B. Children at this level require abnormal amounts of attention and affection, have need for a regimental program, such as behavior modification. Such children often have school problems, difficulty with peers, moodiness, frequent enuresis. Foster parents often have to provide an abnormal amount of structure (e.g., constant repetition and follow through on instructions).

Level C. These children exhibit extreme attention-seeking behavior, stealing, drug use, encopresis, destructive behavior, extreme hyperactivity, sexual acting-out, running away, withdrawal, etc.

Level D. These children show extreme, bizarre behavior, may be self-destructive and require exceptional care.

Level E. Children at this level show severely disturbed behavior, such as frequent running away, depression, attempted suicide, fantasizing, or inappropriate behavior. They may be dangerous to themselves

or others, and cannot be maintained in a normal family setting.

(b) Physical. Level A. These children need some help with putting on braces or prosthetic devices, help with buttons, laces, etc., but basically self-caring.

Level B. These children need help with dressing, bathing, general toilet needs, as well as some help in ambulation. They exhibit feeding problems such as excessive intake, extremely slow and/or messy requiring help and/or supervision due to retardation or emotional or physical handicap. Need for tube or gavage feeding. Physical therapy, under one hour per day.

Level C. These children need appliances for drainage or ileal conduit, or a colostomy. They might need aspiration, suctioning, mist tent, etc. They are non-ambulatory, needing constant attendance, and/or prescribed physical therapy, 1-2 hours per day, by foster parent.

Level D. These children require custodial care, physical therapy 2-3 hours per day. They may have uncontrollable seizures.

Level E. Due to the severity of their physical handicap, these children are unable to tolerate a normal family setting and require ongoing care. Such children possibly need 24 hour supervision.

(c) Auxiliary. Level A. These children require special diets or supplements that require extra expense and are not covered under any other program. Regular but infrequent (less than monthly) trips must be made to physician, psychiatrist, therapist, etc.

Level B. Children require special equipment or a regular and consistent tutoring program at home. There is unusual wear and tear on the home, and need for occasional periods of relief by an adult. Therapeutic appointments must be met every 2-4 weeks.

Level C. There is extreme wear and tear on the home, frequent hospitalizations, therapeutic visits every two weeks or oftener.

Level D. These children exhibit either emotional or physical problems of such severity that the foster parents must make extraordinary adjustments in their family life style to accommodate the foster child. Such adjustments may include, but not be limited to, ongoing regular attendance at supportive group meetings, physical changes in the home (such as building ramps, installing lifts, etc.), ongoing consultation with

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child care professionals. These children require foster parents who have shown skill in adapting family life to the needs of each child.

I. Relationship to other programs.

1. AFDC recipients are automatically eligible for:

- a. Medical Assistance;
- b. Food Stamps;
- c. Social Services.

2. AFDC recipients may not be simultaneously eligible for:

- a. General Assistance;
- b. Poor Relief;
- c. Supplemental Security Income (except for foster children).

3. The following programs are not a bar to AFDC eligibility but may furnish the AFDC family with another source of support (which may remove the need for AFDC):

a. Retirement, Survivors, and Disability Insurance;

b. School Lunch Program;

c. Services and payments to veterans and armed forces personnel;

d. Services and payments for immigrants and refugees;

e. Servicemen's Quarters Allowances.

The local agency should help the AFDC recipient explore the resources offered by these programs.

J. Miscellaneous.

1. Former DPW Rule 44 is hereby repealed.

2. The provisions of this rule shall be severable and if any phrase, clause, sentence or provision is declared illegal or of no effect, the validity of the remainder of this rule and the applicability, thereof, to any agency, person, or circumstances shall not be affected thereby.

3. The effective date of this rule is the date of final enactment.

Proposed Rulemaking

DEPARTMENT OF PUBLIC SAFETY

MOTOR VEHICLE DIVISION

PROPOSED RULES OF THE DEPARTMENT OF PUBLIC SAFETY RELATING TO THE MANUFACTURE AND DISTRIBUTION OF PERSONALIZED LICENSE PLATES FOR MOTOR VEHICLES

Notice of Hearing

Notice is hereby given that a public hearing pursuant to Minn. Stat. § 15.0412, subd. 4 (1975 Supp.), in the above-entitled manner will be held in the State Highway Building, Room B9, John Ireland Blvd., St. Paul, Minnesota, on September 8, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of such groups or organizations will have an opportunity to be heard, by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted by mail to the Commissioner of Public Safety, 211 Highway Building, St. Paul, MN 55155, either before the hearing or within 20 days after the close of the hearing.

The Commissioner proposes to adopt rules relating to the following matters:

In 1975, the Legislature established a program to provide motor vehicle operators the option of displaying license plates which have a personally determined combination of letters and numbers on them upon payment of a \$50 fee in addition to the usual registra-

tion taxes. The proposed rules specify the requirements and procedures that will govern the format and content of plates, the review of applications, the proration of fees, refunds, and the production and distribution of personalized license plates.

The department's authority to promulgate the proposed rules is contained in Laws of 1975, ch. 245 (Minn. Stat. § 168.12, subd. 2a (1975 Supp.)). Copies of the proposed rules are available and may be obtained by writing to Diane Hamilton, Department of Public Safety, 210 Highway Bldg., St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Pursuant to Minn. Stat. § 10A.01, subd. 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity.

Edward G. Novak
Commissioner of Public Safety

Rules as Proposed

Chapter Four: Personalized Plates: Applications, Issuance, Transfer and Refunds

MoVeh 50 Purpose. The purpose of these rules is to implement and provide effective administration for the issuance and transfer of personalized plates as provided by Laws of 1975, ch. 245.

MoVeh 51 Scope. The scope of these regulations is intended to be consistent with the provisions of Laws of 1975, ch. 245 (Minn. Stat. § 168.12, subd. 2a (1975 Supp.)).

MoVeh 52 Definitions. For the purpose of these rules the following terms shall have the meanings ascribed to them:

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A. Division: The Division of Motor Vehicles of the Department of Public Safety of the State of Minnesota.

B. Plate year: The first registration year of a multi-year-issue plate.

C. Registrar: The registrar of motor vehicles of the State of Minnesota.

D. Reserved: The owner right to prior claim of a personalized plate.

MoVeh 53 Plates, format and content.

A. The characters displayed upon a personalized plate may be only:

1. The following upper-case letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z.

2. The following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

3. A hyphen.

B. The plates shall be manufactured with the paint color, character size, character type style, reflective material and other specifications used by the Division for vehicles registered pursuant to Minn. Stat. § 168.017 for the appropriate plate year.

C. All plates shall have at least one character.

D. No characters other than those specified in MoVeh 53 A.1. and 2. will be permitted.

E. No plate shall be a duplicate of any current personalized plate or a duplicate of any plate in a numbering system used by the Division.

F. No plate used by the Division for other types of vehicles will be recalled from storage and destroyed in order that the combination may be issued as a personalized plate.

G. An applicant may elect to group characters by spacing. A space is not a character. The maximum number of characters is six. Combinations of characters and spaces totaling more than seven will be rejected. No more than one space is permitted between adjoining characters. If the total of characters and spaces is less than seven, the Division shall have the right to center the characters and spaces on the plate.

MoVeh 54 Application, contents and review.

A. An applicant may submit up to three character

combinations to be designated as a personalized plate. The Division will determine if the first combination of characters has not been issued and is not of an obscene, indecent or immoral nature or such as would offend public morals or decency. If the applicant's first choice cannot be issued, the Division will review, in the same manner, the other choices listed. If no plate can be issued, the application will be cancelled and all appropriate fees will be refunded to the applicant.

B. If the application is for a vehicle owned by more than one person, all owners must sign.

C. Only those combinations of characters approved for manufacture and paid for will be considered reserved.

MoVeh 55 Replacement plates.

A. In the event of the loss or theft of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with a different combination of characters. The new combination of characters shall be reviewed pursuant to MoVeh 53 and 54. The fee required by Minn. Stat. § 168.29 shall be paid. If no new combination of characters suitable to the applicant can be issued, a refund as calculated in MoVeh 57 A. shall be made. If a new combination of characters is issued, the applicant shall indicate to the registrar which combination of characters (original or replacement) shall be reserved.

B. In the event of defacement of the personalized plates, the registrar, upon receiving a written statement of the owner setting forth the circumstances, may reissue the same combination of characters to the owner. The fee required by Minn. Stat. § 168.29 shall be paid. To be reissued the same combination of characters, both of the personalized plates must be surrendered.

MoVeh 56 Fees. The fee for personalized plates, as provided by ch. 245, shall be prorated at ten dollars per registration year or fraction thereof, of remaining plate life.

MoVeh 57 Refunds.

A. Refunds prorated at ten dollars for each full unused registration year may be made in the following cases:

1. Under the condition stated in MoVeh 55 A.

2. If the owner of the personalized plates surrenders both personalized plates and applies for a refund.

B. When a refund is made, the combination of characters is no longer reserved.

C. No refund shall be made solely for non-use for a registration year of the vehicle assigned personalized plates.

MoVeh 58 Assignment of plates.

A. Personalized plates are assigned by the Division to an owner for the exclusive use on the passenger vehicle described in the application.

B. The personalized plates may be transferred to another vehicle owned by the applicant upon written notification of the registrar and:

1. payment of the prescribed fee is provided by ch 245;

2. registration of the vehicle in Minnesota; and

3. surrender (if any) of the existing Minnesota registration plates assigned to the the vehicle.

C. If an owner sells a vehicle to which personalized plates have been assigned and elects to transfer the personalized plates with the vehicle, the owner shall automatically assign to the new owner the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

MoVeh 59 Initial issue.

A. No application received before November 15, 1976, will be accepted.

B. Applications received on or after November 15, 1976, shall be reviewed and approved for manufacture pursuant to MoVeh 53 and 54. Combinations approved for manufacture will be issued a plate with a 1978 expiration. In the event the expiration month of the applicant's vehicle does not permit the immediate issuance of the personalized plate, the application shall be held by the Division until the applicant's 1978 vehicle registration can be renewed. All applications held by the Division shall be reserved.

C. No personalized plate shall be manufactured using the 1974 license plate specifications.

MoVeh 60 Reservation date. For the next plate year, the owner of a vehicle assigned personalized plates shall notify the registrar, in writing, that he is reserving the combination of characters assigned to him. The notification shall be received by the registrar no earlier than 60 days before nor later than the fifteenth day of the month preceding the month in which the renewal notice for the vehicle is mailed.

MoVeh 61 Daily sequencing of applications. Each application for personalized plates will be date stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to MoVeh 53 and 54 in ascending numerical sequence.

MoVeh 62 through 69: Reserved for future use.

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Official Notices

MINNESOTA STATE PLANNING AGENCY

Notice of Application as the State Health Planning and Development Agency

Notice is hereby given that the Minnesota State Planning Agency is submitting an application to the Federal government for conditional designation as the State Health Planning and Development Agency pursuant to P.L. 93-641, the National Health Planning and Resources Development Act of 1974. The State Planning Agency has available for public examination and comment, its application which will be submitted under Title 42, Code of Federal Regulations, Part 123, published for the designation and funding of state agencies.

In accordance with the provisions of this Act, the agency proposes to administer the state health planning and development functions and the required State Ad-

ministrative Program. Special attention in the work program is given to the orderly assumption of required functions, potential delegation to other state agencies and participation in Title XVI of the Act.

All interested persons may express their comments on the application. Statements should be submitted to the Minnesota State Planning Agency, Comprehensive Health Planning, Room 101 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, and should be received by August 26, 1976. For additional information, call the State Planning Agency at (612) 296-2407.

ERRATA

1. 1 S.R. 46: insert "to" at SPA 301 A.1.b.(8) after "request," and before "the."
2. 1 S.R. 46: change "project" at SPA 301 A.2.b.(2) to "protect."
3. 1 S.R. 45:
 - a. increase numbering on paragraphs at SPA 300 C.3. through SPA 300 C.18. by one digit each to become SPA 300 C.4. through SPA 300 C.19.
 - b. insert the following as the new SPA 300 C.3.:
 3. "BOR Guidelines" means those guidelines established by Bureau of Outdoor Recreation Grants-in-Aid Manual, effective as of May 6, 1976.

The Bureau of Outdoor Recreation Grants-in-Aid Manual, and LAWCON & LCMR grant application forms are available for public inspection at the Office of Local and Urban Affairs, State Planning Agency; Room 15 Capitol Square Building; 550 Cedar Street; St. Paul, MN 55101.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Office of Local and Urban Affairs. Additional copies will be available at the door prior to the public hearing on this matter, which will be held on August 26, 1976 in the State Office Building, Room 57, St. Paul, MN commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

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