

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULE OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977.	)))))	AFFIDAVIT OF MAILING

William G. Brown, being first duly sworn, deposes and says:

That on the 7th day of December, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, he served copies of the attached Notice of Hearing and Proposed Rule Governing Employment of Summer Youth Under the Youth Employment Act of 1977 by depositing in the United States mail at said City of St. Paul, true and correct copies thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

William G. Brown
WILLIAM G. BROWN

Subscribed and sworn to before me
this 7th day of December, 1977.

Mary M. Knodle
MARY M. KNODLE
Notary Public

MARY M. KNODLE
Notary Public, Washington Co. Minn.
My Commission Expires
Sept. 2, 1981

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977	)))))	AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

MARY M. KNODLE, being duly sworn on oath deposes and says:

1) That she is an employee of the Minnesota Department of Economic Security of the State of Minnesota.

2) That on the 30th day of November, 1977, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412.

3) That on the 30th day of November, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Mary M. Knodle
MARY M. KNODLE

Subscribed and sworn to before
me this 2nd day of December, 1977.

Helen Eckl
Notary Public

HELEN ECKL
Notary Public, Ramsey Co., Minn.
MY COMMISSION EXPIRES
September 16, 1980

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULE OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977.	)))))	NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Conference Room A, 5th Floor, Economic Security Building, 390 North Robert Street, St. Paul, Minnesota 55101 on January 17, 1978, commencing at 10:00 o'clock a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8112, either before the hearing or within 5 working days after the close of the hearing.

The proposed rule, if adopted, would establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Laws 1977, Ch. 254, and establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds. Copies of the proposed rule are now available and one free copy may be obtained by writing Guy Flanagan, Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rule is contained in Laws 1977, Ch. 254, § 3. A "statement of need" explaining why the agency feels the proposed rule is necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for

public inspection.

Please be advised that Minn. Stat. Ch. 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rule making by communicating with or encouraging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The chapter provides certain exceptions. Questions should be directed to the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

MICHAEL C. O'DONNELL
Commissioner of Economic Security

Date: December 1, 1977.

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULE OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977.	)	ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rule be held in Conference Room A, 5th Floor, Economic Security Building, 390 North Robert Street, St. Paul, Minnesota 55101 commencing on January 17, 1978 at 10:00 o'clock a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

MICHAEL C. O'DONNELL
Commissioner of Economic Security

Date: December 1, 1977.

Proposed Rule

Department of Economic Security

Proposed Rule of Department of Economic Security Governing Concerning Employment of Summer Youth Under the Youth Employment Act of 1977

Rule as Proposed

8 MCAR § 4.0010

A. Purpose. This rule adopted pursuant to Laws 1977, ch. 254, § 3, is designed to establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Laws 1977, ch. 254, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds.

B. Application of rule. This rules applies to those funds which are allocated for expenditure by political subdivisions and nonprofit organizations located within the jurisdiction of a CETA (federal Comprehensive Employment and Training Act of 1973. P. L. 93-203) prime sponsor.

C. Definition of terms. The following terms used in this rule shall have the meaning given them:

1. "Act" means the Youth Employment Act of 1977, Laws 1977, ch. 254.

2. "Commissioner" means the Commissioner of the Minnesota Department of Economic Security.

3. "Contract" means an agreement entered into between a prime sponsor or a political subdivision or a nonprofit organization and the commissioner for the operation of a youth employment program under the Act.

4. "Department" means the Minnesota Department of Economic Security.

5. "Prime Sponsor" means a unit of government, combination of units of government, a rural concentrated employment grantee, or an Indian reservation, which has entered into a grant with the United States Department of Labor to provide comprehensive manpower services under the federal Comprehensive Employment and Training Act of 1973. (P. L. 93-203).

6. "Program Employer" means an organization which employs a person or persons under the program established by the Act.

7. "Subcontract" means an agreement entered into between a prime sponsor and a political subdivision and/or nonprofit organization for the operation of a youth employment program under the Act.

D. Allocation of funds. The commissioner shall allocate funds to state agencies, counties, cities and Indian reservations in the state. All funds not allocated to state agencies and Indian reservations shall be allocated to counties and cities.

1. Allocations to counties.

a. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county on the basis of the county's share of the estimated youth population of the state which is 14 through 21 years of age.

b. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county according to the county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) Historic summer unemployment rates in the county as evidenced for the months of June, July and August for the most recent three-year-period for which such data is available. This factor is designed to provide more funds to counties with high summer unemployment rates.

(2) The county's proportion of families below the poverty level as evidenced by 1970 U.S. Census figures as adjusted by reference to more recent population surveys. This factor is designed to provide more funds to counties with a high proportion of families below the poverty level.

(3) Estimates of post secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board. This factor is designed to eliminate the impact of a county's post secondary school enrollment on it's share of the state's youth population.

2. Allocation to cities. After the commissioner has made an allocation to each county, each county's allocation shall be divided as follows:

a. Each city within the county which has a total population of 2500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county.

b. The remainder of the county allocation, that part which is not allocated to cities under 8 MCAR § 4.0010 D.2.a., shall be allocated to the county as a whole.

3. Indian reservations. The amount which the commissioner determines shall be allocated to Indian reservations, shall be allocated to each reservation based on the population of the reservation as compared to the total population of Indian reservations in the state.

E. Contracting procedures. Each prime sponsor will be offered a contract for the amount of funds allocated to its area. Upon the offer of a contract, each prime sponsor may exercise the following options:

1. Sign the contract for the entire amount of the allocation and directly administer the program.

2. Sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions and/or nonprofit organizations within the prime sponsor's jurisdiction.

3. Designate all or a part of the allocation to be directly used by a state agency, political subdivision or a nonprofit organization.

4. Decline the offer of contract. In such a case, the commissioner shall offer to contract directly with the cities and counties in the prime sponsor's area.

F. Operational procedures.

1. Regular program. Youth who are at least 14 years of age but less than 22 years of age, at the time they are to begin employment under the program established by the Act, are eligible for program employment. Approximately fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "regular program".

2. Post secondary program. Notwithstanding 8 MCAR § 4.0010 F.1., at least 33 1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youth who are at least 18 years of age but less than 22 years of age who are certified by the Department as intending to enroll or are enrolled in a post secondary educational institution. Fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "post secondary program". A partial waiver from this part may be obtained in accordance with the procedures set forth in 8 MCAR § 4.0010 H.

3. To obtain eligible youth, program employers must place a job order with the Department and may employ only those youth referred by the Department.

4. Eligible youth (not designated as supervisors) shall be paid the Federal minimum wage for a period not to exceed 40 hours per calendar week and for not more than 12 weeks.

5. Program employers, at their discretion, may designate one eligible youth as supervisor for every ten youth in its employ under the Act. Program

employers who employ at least five but less than ten youth may designate one youth as a supervisor. Youth designated as supervisors shall be paid the Federal minimum wage plus twenty five cents (25¢) per hour for up to 40 hours per week for a period not exceeding 12 weeks.

6. Upon signing a contract or subcontract program employers may begin employing eligible youth referred by the Department; however, no youth may be employed while attending school as a full-time student. No youth may be employed beyond September 30th of each calendar year.

G. Invoicing. The Department shall reimburse contractors for wages paid to eligible youth, employers' contributions to FICA paid in behalf of such youth and Workers' Compensation insurance costs for such youth. Invoices and specific procedures for reimbursement will be furnished to program employers by the Department.

H. Reallocation procedures.

1. Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:
   a. The city or county originally allocated the funds according to the formula in 8 MCAR § 4.0010 D. refuses the funds.
   b. The city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

2. Prime sponsors may shift funds from the post secondary portion of their program to the regular portion of their program provided that they certify in writing to the Department that they are unable to obtain sufficient youth who meet the criteria set forth in 8 MCAR § 4.0010 F. 2., and the Department concurs.

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977	)))))	STATEMENT OF NEED

The above-captioned rule does not amend existing rules of the Department of Economic Security.

The need to adopt this rule stems from Laws 1977, Chap. 254, the Summer Youth Employment Act of 1977. Said Act provides that the Commissioner of Economic Security shall hire individuals from the ages of 14 years up to 22 years during the summer for the purpose of placing such individuals in service with the Department of Economic Security, other departments, agencies, and instrumentalities of the state, county, local governments, school districts and with non profit organizations. The Commissioner is also directed in Laws 1977, Chap. 254, § 5, to allocate funds to recipient organizations and agencies throughout the state. Laws 1977, Chap. 254, § 3, subd. 1, states that " . . . [T]he department of employment services (now economic security) shall promulgate rules determining the eligibility for employment and placement pursuant to this act. The department shall have emergency powers to implement rules for carrying out this act." The proposed rule is required to comply with the above legislative mandate and to specify the allocation, contracting, and operational procedures to be utilized by the Commissioner in implementing the Act.

Paragraphs A and B of the rule are necessary to set forth its purpose and application. Paragraph C defines the terms used within the rule.

Paragraph D of the rule establishes the methods to be used by the Commissioner in performing his statutory duty to allocate funds to recipient organizations and agencies throughout the state which are to be expended for the employment of youth in accordance with the Act. (Laws 1977, Chap. 254 § 5).

Paragraph E of the rule sets forth the contracting procedures to be

utilized by the Commissioner and is necessary to establish the method of implementation of Laws 1977, Chap. 254, § 4, which provides that the Commissioner is authorized to enter into arrangments with public and private non profit organizations and agencies designated by CETA prime sponsors for the purpose of providing employment opportunities in furtherance of the Act.

Paragraph F of the rule is necessary to establish eligibility criteria for employment under the Act and to establish a procedure for the placement of eligible youth with appropriate employers. This part also establishes the rate of pay for youth supervisors at the federal minimum wage plus twenty five (25¢) per hour in accordance with Laws 1977, Chap. 254, § 2, which states that persons hired in a supervisory capacity shall be compensated at a rate established by the Commissioner. Additionally, said part sets forth the operational procedures to be utilized to ensure that, so far as practicable, 1/3 of the money appropriated ($2,000,000) for expenditure under the Act is used to provide employment for youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post secondary educational program during the year of employment. See Laws 1977, Chap. 254, § 7.

Paragraph G of the rule, which specifies allowable costs and informs program employers that the department will furnish invoices and procedures to be utilized for reimbursement for wages, FICA contributions, and worker's compensation insurance costs paid for or on behalf of youth employed under the Act, is necessary to establish a means whereby program employers can obtain such reimbursement.

Paragraph H of the rule is required to establish an equitable reallocation procedure in the event a county or city which is allocated funds under the Act refuses such funds or wishes to use only a portion of the funds allocated to it. This part also establishes a procedure whereby funds designated for the employment of youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post secondary educational program can be utilized to hire any youth eligible for employment under the Act in the event there are not sufficient youth who meet the 18-22 year old post secondary criteria.

MICHAEL C. O'DONNELL
Commissioner of Economic Security

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of the Department of Economic Security Governing the employment of youth under the Summer Youth Employment Act of 1977.

I hereby certify that the attached 486 Labels 1 sheets constitute the complete list of persons, associations, and other interested groups who as of 11:00 o'clock A .M, this 30th day of November, 1977, have requested pursuant to M.S. 1976, 15.0412 Sub. 3 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Cheri L. Mattson

Please Note:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO
NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS
AND
PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

ADDITIONAL NAMES FOR GENERAL LIST (not on labels)

Miller, Michael, Admin. Agencies Div., G19K State Adm. Bldg., St Paul 55155
Wampler, Linus, Director, USW of AM, 609 Providence Bldg., Duluth, MN
Baratto, Divine M., 1192 Bush Street, St Paul 55106
Sprague, Charlotte B., Windom Area Hospitals, Box 339, Windom 56101

The Following Names on the General Mailing List
can be sent through Interoffice Mail (are on labels)

Andrew, Mark, State Senate, 235 State Capitol

Anti-Trust Div., Attorney General, 160 State Office Bldg.

Brubacher, Richard, Comm. Adm., 208 Adm. Bldg.

Christiansen, Fredrik, Rm 505, Capitol Square Bldg.

Coleman, Nicholas, 208 State Capitol

Consumer Services Dept. Comm., 5th Floor, Metro Square Bldg.

Develop Disabilities Programs, State Plan, 101 Capitol Square Bldg.

Dispatch Pioneer Press, Press Rm, State Capitol

Ethics Comm., Rm 410, State Office Bldg.

Giel, David, Rm B-28, State Capitol

House Appropriations Comm., Rm 109 State Capitol

Human Rights, 200 Capitol Square Bldg.

Human Services 414 Lafayette Rd., 5th Floor

Knapp, J.A., Rm 3, Capitol

Leg. Ref. Lib-Z. Dewitt, Rm 111, State Capitol

Levey, Jess, Met. State Univ., Metro Square Bldg., Rm 121

McLellan, Larkin, 215 Adm. Bldg. St. Capitol

Malone, E.I., Comm. Labor & Industry, 444 Lafayette Rd., 5th Floor

Met. Waste Control Comm., 350 Metro Square Bldg.

Metropolitan Council Library, 300 Metro Square

Miller, Michael, Admin. Agencies Div., G19K State Admin. Bldg

Minn Comm for Handicapped, Metro Square

Minn Pollution Control Agency, 1935 W Co Rd B2, Roseville

Minn State Retirement System, 529 Jackson St

Minn Water Resources Bd, Rm 206, 555 Wabasha St.

Mpls Star Press Room, State Capitol

Office of the Governor, 130 State Capitol

St. Paul Bur Hlth Dr P Cox, 555 Cedar St.

Schmidt, H.W. Teachers Retirement, 302 Capitol Square Bldg.

Schutz, Linda, Rm 328 Capitol Bldg.

Senate Coun. Office, Room 480, State Office Bldg.

Senate Finance Comm., 121 State Capitol

Senate Gov. Op. Comm. Rm 303, State Capitol

Senator Robert J. Tennessen, 309 State Capitol

Vanderyoort, T.J., Met. Waste, 350 Metro Square Bldg.

Whitlock, Marshall, Rm. 3, State Capitol

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLIN M KARLS
2333 UNIV AVE SE
MPLS MN
55414

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALLERS JOHN
1501 W 80TH ST SUITE210
BLOOMINGTON MN
55431

AMER CAMPING ASSN
3639-21/2 ST N.E.
MPLS MN
55418

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON MARY
4425 RUTLEDGE AVE
EDINA MN
55436

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ANTI-TRUST DIV.ATTY GEN.
160 STATE OFF BLDG
ST PAUL MN
55155

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD ECONOMIC OP AGENCY
CO S BRUSTUN BOX 1066
VIRGINIA MN
55792

ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH MN
55802

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
480 RICE SUITE 301
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEGALKA D REV
212 N ELK ST
BELLE PLAINE MN
56011

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BLADIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BOHRER DONALD
5880 BACON AVE
INVER GROVE H TS
55075

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BOWMAN & BRUNS ATTN P MAS
1616 PIONEER BLDG
ST PAUL MN
55101

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
551 2

BRICK PHILIP D
807 SELLWOOD BLDG
DULUTH MN
55802

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
[illegible] MIDLAND BK BLDG
[illegible] MN

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
[illegible] MN

BROWN H D
4961 KINGSBERRY LANE

BRUBACHER RICHARD COMM AD
208 ADM BLDG

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRUNING C&R-DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

CAIN RUTH
730 E 38TH ST
MPLS MN
554 7

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHILDS J L
4012 LYNN AVE S
MPLS MN
55416

CITY CLERK
336 CITY HALL
ST PAUL MN
55102

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
554 4

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

DAHLKE LOIS M
119 S EAGLE ST
BELLE PLAINE MN
55011

DAYTON THOS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
55402

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLAWSON CONNIE
HELP CT 317-17TH AV SE
MPLS MN

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DORSEY MARQUART

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CHAVARRIA ADAM
1325 W 251/2 ST APT 206
MPLS MN
55405

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55422

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DOUGLAS BELL ET AL

BRUBACHER RICHARD COMM AD
208 ADM BLDG
ST PAUL MN
55101

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

CABLE COMM SYST-H SARRAZI-
BOX 777
HECTOR MN
55342

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRYSALIS CENTER FOR WOME
2104 STEVENS AVE S
MPLS MN
55404

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN.
55102

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOW CHEMICAL

[illegible] MN
55401

[illegible] DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

[illegible]
BOX 1063
MARSHALL MN
56258

[illegible]
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOUGLAS BELL ET AL
2212 AM.NATL BK BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

DUPONT MIKE
5720 EXCELSIOR BLVD
MPLS MN
55416

DZUGAN KEN ST PAUL PLANNI
421 WABASHA ST
ST PAUL MN
55102

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

EICHTEN DANIEL
3794 HAZEL
WHITE BEAR LK MN
55110

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENNIS A E BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4891 W 50TH ST
EDINA MN
55424

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FILTER LOREN
BOX 36
BRITT MN
55701

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST. PAUL MN
55101

FITZGERALD DR BOB
3 17 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS ASSN
2 3 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TR
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

FRITSON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEO A HORMEL & CO LAW DEPT

GILL DAVID

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GLEN. HILLS HOSP.R.VAN HAUER
3801 GOLDEN VALLEY RD.
MPLS. MN
55422

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HALLBERG LEE & MCCABE
4827 34TH AVE S
MPLS MN
55417

HARRY RICK
RT 1 BOX 138
KETTLE RIVER MN
55757

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
551 2

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEISENFELT WM
BOX 516
BEMIDJI MN
566 I

HENRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

GEO A HORMEL & CO LAW-DEPT
PO BOX 800
AUSTIN MN
55912

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

HOLT JOHN
517 4TH ST NW
FARIBUALT MN
55021

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON DAN-LABOR TEMPL
312 CENTRAL
MPLS MN
55414

HAFNER DR A J
BOX393 MAYO U OF M
MPLS MN
55455

HAROLD J WESTIN CONSTRUCT
45 E 8TH ST
ST PAUL MN
55101

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HENDRICKSON MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HJLSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
562 1

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUMAN SERVICES
414 LAFFAYETTE RD 5THFL
ST PAUL MN
55101

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

I4[illegible]
BOX 3215
ST PAUL MN
55165

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JENSEN CARL A
127 S MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRU
BLUE EARTH MN
56013

JOHNSON LANCE J
255 S LAFAYETTE RD
ST PAUL MN
55107

JONES C NORTHSIDE RES REDEV
1800 OLSON MEMORIAL HWY
MPLS MN
55411

KABLE RICHARD W
BETHEL MN
55006

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
551 2

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 ROWEL HALL U OF M
MPLS MN

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
[illegible] DELAWARE ST SE
MPLS MN
55440

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KVI ENGINEERING INC

LAFELLE JUANITA MRS

[illegible] MN	[illegible] FAIRMAULT MN 55021	[illegible] BLOOMINGTON MN 55437	[illegible] MANKATO MN 56001
KUHL CARL 4421 4TH ST NE COL HEIGHTS MN 55421	KVB ENGINEERING INC 600 S CO RD 18 MPLS MN 55426		LABELLE JUANITA MRS 5816 AQUILA AVE NO NEW HOPE MN 55428
LAKE SUPERIOR INDUSTRIAL BUR 828 FIRST AM. BK. BLDG. DULUTH MN 55802	LANAHAN E F - SIBLEY CO 184 E 6TH ST ST PAUL MN 55101	LANGVIN DAVID 7500 80TH ST S COTTAGE GROVE MN 55016	LAPP LAZAR LAURIE ET AL 1200 BUILDERS EXCHANGE MINNEAPOLIS MN 55402
LARSON C L 3800 MINNEHAHA AVE SO MPLS MN 55406	LARSON HANS P DIV HOSP SERV 717 DELAWARE ST SE MPLS MN 55440	LEAGUE MN MUNIC 300 HANOVER 480 CEDAR ST PAUL MN 55101	LEAGUE WOMEN VOTERS OF MI 555 WABASHA ST PAUL MN 55102
LEG.REF.LIB-Z. DEWITT RM 111 STATE CAPITOL ST PAUL MN 55155	LEVBY JESS MET STATE UNIV METRO SQ RM 121 ST PAUL MN 55101	LEAVEY THOS 829 22ND AVE SE MPLS MN 55414	LEWIS DR.G.M JR. ABBOTT 110 E 18TH ST MPLS MN 55403
LIBBEY LEONARD BOX 17011 NOKOMIS STA MPLS MN 55417	LINDALL & JONATHAN DEVELOP. VILLAGE ONE CENTER CHASKA MN 55318	LOCKNER GARY R R 1 BOX 23 BAUDETTE MN 56623	LOWE DOUG 2701 N LEXINGTON AVE ROSEVILLE MN 55113
LUTH SOC SERVICE OF MN 2414 PARK AVE MPLS MN 55404	LYNCH DONALD SIBLEY CO 184 E 6TH ST ST PAUL MN 55102		
MADSON HUGH ARENA 212 S 6TH ST MPLS MN 55402	MAHCE RICK CARTER 2850 METRO DR SUITE 431 BLOOMINGTON MN 55420	MALECKI JAMES 1 SO STATE ST NEW ULM MN 56073	MALONE E I COMM LABOR & I 444 LAFAYETTE RD 5TH FL ST PAUL MN 55101
MANKATO STAT STUDENT SENATE CENTENNIAL STUDENT UN MANKATO MN 56001	MANKATO STATE STUDENT ASSN BOX 58 MANKATO COLLEGE MANKATO MN 56001	MANTHEY T J PICKANDS MATHER 1100 SUPERIOR AVE CLEVELAND OH 44114	MARRINAN MARGARET M 1117 COMMERCE BLDG ST PAUL MN 55101
MASTOR & MATTSON LTD 215 PEAVEY BLDG MPLS MN 554 2	MAUL WARREN E 320 S 4TH ST MPLS MN 55415	MAYO FOUNDATION G ORWOLL 200 FIRST AVE NW ROCHESTER MN 55901	MCCLURG EUNICE 1061 109TH AVE NE BLAINE MN 55434
MCDONALD PHILIP M 2077 SELBY AVE ST PAUL MN 55104	MCFADDEN G H DISPATCH-PRESS 55 E 4TH ST ST PAUL MN 55101	MCKIBBON MRS SHIRLEY 11 EVERGREEN LN BABBITT MN 55706	MCLELLAN LARKIN 215 ADM BLDG ST CAPITOL ST PAUL MN 55101
MCNEILLY GREG MNDSVIEW ED AS 41 SHERBURNE AVE ST PAUL MN 55103	MET. WASTE CONTOL COMM. 350 METRO SQ BLG ST PAUL MN 55101	MEIEROTTO, JOAN 1794 SO LEXINGTON ST PAUL MN 55118	MET TFR MEN ASSN A ROSENT 1821 UNIV AVE ST PAUL MN 55104
METROPOLITAN COUNCIL LIBRARY [illegible] METRO SQUARE ST PAUL MN	MEYER HERBERT 10824 ZENITH AVE S BLOOMINGTON MN		MIDLAND GLASS-HD SPURLING PO BOX 69 SHAKOPEE MN 379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINNESOTA FARMERS UNION
1717 UNIVERSITY AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CAR
1573 SELBY AVE APT 101
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
437 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE EMP UNION COUN
236 E PLATO BLVD
ST PAUL MN
55107

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
ST PAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2303 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA C
600 2ND ST
HUDSON WI
54016

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIO L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NDSC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

MN PUB INT RESEARCH GROUP
3336 UNIV AVE SE
MPLS MN
55414

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NELSON JOHN
4809 180TH ST N
HUGO MN
55038

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MURPHY PATRICK DUFFY
1440 SUMMITT AVE
ST PAUL MN
55105

NATL COUNCIL JEWISH WOMEN
4330 CEDAR L K RD
MPLS MN
55416

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

OLOFSON ARTHUR MBD & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MOOD R BLOOMINGTON HLTH D
10200 PENN SO
BLOOMINGTON MN
55431

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PORTER LYLE O

TRACY MN
56175

PREUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RENNER R.H. ST PAUL AREA CC
330 OSBORN BLDG.
ST PAUL MN
55102

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DAVID E
1250 NW NATL BK BLDG
ST PAUL MN
55101

RUDY FLOYD
119 AVE C
CLOQUET MN
55720

SIX DOVE & STENSON
310 SYNDICATE BLDG
ST PAUL MN
55111

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PROCTOR&GAMBLE L THEOHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER #S101
MPLS MN
55435

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

REINO D LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS MN
55455

ROWLEY STEPHEN
4305 15TH AVE S
MPLS MN
55407

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

ST PAUL FOOD RETAILERS AS
1220 ARCADE
ST PAUL MN
55106

SW REGIONAL DEV COMM
2811 HWY
SLAYTON MN
56172

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHMIDT WARREN WELLCOME M
GARDEN CITY
MN
56034

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS, MN
554 2

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SELECTVISION INC FR VALEN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SENATE COUNSEL OFFICE
ROOM 48 STATE OFF BLDG
ST PAUL MN
55055

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SIX W REG. DEV. COMM
128 W SORENSON
APPLETON MN
56208

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
128 PLEASANT STREET SE
MPLS MN
55455

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55109

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STANSFIELD ARLENE LAND D
PO BOX 116
MPLS MN
55440

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
MADONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SUMMIT NATL BANK D L MORR
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO,ATTN:TED SCHWENKER
1850 COMO AVE,
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

THOMPSON CONRAD

THOMPSON HESSIAN ET AL

TIMESAVERS INC ATT R S WOLD

TOUCHE ROSS & CO N W STOR

THOMPSON CONRAD
1117 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOC
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITIES PIPING IND ASSN
2829 UNIV SE SUITE 304
MPLS MN
55414

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WATERS, DONNA M.
11 5 S WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WEST CENTRAL REG. DEV.
ADM BLDG.COMMUNITY COLL
FERGUS FALLS MN
56537

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WHITLOCK MARSHALL
RM 3 CAPITOL BLDG
ST PAUL MN
55155

WHITING RALPH
7316 BAILEY ROAD
NEWPORT MN
55055

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
551 2

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

CETA PRIME SPONSORS

Ms. Sharon Wemlinger
Acting Director
Governor's Manpower Office
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Tel. No.: 296-6053

Mr. Richard Thorpe
Manpower Director
City of St. Paul
Manpower Office, 4th Floor
310 Cedar Street
St. Paul, MN 55101

Tel. No.: 298-4907

Mr. William C. Brumfield
Director
Hennepin County CETA
A-2310 Government Center
300 S. 6th Street
Minneapolis, MN 55487

Tel. No.: 348-5203

Mr. Greg Moore
Manpower Coordinator
City of Minneapolis
307 City Hall
Minneapolis, MN 55415

Tel. No.: 348-8488

Mr. James Shipman
Executive Director
Quad-Counties Consortium
55 Sherburne Avenue
St. Paul, MN 55103

Tel. No.: 222-5823

Counties Served

Anoka
Carver
Scott
Washington

Mr. Michael K. Erickson
Director, Ramsey County CETA
905 Parkway Drive
Maplewood, MN 55106

Tel. No.: 778-2900

Mr. Percy Zachary
Director, Dakota County CETA
750 So. Plaza Drive
Room 314
Mendota Heights, MN 55120

Tel. No.: 452-5700

Mr. Robert Hoch
Mayor's Manpower Representative
City of Duluth
Manpower Office
206 City Hall
Duluth, MN 55802

Tel. No.: 218/727-2957

Mr. Larry Buboltz
Director
Rural Minnesota CEP, Inc.
819 Lincoln Avenue
Detroit Lakes, MN 56501

Tel. No.: 218/847-9205

Mr. Dennis Wain
Director
Region 3, CETA Consortium
Midway School
Virginia, MN 55792

Tel. No.: 218/749-2912

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING THE THE EMPLOYMENT OF YOUTH UNDER THE SUMMER YOUTH EMPLOYMENT ACT OF 1977	)))))	STATEMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, and in support thereof, the Department of Economic Security will introduce the following evidence:

Mr. Donald M. Buckner, Deputy Commissioner, Department of Economic Security, will testify with regard to the need for and application of the proposed rule. With regard to Paragraph D of said proposed rule Mr. Buckner will explain the authority for the initial determination of the Commissioner of Economic Security as to the amount of funds to be allocated to state agencies, counties, cities, and indian reservations under the Summer Youth Employment Act. In presenting such testimony, Mr. Buckner will make reference to Laws 1977, Chap. 254, (Exhibit A), and the Report of the Minnesota Department of Employment Services, (now Economic Security), on the Minnesota Youth Employment Act, (Exhibit B).

Mr. Buckner will also testify with regard to the need and justification for the contracting, operating, invoicing and reallocation procedures established by the rule. A copy of the form agreement to be entered into by the Commissioner of Economic Security and program employers will be produced. (Exhibit C). The guidelines utilized in the operation of the 1977 Summer Youth Program will be referred to with regard to testimony on operational procedures. (Exhibit D) Specific testimony will be presented on that portion of Paragraph F of the rule which requires that 1/3 of the funds allocated are to be expended for the employment of youth 18 to 22 years of age who are enrolled or intend to enroll in a post secondary educational program. Reference will be made to Laws 1977, Chap. 254 § 7, and a copy of the Youth Employment Act Post Secondary Certification form (Exhibit E).

With respect to Paragraph G of the proposed rule, Mr. Buckner will make

reference to Laws 1977, Chap. 254, §§ 2 and 4, relating to allowable expenditures under the Act, and will produce forms which are to be supplied by the Department to program employers to be used to obtain reimbursement for wages, worker's compensation insurance costs, and FICA contributions paid to or on behalf of youth employed under the Act. Said forms include:

Invoice Letter to Contractors -	(Exhibit F)
Invoice - State Summer Youth Program -	(Exhibit G)
Employer Payroll Register - Regular State Youth Employment Act Program -	(Exhibit H)
Employer Payroll Register - Post Secondary State Youth Employment Act Program -	(Exhibit I)

With respect to Paragraph H of the proposed rule, Mr. Buckner will testify that the reallocation of funds provisions are necessary in the event a county or city originally allocated funds refuses them or gives permission for such funds to be used in another city or county. Mr. Buckner will refer to Laws 1977, Chap. 254, § 7 with regard to that section of Paragraph H whereby funds designated for the employment of youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post-secondary educational program can be utilized to hire any youth eligible for employment under the Act in the event there are not sufficient youth who meet the 18 to 22 year old post secondary criteria.

Dr. Rudy Pinola, Director of Research and Planning, Department of Economic Security, will testify with regard to Paragraph D of the proposed rule. His testimony will include reference to Laws, 1977, Chap. 254, § 5, and the application of the formula utilized by the Department, in accordance with said law, to determine allocations to counties and to cities. The Description of Method for allocating Summer Youth Funds Among Minnesota Counties, (Exhibit J), which sets forth the mathematical formula to be utilized in the application of the factors specified in Paragraph D of the proposed rule will be introduced. Dr. Pinola will also refer to the following published documents which will

provide the data necessary to make allocations to counties and cities within the framework set forth in Paragraph D.

	Published by:
Minnesota Population Projections 1970-2000 -	U.S. Bureau of Census
Survey of Number of Students Attending Post Secondary Educational Institutions -	Minnesota Higher Education Coordinating Board
Monthly Unemployment Estimates -	Minnesota Department of Economic Security
1970 Census Data -	U.S. Bureau of Census

MICHAEL C. O'DONNELL
Commissioner of Economic Security

Date: December 16, 1977

Sec. 2. Minnesota Statutes 1976, Chapter 216, is amended by adding a section to read:

[216.271] APPEAL DENIAL OF HEARING. Any party who requests a hearing under this chapter and is denied, may appeal the denial to district court. If the court determines that a hearing is required, it shall order the commission to hold the hearing as a contested case.

Sec. 3. This act is effective the day following its final enactment.

Approved May 25, 1977.

CHAPTER 254—S.F.No.625

[Coded in Part]

An act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [268.31] DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES. To the extent of available funding, the commissioner of employment services shall hire individuals from the ages of 14 years up to 22 years for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service with the department of employment services and with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years.

Sec. 2. [268.32] RATE OF PAY. Persons hired pursuant to this act shall be compensated at the federal minimum wage rate. Persons hired in a supervisory capacity shall be compensated at a rate established by the commissioner.

Sec. 3. [268.33] ELIGIBILITY FOR EMPLOYMENT AND PLACEMENT. Subdivision 1. The department of employment services shall promulgate rules determining the eligibility for employment and placement pursuant to this act. The department shall have emergency powers to implement rules for carrying out this act.

Subd. 2. The department of employment services shall, for the purposes of this act, be exempt from complying with any law relating to hiring by departments, agencies or instrumentalities of the state.

Sec. 4. [268.34] EMPLOYMENT CONTRACTS WITH GOVERNMENTAL SUBDIVISIONS AND NONPROFIT ORGANIZATIONS. The commissioner is authorized to enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering summer youth employment

Exhibit A

programs for the purpose of providing employment opportunities in furtherance of this act. The commissioner shall enter into these agreements with organizations designated by the prime sponsors authorized under the comprehensive employment and training act (CETA). The department of employment services shall retain ultimate responsibility for the administration of this employment program, including but not limited to, approval of summer job opportunities, review of applicants therefor, placement of youth in jobs subject to the approval of prime sponsors and the disbursement of funds. Any administrative costs, with the exception of worker's compensation, incurred by any nonprofit organization or any governmental agency with which an arrangement has been made by the department of employment services shall not be paid from appropriated funds available for the purposes of this act.

Sec. 5. [268.35] ALLOCATION OF FUNDS. The commissioner shall allocate funds to recipient organizations and agencies throughout the state taking into account in making such allocations the youth population of the county adjusted to eliminate the influence of post secondary educational institutions located in the county, the county unemployment rate and the number of families living below the poverty level in the county in which the recipient organization or agency is located.

Sec. 6. [268.36] REPORT TO THE GOVERNOR AND THE LEGISLATURE. The commissioner, after consultation with the CETA prime sponsors, shall evaluate the effectiveness of the youth employment program, taking into account the extent of other programs which are providing summer employment opportunities for youth covered under this act, and shall report to the governor and the legislature no later than January 15 of each even numbered year with an evaluation of the program and any recommendations for improvements.

Sec. 7. APPROPRIATIONS. The sum of $6,000,000 is appropriated from the general fund to the commissioner of employment services for summer youth employment as provided in sections 1 to 6, to be available until June 30, 1979. The commissioner of employment services shall establish rules to insure, as far as practical, that no less than $2,000,000 shall be used to provide employment for youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post secondary educational program during the year of employment.

Sec. 8. This act is effective the day following final enactment.

Approved May 25, 1977.

CHAPTER 255—S.F.No.766

An act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Section 609.67.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Changes or additions indicated by underline deletions by ~~strikeout~~

JOB SERVICE

THE MINNESOTA YOUTH EMPLOYMENT ACT
1973 - 1976

- Proposed by the Minnesota Department of Employment Services to the 1973 and 1975 legislatures.
- Administered by the Minnesota Department of Employment Services during the four summers of 1973 - 1976.
- $7,000,000 appropriated by the legislature during the two bienniums and allocated to governmental units.
- $6,503,373 in State funds plus $1,184,306 in local matching funds spent (total $7,687,679).
- 19,793 youth employed (9,508 (48%) from economically "disadvantaged" families).
- Local youth employed in every county and most municipalities over 2,500 population.
- Minnesota's Summer Youth Unemployment rate reduced and public projects accomplished.
- Many youth employed were from "working poor" families (families whose annual income slightly exceeded Federal disadvantaged guidelines and therefore ineligible for participation in Federally funded Summer Jobs Programs such as CETA).
- All funds went for youth's wages and salary contributions - no administrative costs paid from State of local matching funds.

Exhibit B

Administered by Minnesota Department of Employment Services

Significant Developments in the
Operation of the Youth Employment Act

1973

- Proposed by Minnesota Department of Employment Services.
- First passed during the 1973 legislative session.
- $3,000,000 appropriated for the 1973-1974 biennium.
- Allocation formula developed by MDES for State agencies and local political subdivisions taking into account youth population, unemployment rate and poverty levels in local political subdivisions.
- $1,800,000 allocated to local political subdivisions and State agencies.
- MDES reserved a portion of the State agency share for use by the Minnesota Indian reservations.
- Goal of 50% of the youth employed be from economically disadvantaged families established.
- 12½ percent local matching funds required.
- Wage rate for youths employed under the Act set at Federal minimum of $1.60 per hour.
- $1,070,329 of the allocation plus $108,610 in local matching funds spent. ($1,178,939 total). (All of which went as wages to participating youth. No administrative costs allowed by MDES).
- 4,028 employed during the summer (2,523 (63%) from economically disadvantaged families).

1974

- $2,000,086 allocated to State agencies and political subdivisions of the State using MDES developed formula.
- Wage rate for youth employed under the Act set at Federal minimum of $2.00 per hour.
- 25% local matching funds required with 50% waiver provision.

- $1,735,728 of the allocation plus $304,364 ($2,040,092 total) in local matching funds spent (all funds spent went for youth's wages).
- 6,056 youth employed during the summer months (2,725 (45%) from economically disadvantaged families).

1975

- $4,000,000 appropriated for the biennium (33 1/3% increase was to provide for increases in Federal minimum wage to take effect in 1975 and 1976).
- $2,000,329 allocated for State agencies and political subdivisions.
- Change made in contracting. Rather than contracting directly with cities and counties as in the past, contracts were offered to Minnesota's eight CETA prime sponsors or organizations designated by them.
- Wage rate for youth employed under the Act set at Federal minimum of $2.10 per hour.
- Additional wage of 25¢ per hour ($2.35 total) allowed for enrollee/supervisors.
- $1,719,845 of the allocation plus $343,790 in local matching funds spent ($2,063,635 total).
- 5,054 youth employed during the summer. (2,260 (45%) from economically disadvantaged families).

1976

- $2,150,562 allocated to State agencies and political subdivisions.
- Fifty-seven contracts let with CETA prime sponsors or organizations designated by them.
- Wage rate for youth employed under the Act set at Federal minimum of $2.30 per hour with additional 25¢ for enrollee/supervisor ($2.55 total).
- 4,655 youth employed during the summer (2,000 (43%) from economically disadvantaged families).
- $1,977,471 of the allocation plus $427,542 in local matching funds spent ($2,405,013 total).

THE MINNESOTA YOUTH EMPLOYMENT ACT
1973 - 1976

Year	Biennial Appropriation	Amount Allocated: State Agencies	Amount Allocated: Political Subdivisions	Local Matching Funds	Total Spent From Allocation	Total Spent Including Matching Funds	No. of Youth Employed	No. of Disadvantaged	No. of Females	Average Earnings	Average Weeks Worked	Wage Rate
1973		$169,000	$1,774,565	$108,610	$1,070,329	$1,178,939	4,028	2,523*	1,404	$274	6	$1.60/hr.
——	$3,000,000											
1974		$187,590	$1,813,396	$304,364	$1,735,728	$2,040,092	6,056	2,725*	2,422	$337	6	$2.00/hr.
1975		$204,895	$1,795,434	$343,790	$1,719,845	$2,063,635	5,054	2,260*	2,224	$408	6	$2.10/hr.
——	$4,000,000											
1976		$179,687	$1,970,875	$427,542	$1,977,471	$2,405,013	4,655	2,000*	2,140	$515	7	$2.30/hr.
TOTAL	$7,000,000	$741,172	$7,354,270	$1,184,306	$6,503,373	$7,687,679	19,793	9,508*	8,190	$388	6	

* Estimated

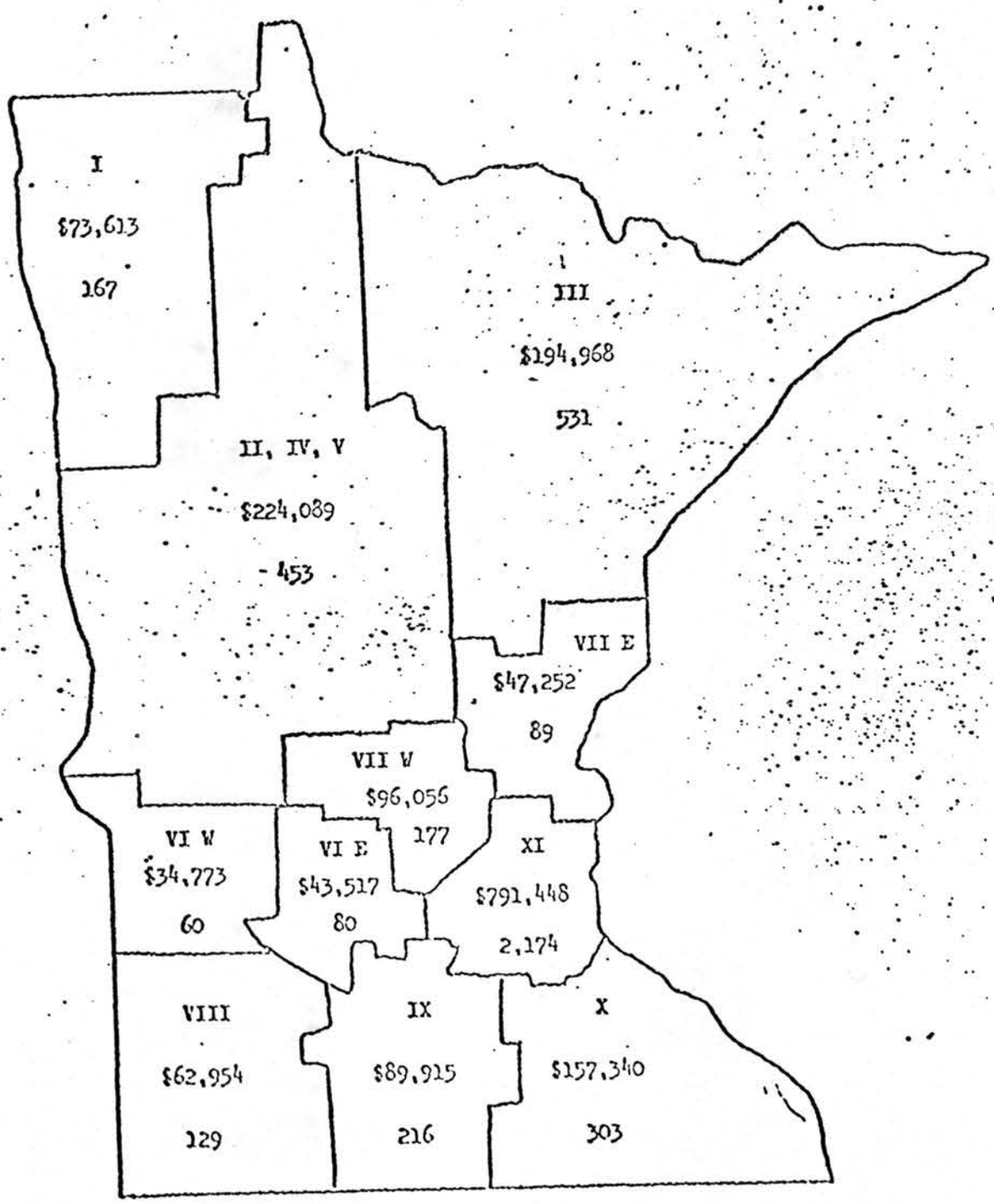
SPECIAL ALLOCATION TO CITIES OF THE FIRST CLASS

1973	$250,000
1974	$277,500
1975	$273,642
1976	$216,908
TOTAL	$1,018,050

Administered by Minnesota Department of Employment Services

Youth Employment Act

Amount Spent and
Number of Youth Employed
by Prime Sponsors - Summer 1976



AGREEMENT NO._____

THIS AGREEMENT made and entered into this _____ day of _____, 1977, by and between the STATE OF MINNESOTA, DEPARTMENT OF EMPLOYMENT SERVICES, hereinafter referred to as "State", and _____, hereinafter referred to as "Organization".

WITNESSETH:

WHEREAS, there was enacted by the Legislature of the State of Minnesota, an Act authorizing the Summer employment of young persons for State and local services, said Act being Chapter ____, Session Laws____, hereinafter referred to as "Law", and

WHEREAS, said Act authorizes the placing in employment of young individuals from 14 up to 22 years of age for up to 12 weeks for work periods not to exceed 40 hours per week per individual during the Summer of the calendar year 1977 in service with State and other State departments, agencies, and instrumentalities of the State, county, local governments and school districts and nonprofit organizations, whether incorporated or not, and

WHEREAS, Organization is desirous of employing a number of such individuals.

NOW, THEREFORE, In consideration of the premises and of intending to be legally bound hereby, the parties hereto agree as follows:

1. The foregoing recitals are made a part hereof as though set forth in full and in total herein.

2. State shall provide Organization with up to _____ Dollars for the purpose of employing such individuals during the period and for the time specified in the aforesaid Law. This amount may be modified at any time during the agreement with the mutual consent of State and Organization.

3. Organization shall use ____% of the monies in item 2. above for the employment of youth from 18 up to 22 years of age who are certified by State as enrolled or intending to enroll in a postsecondary educational institution except that this provision shall apply only to the extent that State is able to provide Organization with sufficient certified youth. Contributions to any retirement program and liability for Workers Compensation shall be borne solely by Organization, except that State will reimburse Organization for premiums paid on Workers Compensation insurance and taxes paid under FICA.

4. State shall allow Organization to designate one youth for every 10 that Organization employs under the terms of this agreement as a supervisor and shall allow such youth to be paid at a rate determined by State which shall be higher than the rate paid to other youth so employed. Further in those cases where

Organization hires a total of 5 youth but less than 10, State shall allow Organization to designate a single youth as a supervisor and pay that youth the higher rate set by State.

5. State shall reimburse Organization up to the amount set forth in paragraph 2 hereof within 15 days after it receives from Organization a properly completed invoice certifying that payment of wages has been made by it in accordance with said Law, on a form prescribed by State. Organization agrees to submit an invoice at least once each month during the term of this agreement beginning with that month in which payment of wages were made to eligible youth and further agrees that State shall not be liable for any invoice submitted for wages after October 15, 1977.

6. Organization hereby agrees to place job order listings with State and that individuals hired by it, pursuant to provisions of said Law, shall be only those referred to it for employment by State. It is mutually agreed that State shall not be required to reimburse Organization for wages paid to any youth who is not listed on a job order listing as having been referred by State. Approximately 50% of individuals hired by Organization shall be from families whose income does not exceed Department of Labor, Manpower Administration, poverty guidelines or shall be from families determined economically needy by State.

7. This agreement shall be effective upon its execution and shall continue through September 30, 1977.

IN WITNESS WHEREOF, this agreement was executed by day and year first above written.

_____
ORGANIZATION

_____
TITLE

Approved as to form and execution.

WARREN SPANNAUS, Attorney General
State of Minnesota

STATE OF MINNESOTA
DEPARTMENT OF EMPLOYMENT SERVICES

By _____
Peter C. Andrews
Assistant Attorney General

_____
COMMISSIONER

DEPARTMENT OF ADMINISTRATION

By _____

DEPARTMENT OF FINANCE

By _____

1977 YOUTH EMPLOYMENT ACT GUIDELINES

I. Introduction

The purpose of these guidelines is to provide a single source of information on the program and a description of the procedures which must be followed by prime sponsors and designated program operators.

II. Allocation Procedures

Funds will be allocated by the Minnesota Department of Employment Services (MDES) using basically the same formula and procedures as were used in 1975 and 1976. Updated population and unemployment rates will be used. Each prime sponsor will be notified in writing of the allocation for their area. The Act requires that part of the appropriation be used for youths intending to enroll or enrolled in a postsecondary educational institution. Each contract will require that 33 1/3 per cent of the funds allocated to the prime sponsor be used to hire youth ages 18 to 22 who are certified by MDES as intending to enroll or are enrolled in a postsecondary educational institution. A partial waiver from this provision of the Act is discussed in item VI. of these guidelines.

III. Contracting Procedures

Each prime sponsor will be offered a contract for the amount of funds allocated to their area. Upon the offer of contract, each prime sponsor will have the following options:

A. Sign the contract for the entire amount and directly administer the program.

B. Sign the contract for the full amount and subcontract the operation of the program to various political subdivisions and/or public nonprofit organizations. In this case, the prime sponsor retains full responsibility for meeting all fiscal and operational guidelines. In addition, all invoices and payroll registers must be submitted to MDES by the prime sponsor regardless of whether they were prepared by the subcontractor or not.

C. Designate all or a part of the allocation to be directly used by a State Agency, political subdivision or a public nonprofit organization. In such cases, MDES will sign a contract for the amount designated directly with the political subdivision or public nonprofit organization. In addition, MDES will also sign a memorandum of agreement with the prime sponsor which will ensure that no policy changes are made within the prime sponsor's area by MDES without consultation and will allow the prime sponsor to set certain guidelines upon designated contractors (such as a maximum hour limit) provided such guidelines do not violate or negate MDES guidelines. In the event a State Agency is designated, funds will be administered through State payroll procedures.

Designated political subdivisions and organizations will have full fiscal and operational responsibility in their area and will submit invoices and payroll registers directly to MDES.

D. Decline the offer of contract. In such a case, MDES will then offer to contract directly with the cities and counties in the prime sponsor's area.

Any combination of a., b., or c. may be used by the prime sponsor. In such a case, the appropriate guidelines shall apply to that portion of the allocation which falls under a., b., or c.

IV. Operational Procedures

A. Regular Portion of the Allocation

1. Youth who are at least 14 years of age, but less than 22 years of age, at the time they begin employment are eligible. Sections 268.31 and 268.35 of the Act imply that the need of the individual youth for employment be taken into account; thus, the program has the following goal:

Fifty per cent of the youth hired should be from families whose annual income does not exceed the U. S. Department of Labor, Employment and Training Administration, poverty guidelines. In the event sufficient "poor" youth are not available, the referral sources (MDES) will refer youth who are members of families with annual incomes near the poverty guidelines who may be hired in lieu of disadvantaged youth.

2. To obtain eligible youth, program operators must place a job order with their MDES area office including a short description of the job duties.

3. All youth hired by the program operator must have a Social Security Number or a "pseudo Social Security Number" assigned by MDES. Social Security Numbers or "pseudo Social Security Numbers" must be used on all payroll registers and invoices submitted for reimbursement.

4. Eligible youth (not designated as supervisors) shall be employed at the rate of $2.30 per hour for a period not to exceed 40 hours per calendar week and for not more than 12 weeks ($1,104.00). Youth may not be scheduled for less than 20 hours per week without special permission from MDES. Program operators who pay youth more than $2.30 per hour, or employ them for more than 40 hours per week must absorb the excess of hours over 40 or wages over $2.30 per hour. (Reimbursement for these youth will be based on the actual number of hours worked up to a maximum of 40 hours per week at the rate of $2.30 per hour.)

5. Program operators, at their discretion, may designate one eligible youth as a supervisor for every ten youth in his employ under the Act. Program operators who employ at least five but less than ten youth may designate one youth as a supervisor. Program operators with less than five youth in their employ <u>are not allowed</u> to designate any youth as a supervisor for reimbursement purposes. Youth designated as supervisors in accordance with the above guidelines may be paid $2.55 per hour for up to 40 hours per week for a period not exceeding 12 weeks ($1,224.00).

6. Upon signing the agreement, program operators may begin employing eligible youth referred by MDES; however, no youth may be employed while attending school (vocational school, other school, or college). The program operator must terminate the youth at the time he/she returns to school in the forthcoming fall regardless of the number of weeks or hours he/she has worked. Dropouts or youth not attending school may not be employed during the time their peers would normally be attending or returning to school. No youth may be employed beyond September 30, 1977, under any circumstances.

B. Postsecondary Portion of the Allocation

1. Youth who are at least 18 years of age but less than 22 years of age at the time they begin employment and who have been certified by MDES as during 1977 intending to enroll or are enrolled in a postsecondary educational institution are eligible. If available, in accordance with the Act's intent, fifty per cent of these youth should be from families whose income does not exceed U. S. Department of Labor, Employment and Training Administration, poverty guidelines.

2. To obtain eligible youth, program operators must place a job order with their MDES area office including a short description of the job duties.

3. All youth hired by the program operator must have a Social Security Number or a "pseudo Social Security Number" assigned by MDES. Social Security Numbers or "pseudo Social Security Numbers" must be used on all payroll registers and invoices submitted for reimbursement. In addition all such youth must have signed a "Youth Employment Act Postsecondary Verification" form which shall be on file in the MDES area office.

4. Eligible youth (not designated as supervisors) shall be employed at the rate of $2.30 per hour for a period not to exceed 40 hours per calendar week and for not more than 12 weeks ($1,104.00). Youth may not be scheduled for less than 20 hours per week without special permission from MDES. Program operators who pay youth more than $2.30 per hour, or employ them for more than 40 hours per week must absorb the excess of hours over 40 or wages over $2.30 per hour. (Reimbursement for these youth will be based on the actual number of hours worked up to a maximum of 40 hours per week at the rate of $2.30 per hour.)

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6. Upon signing the agreement, program operators may begin employing eligible youth referred by MDES; however, no youth may be employed while attending school (vocational school or college). The program operator must terminate the youth at the time he/she returns to school in the forthcoming Fall regardless of the number of weeks or hours he/she has worked. No youth may be employed beyond September 30, 1977, under any circumstances.

7. Insufficient numbers of postsecondary youth - see Section VI.

V. Invoicing Procedures

Invoices and specific procedures for reimbursement will be furnished program operators by MDES. Guidelines for reimbursement:

A. A single invoice and separate payroll registers will be used for youth employed on the "Regular Allocation" part of the program and the "Postsecondary" part of the program.

B. Upon submitting invoices and payroll registers (supplied by MDES) to MDES, the State will reimburse program operators for wages, employers' FICA contributions, and Workers' Compensation insurance costs of the youth they employ. To receive reimbursement for Workers' Compensation insurance costs, MDES must receive a letter from the contractor attesting to the Workers' Compensation insurance rate which the contractor is paying.

The Social Security Number or "pseudo Social Security Number" must be the same on both the job order and the payroll register given the MDES.

C. Invoices and payroll registers (typed or printed) may be submitted as often as once every two weeks to cover wages paid to youth employed under the Act. In any event, invoices and payroll registers should be submitted at least once a month.

Invoices or payroll register forms other than those supplied by MDES will not be processed. All invoices for wages received after October 17, 1977, will be rejected.

VI. Reallocation Procedures

A. Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

1. The city or county originally allocated the funds according to the formula in item II. refuses the funds.

2. The city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

Youth Employment Act Postsecondary Certification Form

I hereby certify that I am currently enrolled, or intend to enroll, in a postsecondary educational institution (college, private trade or technical school or area vocational technical school)

Name of Educational Institution _____

☐ ENROLLED ☐ INTEND TO ENROLL _____DATE

Signed _____
Name of Applicant

Date _____

5/77 MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Youth Employment Act Postsecondary Certification Form

I hereby certify that I am currently enrolled, or intend to enroll, in a postsecondary educational institution (college, private trade or technical school or area vocational technical school)

Name of Educational Institution _____

☐ ENROLLED ☐ INTEND TO ENROLL _____DATE

Signed _____
Name of Applicant

Date _____

5/77 MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Youth Employment Act Postsecondary Certification Form

I hereby certify that I am currently enrolled, or intend to enroll, in a postsecondary educational institution (college, private trade or technical school or area vocational technical school)

Name of Educational Institution _____

☐ ENROLLED ☐ INTEND TO ENROLL _____DATE

Signed _____
Name of Applicant

Date _____

5/77 MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Exhibit E

JOB SERVICE

Minnesota Department of Employment Services

390 NORTH ROBERT STREET • SAINT PAUL, MINNESOTA 55101

We are delighted to have you participate as an employer in the 1977 Youth Employment Act program. To simplify record keeping and still provide the necessary accountability for expenditure of public funds, we have developed the enclosed forms for your use. The packet includes the following:

1. Supply of Invoices (instructions for completion on reverse). The white invoice form is designated for use with the Regular and Postsecondary Payroll Register. The blue invoice form may only be used with the blue (PWA counter-cyclical) Payroll Register.

2. Supply of Employer Payroll Registers (instructions for the completion of the Regular, Postsecondary and PWA counter-cyclical allocations are on their respective reverse sides).

Please check to see that the above materials have been enclosed, and notify us immediately if any items are missing. Furthermore, should you require an additional supply of these forms or additional explanation concerning their use, either write to Larry Cheetham, State Youth Services Supervisor, at the above address or contact him at Tel. No. (612)296-6734.

Yours sincerely,

Emmet J. Cushing

Emmet J. Cushing
Commissioner

Enc.

Exhibit F

AN EQUAL OPPORTUNITY EMPLOYER

INVOICE
Request for Reimbursement
STATE SUMMER YOUTH PROGRAM

Instructions on reverse
Submit in duplicate

TO: Minnesota Department of Employment Services, Attention Larry Cheetham
390 North Robert Street
St. Paul, Minnesota 55101

FROM: (Your Agency Name) _____
ADDRESS (Include ZIP Code) _____
_____

For period _____ to _____

Agreement Number _____

	REGULAR PROGRAM	POSTSECONDARY PROGRAM
1. Total Salaries Paid This Billing Period.		
2. Add: Employers FICA Payments Made		
3. Add: Workers' Compensation Insurance Payments Made		
4. TOTAL PAYMENTS MADE		
5. Reimbursement Requested (add totals from item 4 for regular and postsecondary columns)		

1/ Attach Payroll Listing

Certification:

I hereby certify that this request represents actual costs incurred under terms of the agreement between the Minnesota Department of Employment Services and _____ (Your Agency Name) and which have not been reimbursed at the time of this submission.

_____
Authorized Signature

_____
Date

Exhibit G

Instructions for Completion of Invoices for Reimbursement - State Summer Youth Program

Invoice Procedure

A. Submit each billing in duplicate to: Minnesota Department of Employment Services, Attention Larry Cheetham, 390 North Robert Street, St. Paul, Minnesota 55101.

B. Enter your Agency name, address, period covered by the invoice, and your agreement number.

C. State's share of billing computed as follows:

Item 1 should be total gross wages paid for the invoice period.

Item 2 should include employer's share of FICA if applicable.

Item 3 is the Workers' Compensation insurance cost for the payroll date listed.

Item 4 is the sum of items 1, 2, and 3.

Item 5 is the total of item 4 Regular and Postsecondary columns and is the total amount to be reimbursed by the State.

D. Your authorized employee should sign the billing and enter date of submittal.

E. Attach payroll register for the period showing name, social security number, hours of pay (maximum for each youth is 40 hours per week for 12 weeks), and gross wages. Your agreement number must be on each payroll register.

F. Submit billings as soon as possible after close of payroll period.

All invoices received after October 17, 1977 will be automatically rejected unless special arrangements are made.

EMPLOYER PAYROLL REGISTER - REGULAR
STATE YOUTH EMPLOYMENT ACT PROGRAM - SUMMER 1977

Employer
Name _____
Address _____
_____
(City) (County) (ZIP)

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Agreement No. _____ Page No. _____
Telephone No. _____
Person Preparing
this Report _____
See Reverse Side of this
Form for Instructions

PLEASE TYPE NAME AND SOC. SEC. NO.

Employee Name Last First I.	Soc. Sec. No.	THRU	THRU	THRU	THRU	THRU	THRU	THRU
*****Total Amount This Column								

Exhibit H

Instructions for Preparing State Summer Youth Payroll Register

The form is designed to be a shuttle type form. The first payroll register submitted will become the official document accepted for subsequent shuttle back and forth. Upon receipt of the first payroll register, it will be identified as such by this agency. After the information is posted to our records and processed for payment, it will be returned to you before your next pay period. Please do not submit copies that you may make for your own files. A supply of forms is provided in the event more than one page is necessary to enter all youth employed under the program.

Unless noted, pay is at the $2.30 hourly rate. Each supervisor paid at the $2.55 hourly rate must be noted "S" within the blank near the wages earned. Identify both beginning and ending dates of the pay period at the top of the wages column.

When the payroll register is received by the Department of Employment Services, we will approve payment based upon proof that each employee was referred to the job by MDES and that the terms of the contract are being met. It is imperative that each applicant's name and social security number be typed and entered accurately, so that our verification process can proceed without delay, and that a reliable report on the program can be complied for the Legislature and the Governor. Below is an example of how the payroll register should look after the requested information has been added.

PLEASE TYPE NAME AND SOC. SEC. NO. GROSS WAGES PAID

EMPLOYEE NAME LAST, FIRST I. I.	Soc. Sec. No.	June 1 THRU June 15	June 16 THRU July 1	July 2 THRU July 16
Anderson, Raymond I.	476-80-1234	184.00	184.00	184.00
Anderson, Robert A.	478-81-8240	184.00	184.00	184.00
Johnson, Esther W.	473-72-2260	S 204.00	S 204.00	S 204.00
Jones, William R.	475-33-2245	184.00	184.00	Terminated
Peterson, Mary T.	768-29-3467	--	184.00	184.00
Smith, Joseph I.	477-32-5680	--	184.00	184.00
Total This Column		$756.00	$1124.00	$940.00

Add new employees to the bottom of the list as shown above. For example, Joseph Smith and Mary Peterson were not included in the first payroll period. They were added as they began work. William Jones separated early and does not appear on the third payroll. Esther Johnson is a supervisor.

EMPLOYER PAYROLL REGISTER - POST-SECONDARY
STATE YOUTH EMPLOYMENT ACT PROGRAM - SUMMER 1977

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Agreement No. _____ Page No. _____
Telephone No. _____
Person Preparing this Report _____

See Reverse Side of this Form for Instructions

Employer
Name _____
Address _____
(City) (County) (ZIP)

PLEASE TYPE NAME AND SOC. SEC. NO.								
Employee Name Last First I.	Soc. Sec. No.	THRU	THRU	THRU	THRU	THRU	THRU	THRU
*****Total Amount This Column								

Exhibit I

Instructions for Preparing State Summer Youth Payroll Register

The form is designed to be a shuttle type form. The first payroll register submitted will become the official document accepted for subsequent shuttle back and forth. Upon receipt of the first payroll register, it will be identified as such by this agency. After the information is posted to our records and processed for payment, it will be returned to you before your next pay period. Please do not submit copies that you may make for your own files. A supply of forms is provided in the event more than one page is necessary to enter all youth employed under the program.

Unless noted, pay is at the $2.30 hourly rate. Each supervisor paid at the $2.55 hourly rate must be noted "S" within the blank near the wages earned. Identify both beginning and ending dates of the pay period at the top of the wages column.

When the payroll register is received by the Department of Employment Services, we will approve payment based upon proof that each employee was referred to the job by MDES and that the terms of the contract are being met. It is imperative that each applicant's name and social security number be typed and entered accurately, so that our verification process can proceed without delay, and that a reliable report on the program can be compiled for the Legislature and the Governor. Below is an example of how the payroll register should look after the requested information has been added.

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Anderson,	Robert	A.	478-81-8240	184.00	184.00	184.00
Johnson,	Esther	W.	473-72-2260	S 204.00	S 204.00	S 204.00
Jones,	William	R.	475-33-2245	184.00	184.00	Terminated
Peterson,	Mary	T.	768-29-3467	--	184.00	184.00
Smith,	Joseph	I.	477-32-5680	--	184.00	184.00
Total This Column				$756.00	$1124.00	$940.00

Add new employees to the bottom of the list as shown above. For example, Joseph Smith and Mary Peterson were not included in the first payroll period. They were added as they began work. William Jones separated early and does not appear on the third payroll. Esther Johnson is a supervisor.

Description of Method for Allocating
Summer Youth Funds Among Minnesota Counties

For any given county the allocation is composed of two parts. The first part is simply the product of the quotient obtained when the county's estimated youth population is divided by the State's estimate for the same population multiplied by one half the value of funds to be allocated among the counties.

The second portion of the county's allocation incorporates factors for poverty and unemployment as well as youth population. In addition, the youth population is adjusted to compensate for biases in the Census-related data used to estimate county youth population. The Census data is based on a person's residence at the Census period, March/April, in the Census year. This counts many students in the county where their school is located instead of that county where their summer residence, usually their home, is located. To remove this bias, other Census data or data from the Higher Education Coordinating Committee residency survey are used, depending on availability. Thus the second portion uses: (1) Adjusted Youth Population, (2) the unemployment rate, (3) the proportion of families below the poverty level for the county. The second portion allocation is the quotient obtained when the product of the county's Adjusted Youth Population, the unemployment rate, and poverty proportion is divided by the sum of the three-factor product for all counties, all multiplied by half the value of funds to be allocated among the counties for the particular summer.

The method of allocation for counties, expressed mathematically, is shown below.

1. First 50 Per Cent Allocation

$$0.5F \ (YP_{ci}/YP_{s})$$

Where: F is the total funds to be shared by counties

Where: YP_{ci} is the youth population of 14 through 21 years of age in the ith county.

YP_{s} is the youth population 14 through 21 years of age of the State.

2. Remaining 50 Per Cent Allocation

$$\frac{0.5F \ (YP_{ci}*) \ (U_{ci}) \ (P_{ci})}{\sum_{i=1}^{n} (YP_{ci}*) \ (U_{ci}) \ (P_{ci})}$$

Where: F is the total funds to be shared (as noted before)

$YP_{ci}*$ is the youth population 14 through 21 years of of age in the ith county adjusted for students with

permanent residence in the ith county, but enrolled and residing at the time of the Census in a post secondard school located in some other county minus student enrolled in a post secondard school located in the ith county whose permanent residence is outside the ith county.

U_{ci} is the average unemployment rate in the ith county for June, July, August for the most recent three year period for which such data is available.

P_{ci} is the proportion of families below the poverty level in the ith county as evidenced by 1970 Census of Population data as adjusted by reference to more recent population surveys.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

COMMISSIONER OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of the Rule of the Department of Economic Security Governing the Employment of Youth under the Summer Youth Employment Act of 1977.

ORDER ADOPTING RULE

The above-entitled matter came on for hearing before Steve M. Mihalchick, Hearing Examiner, assigned by the Chief Hearing Examiner of the State of Minnesota on the 17th day of January, 1978, at 10:00 A.M. in Conference Room A, 5th Floor, Economic Security Building, 390 North Robert Street, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 15.0412 (Supp. 1977) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rule,

NOW, THEREFORE, IT IS ORDERED that this rule of the Department of Economic Security identified as 8 MCAR § 4.0010 is adopted this 3rd day of March, 1978, pursuant to authority vested in me by Laws, 1977, Chap. 254.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

Michael C. O'Donnell
Commissioner

STATEMENT OF COMPLIANCE WITH
RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Brown, do hereby declare that I have examined the Adopted rule identified as 8 MCAR § 4.0010 and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Rule Making Procedures of the State of Minnesota have been followed.

William G. Brown
Special Assistant Attorney General

Dated: March 9, 1978.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

COMMISSIONER OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of the Rule of the Department of Economic Security Governing the Employment of Youth under the Summer Youth Employment Act of 1977.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Steve M. Mihalchick, Hearing Examiner, assigned by the Chief Hearing Examiner of the State of Minnesota on the 17th day of January, 1978, at 10:00 A.M. in Conference Room A, 5th Floor, Economic Security Building, 390 North Robert Street, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 15.0412 (Supp. 1977) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, I find the following:

1. That the report of the Hearing Examiner in the above-entitled matter dated February 3, 1978 and the Findings of Fact, Conclusions, and Recommendation contained therein are adopted and incorporated herein by reference.

2. That Section B of the proposed rule should be deleted in its entirety in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 17, and for the reasons stated therein.

3. That the introductory paragraph of Section D of the proposed rule should be amended to read that "the commissioner shall allocate funds available under the Act as follows:" in accordance with the Findings of Fact of the Hearing Examiner, Paragraphs 11 through 25 and for the reasons stated therein.

4. That the words "amount which the commissioner determines shall be allocated to counties," in sections D. 1. a. and b. should be changed

to "funds available under the Act" in accordance with the Findings of Fact of the Hearing Examiner, Paragraphs 11 through 25 (the Hearing Examiner's suggestion in this regard is specifically set forth in Paragraph 17) and for the reasons stated therein.

5. That the last sentences in sections D.1.d. (1), (2) and (3) should be deleted in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 19, and for the reasons stated therein.

6. That section D.1.b.(1) should be amended to identify the source of the summer unemployment rates to be used in making county allocations as ". . . official labor force estimates." In paragraph 20 of his Findings of Fact the Hearing Examiner suggests that the formula for the allocation of funds given in the Statement of Evidence be incorporated into the rule together with clear definitions of the terms and their source. The summer unemployment rates to be used in making the county allocations will be obtained from official labor force estimates.

7. That section D. 1. b. (2) of the proposed rule should be amended to read: " The proportion of families below the poverty level as evidenced by 1970 U.S. Census figures as adjusted by reference to more recent population surveys, provided that such reference to more recent population surveys shall be made only if such data is available for all counties in the state." in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 21, and for the reasons stated therein.

8. That section D. 1. b. (3) of the proposed rule should be amended to read: "Estimates of post secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or in their absence, by the most recent U.S. Census data." in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 18, and for the reasons stated therein.

9. That the mathematical formula for the allocation of funds available under the act to counties should be incorporated in the rule as Section D. 1. (c) in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 20, and for the reasons stated therein.

10. That Section D. 2. a. of the proposed rule should be amended to

include the source of the population estimates to be used for allocations to cities which are the " . . . most recent U.S. Bureau of Census estimates." in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 22, and for the reasons stated therein.

11. That Section D. 2. a. be modified to require a suballocation of funds available under the Act to Indian reservations within a county in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 24, and for the reasons stated therein. This should be accomplished by adding the following language to Section D. 2. a. of the proposed rule.

> Each Indian reservation within the county shall receive that portion of the county's allocation which is proportionate to the population of the Indian reservation as compared to the total population of the county as evidenced by 1970 U.S. Census figures.

In its posthearing comments (Dept.'s Exhibit O), the Department indicated that there is lack of statistical data available with respect to allocations to Indian reservations, and the only practical method of allocating funds to Indian reservations required an allocation based on population. In accordance with the Hearing Examiner's Findings of Fact, such allocations to Indian reservations should be suballocations from total amounts allocated to counties. The only population figures presently available with respect to Indian reservation population are 1970 U.S. Census figures.

12. That Section D. 3. of the proposed rule should be deleted in its entirety in accordance with the Findings of Fact of the Hearing Examiner, Paragraph 24, and for the reasons stated therein.

13. That Section E. 4. of the proposed rule be amended to read:

> Decline the offer of contract. In such a case, the commissioner shall offer to contract directly with cities, Indian reservations, and counties in the prime sponsor's area.

The reason for this amendment is to make this section consistent with Section D. of the rule which provides for allocations to counties with suballocations to cities and Indian reservations.

14. That Section F. 1. and 2. of the proposed rule be amended as set forth in the Findings of Fact of the Hearing Examiner, Paragraph 28, and for

the reasons stated therein.

15. That Section H. of the proposed rule be amended as set forth in the Findings of Fact of the Hearing Examiner, Paragraph 30, and for the reasons stated therein.

16. That the lettering of sections of the proposed rule be amended as required by the deletion of Section B.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

Michael C. O'Donnell
Commissioner

Dated: March 3, 1978

Department of Economic Security

Adopted Rule of Department of Economic Security Governing the Employment of Summer Youth Under the Youth Employment Act of 1977

The proposed rule of the Department of Economic Security was published in the State Register, Volume 2, p. 1147 (2 S.R. 1147). The adopted rule is set forth below:

8 MCAR § 4.0010

A. Purpose. This rule adopted pursuant to Laws 1977, ch. 254, § 3, is designed to establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Laws 1977, ch. 254, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds.

~~B.--Application-of-rule.--This-rules-applies-to-those-funds-which-are allocated-for-expenditure-by-political-subdivisions-and-nonprofit-organizations located-within-the-jurisdiction-of-a-CETA-(federal-Comprehensive-Employment and-Training-Act-of-1973,--P.-L.-93-203)-prime-sponsor.~~

~~C.~~ B. Definition of terms. The following terms used in this rule shall have the meaning given them:

1. "Act" means the Youth Employment Act of 1977, Laws 1977, ch. 254.

2. "Commissioner" means the Commissioner of the Minnesota Department of Economic Security.

3. "Contract" means an agreement entered into between a prime sponsor or a political subdivision or a nonprofit organization and the commissioner for the operation of a youth employment program under the Act.

4. "Department" means the Minnesota Department of Economic Security.

5. "Prime Sponsor" means a unit of government, combination of units of government, a rural concentrated employment grantee, or an Indian reservation, which has entered into a grant with the United States Department of Labor to provide comprehensive manpower services under the federal Comprehensive Employment and Training Act of 1973. (P. L. 93-203).

6. "Program Employer" means an organization which employs a person or

persons under the program established by the Act.

7. "Subcontract" means an agreement entered into between a prime sponsor and a political subdivision and/or nonprofit organization for the operation of a youth employment program under the Act.

~~D.~~ C. Allocation of funds. The commissioner shall allocate funds available under the act as follows: ~~to state counties, cities and Indian reservations in the state. All funds not allocated to state agencies and Indian reservations shall be allocated to counties and cities.~~

1. Allocations to counties.

   a. Fifty percent (50.0%) of the ~~amount which the commissioner determines shall be allocated to counties~~ funds available under the act, shall be allocated to ~~each county~~ counties on the basis of ~~the~~ each county's share of the estimated youth population of the state which is 14 through 21 years of age.

   b. Fifty percent (50.0%) of the ~~amount which the commissioner determines shall be allocated to counties~~ funds available under the act, shall be allocated to ~~each county~~ counties according to ~~the~~ each county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

      (1) Historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July and August for the most recent three-year-period for which such data is available. ~~This factor is designed to provide more funds to counties with high summer unemployment rates.~~

      (2) The county's proportion of families below the poverty level as evidenced by 1970 U.S. Census figures as adjusted by reference to more recent population surveys, provided that such reference to more recent population surveys shall be made only if such data is available for all counties in the state. ~~This factor is designed to provide more funds to counties with a high proportion of families below the poverty level.~~

(3) Estimates of post secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or in their absence, by the most recent U.S. Census data. ~~This factor is designed to eliminate the impact of a county's post secondary school enrollment on it's share of the state's youth population.~~

c. The method of allocation to counties expressed mathematically shall be as follows:

$$A_{ci} = \frac{0.5(YP_{ci})}{YP_s} + \frac{0.5F(YPA_{ci})\ (U_{ci})(P_{ci})}{\sum_{i=1}^{n} (YPA_{ci})\ (U_{ci})(P_{ci})}$$

where:

1. A_{ci} = allocation to the ith county
2. F = funds available under the Act
3. YP_{ci} = youth population 14 through 21 years of age in the ith county, determined by interpolation for the current year from projections of the State Demographer
4. YP_s = same as 3. above for the State
5. YPA_{ci} = youth population as in 3. above, but adjusted for post-secondary school enrollment as referenced in 8 MCAR C.1.b.(3).
6. U_{ci} = most recent three year average of official labor force unemployment rates for the months of June, July, and August for the ith county
7. P_{ci} = percent of all families with income below the poverty level in the ith county as evidenced by the 1970 Census or more recent population surveys as referenced in 8 MCAR C.1.b.(2).

2. Allocation to cities and Indian reservations. After the commissioner has made an allocation to each county, each county's allocation shall be divided

as follows:

a. Each city within the county which has a total population of 2500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent U.S. Bureau of Census estimates. Each Indian reservation within the county shall receive that portion of the county's allocation which is proportionate to the population of the Indian reservation as compared to the total population of the county as evidenced by 1970 U.S. Census figures.

b. The remainder of the county allocation, that part which is not allocated to cities and Indian reservations under 8 MCAR § 4.0010 ~~D.~~ C. 2.a., shall be allocated to the county as a whole.

~~3.--Indian-reservations.--The-amount-which-the-commissioner-determines-shall be-allocated-to-Indian-reservations,-shall-be-allocated-to-each-reservation based-on-the-population-of-the-reservation-as-compared-to-the-total-population of-the-Indian-reservations-in-the-state.~~

~~E.~~ D. Contracting procedures. Each prime sponsor will be offered a contract for the amount of funds allocated to its area. Upon the offer of a contract, each prime sponsor may exercise the following options:

1. Sign the contract for the entire amount of the allocation and directly administer the program.

2. Sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions and/or nonprofit organizations within the prime sponsor's jurisdiction.

3. Designate all or a part of the allocation to be directly used by a state agency, political subdivision or a nonprofit organization.

4. Decline the offer of contract. In such a case, the commissioner shall offer to contract directly with the cities, Indian reservations and counties in the prime sponsor's area.

~~F.~~ E. Operation procedures.

1. Regular program. Youth who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program

established by the Act, are eligible for program employment. Approximately fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. However, in the event there are insufficient eligible youth from families below the poverty level available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under 8 MCAR § 4.0010 C., and the prime sponsor certifies such insufficiency to the Department and the Department concurs, such poverty level criteria shall be waived with respect to the funds allocated to such area. Hereinafter, this portion of the program is referred to as the "regular program".

2. Post secondary program. Notwithstanding 8 MCAR § 4.0010 ~~F.~~ E. 1., at least 33 1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youth who are at least 18 years of age but less than 22 years of age who are certified by the Department as intending to enroll or are enrolled in a post secondary educational institution. Approximately fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. However, in the event there are insufficient eligible youth from families below the poverty level available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under 8 MCAR § 4.0010 C., and the prime sponsor certifies such insufficiency to the Department and the Department concurs, such poverty level criteria shall be waived with respect to the funds allocated to such area. Hereinafter, this portion of the program is referred to as the "post secondary program". A partial waiver from this part may be obtained in accordance with the procedures set forth in 8 MCAR § 4.0010 ~~H.~~ G.

3. To obtain eligible youth, program employers must place a job order with the Department and may employ only those youth referred by the Department.

4. Eligible youth (not designated as supervisors) shall be paid the Federal minimum wage for a period not to exceed 40 hours per calendar week and for not more than 12 weeks.

5. Program employers, at their discretion, may designate one eligible youth as supervisor for every ten youth in its employ under the Act. Program employers who employ at least five but less than ten youth may designate

one youth as a supervisor. Youth designated as supervisors shall be paid the federal minimum wage plus twenty five cents (25¢) per hour for up to 40 hours per week for a period not exceeding 12 weeks.

6. Upon signing a contract or subcontract program employers may begin employing eligible youth referred by the Department; however, no youth may be employed while attending school as a full-time student. No youth may be employed beyond September 30th of each calendar year.

~~6.~~ E. Invoicing. The Department shall reimburse contractors for wages paid to eligible youth, employer's contributions to FICA paid in behalf of such youth and Workers' Compensation insurance costs for such youth. Invoices and specific procedures for reimbursement will be furnished to program employers by the Department.

~~H.~~ G. Reallocation procedures.

1. Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

   a. The city or county originally allocated the funds according to the formula in 8 MCAR § 4.0010 ~~D.~~ C. refuses the funds.

   b. The city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

   c. The prime sponsors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,000 between any subdivision above for the purpose of simplified administration of the program.

2. Prime sponsors may shift funds from the post secondary portion of their program to the regular portion of their program provided that they certify in writing to the Department that they are unable to obtain sufficient youth who meet the criteria set forth in 8 MCAR § 4.0010 ~~F.~~ E. 2., and the Department concurs.

APPROVED AS TO FORM AND LEGALITY

APR 13 1978 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 13 1978
Joan Anderson Growe
Secretary of State

10:30 AM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of the Rule of the Department of Economic Security Governing the Employment of Youth under the Summer Youth Employment Act of 1977.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing in St. Paul on January 17, 1978, before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing Examiner.

This is a rules hearing pursuant to Minn. Stat. Ch. 15, to determine whether the new rule captioned above (coded 8 MCAR § 4.0010) should be adopted.

Appearing for the Department of Economic Security were Donald M. Buckner, Deputy Commissioner; Charles Cline, Senior Research Analyst; Peter C. Andrews, Assistant Attorney General; and William G. Brown, Special Assistant Attorney General. The hearing continued until all interested persons had had an opportunity to participate.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On November 17, 1977, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing; and
(c) A proposed Notice of Hearing.

On November 25, 1977, the Department filed a copy of a modification to the proposed rule.

2. On December 12, 1977, a Notice of Hearing and a copy of the proposed rule were published at 2 State Register 1147.

3. On December 7, 1977, the Department mailed the Notice of Hearing and a copy of the proposed rule to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On December 20, 1977, the Department filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through January 24, 1978, for the receipt of written comments and statements.

STATUTORY AUTHORITY

6. The authority to adopt the proposed rule is found in Laws 1977, Ch. 254, the Summer Youth Employment Act of 1977 (coded Minn. Stat. §§ 268.31 - 268.36). Section 3, subd. 1 of the Act provides:

> "The department of employment services shall promulgate rules determining the eligibility for employment and placement pursuant to this act. The department shall have emergency powers to implement rules for carrying out this act."

Section 7 of the Act provides an appropriation of $6,000,000 to be available until June 30, 1979. It then provides:

> "The commissioner of employment services shall establish rules to ensure, as far as practical, that no less than $2,000,000 shall be used to provide employment for youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post-secondary educational program during the year of employment."

7. Laws 1977, Ch. 430, § 2, (coded Minn. Stat. § 268.012) subd. 1, provides:

> "All powers, duties and functions heretofore vested in or imposed on the commissioner of employment services by Minnesota Statutes, Chapter 268, or any other law relating to the duties and powers of the commissioner of employment services are transferred to, vested in, and imposed upon the commissioner of economic security. The position of commissioner of employment services and the department of employment services as heretofore constituted are abolished."

SECTION A - PURPOSE and SECTION B - APPLICATION OF RULE

8. Sections A and B of the rule are necessary to set forth its purpose and application. The stated purpose is the establisment of a procedure for allocations of funds under the Act and of contracting, operating and invoicing procedures to be used in the expenditure of the funds. This is a reasonable introductory statement.

9. Section B of the rule provides that the rule applies to those funds which are allocated for expenditure by political subdivisions and non-profit organizations located within the jurisdiction of a CETA prime sponsor. The effect of this provision is to say that the rule does not apply to funds allocated to state agencies. This involves the most controversial issue in this rule and will be discussed below.

SECTION C - DEFINITION OF TERMS

10. This section provides definitions of the terms "Act", "Commissioner", "Contract", "Department", "Prime Sponsor", "Program Employer" and "Subcontract". No comment or objection was made to any of the definitions, and they are reasonable.

SECTION D - ALLOCATION OF FUNDS

11. Section 5 of the Act provides:

> "The commissioner shall allocate funds to recipient organizations and agencies throughout the state

taking into account in making such allocations the youth population of the county adjusted to eliminate the influence of post-secondary educational institutions located in the county, the county unemployment rate and the number of families living below the poverty level in the county in which the recipient organization or agency is located."

Section 1 of the Act provides:

"To the extent of available funding, the commissioner of employment services shall hire individuals from the ages of 14 years up to 22 years for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service with the department of employment services and with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years."

Section 4 of the Act provides in part:

"The commissioner is authorized to enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering summer youth employment programs for the purpose of providing employment opportunities in furtherance of this act. The commissioner shall enter into these agreements with organizations designated by the prime sponsors authorized under the comprehensive employment and training act (CETA). The department of employment services shall retain ultimate responsibility for the administration of this employment program, including but not limited to, approval of summer job opportunities, review of applicants therefor, placement of youth in jobs subject to the approval of prime sponsors and the disbursement of funds. . . ."

12. The main paragraph of Section D of the rule provides:

"The commissioner shall allocate funds to state agencies, counties, cities and Indian reservations in the state. All funds not allocated to state agencies and Indian reservations shall be allocated to counties and cities."

Virtually every comment received objected to these provisions, either as being vague, contrary to legislative intent, or beyond the authority of the Commissioner. The comments of the City of St. Paul, Department of Community Services, Division of Manpower Programs, are typical:

We feel that while the law does state that the commissioner may hire individuals during the summer for the purpose of placing such individuals in service with the Department of Economic Security and with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with private non profit organizations, it does not imply that a separate portion of funding be set aside for placement of individuals in state agencies, before the allocation formula

is applied to the balance, as this proposed rule would promulgate. Further the legislation states that "the Commissioner is authorized to enter into arrangements with existing public and private non profit organizations and agencies with experience in administering summer youth employment programs for the purpose of providing employment opportunities in furtherance of this act." Also that, "the Commissioner shall enter into these agreements with organizations designated by the prime sponsors authorized under the Comprehensive Employment and Training Act (CETA)." We feel that this language clearly indicates that the intent is that administrative coordination take place with prime sponsors who have demonstrated expertise in youth program delivery. Such coordination should include provisions insuring the placement of individuals in the Department of Economic Security as well as other instrumentalities of the state, county, local governments, school districts and private non profit organization. However, we do not feel there is justification for a separate allocation to cover placements in state agencies. Since the rule is not specific as to the amount to be allocated to state agencies or Indian Reservations and proposes that "All funds not allocated to state agencies and Indian reservations shall be allocated to counties and cities," it is conceivable that funding to the prime sponsors could be critically limited. We feel that this rule clearly circumvents the legislative intent, and we take exception to the need for separate funding to the state agencies."

13. The Examiner finds that the portion of the rule allowing the Commissioner to allocate funds to state agencies and Indian reservations before making an allocation among the counties is unreasonable because it is vague. Commissioner Buckner stated that the rule does not require that an allocation be made to state agencies, it simply allows it. Whether to make such allocation would be an administrative decision sometime in the future. He is obviously correct. Under the proposed rules, all of the funds or none of the funds could be dedicated for use in state agencies, or in Indian reservations, or in the counties.

In Monk and Excelsior, Inc. v. Board of Health, 225 N.W.2d 821 (Minn. 1975), the Court stated:

"A person dealing with the Department [of Health] is entitled to proper notice of what regulations are being promulgated and are applicable to him. The purpose of the Administrative Procedures Act is to insure that we have a government of law and not of men. Under that Act, administrative officials are not permitted to act on mere whim, nor their own impulse, however well-intentioned they might be, but must follow due process in their official acts and in the promulgation of rules defining their operations."

There are always minor details and application of policies to specific facts that require administrative discretion on a case-by-case basis. This is not such a case. This is the adoption of a policy and it must be done through a rule providing specified standards.

14. The Examiner also finds that the provisions allowing allocations to state agencies and Indian reservations prior to allocations to the counties is unreasonable because it is contrary to the statute. The Department relies on § 1 of the Act for its authority to allocate funds to any of the listed governmental and non-profit organizations. On its face, § 1 is irrelevant to allocation. It deals with who may be hired under the program, how much they may work, and for whom they may work. Similarly, § 4 of the Act is also irrelevant to the allocation formula. It deals with the administration of the program and not the allocation of funds.

Section 5 of the Act is the only section which deals with allocation (in the sense of division rather than payment). It requires the division to be made on a county basis based on county youth population with adjustments for county unemployment rates, county poverty level, and the impact on the county of post-secondary school enrollment. If allocation is made to state agencies and Indian reservations before allocating the residuum among the counties, the allocation is contrary to that required by § 5.

15. In its Statement of Need, Statement of Evidence and initial presentation at the hearing, the Department presented no justification for making initial allocations to state agencies or Indian reservations. In response to comments at the hearing, they offered only the reliance on § 1 of the Act noted above. Commissioner Buckner also raised a practical problem that might be created if prime sponsors were construed as having authority to approve dedication of funds for use by state agencies. If a prime sponsor withheld such approval, it would, in the view of the Department, negate the authority conferred on the Commissioner by § 1 to employ eligible youth in state agencies. This

argument was restated in the Department's posthearing comments. (Dept.'s Ex. O) As stated above, this argument is irrelevant to the initial division of the funds to the various counties. In the view of the Examiner, the list of agencies in § 1 of the Act merely constitute a list of the places where the youth may be employed; it does not require that youth be employed in any or all of the types of organizations listed.

16. Nothing was said about the allocation to Indian reservations in the prefiled documents. While there was no objection to a separate allocation for Indian reservations, no evidence or argument as to the authority to do so was ever made. Indian reservations are not mentioned in the Act. It was mentioned at the hearing and in the Department's posthearing comments that all Indian reservations in the State are either CETA prime sponsors or fall within the jurisdiction of a CETA prime sponsor and that no validated unemployment, youth population or poverty statistics are available in relation to Indian reservations.

17. In summary, the division of the funds must be based upon the needs of the youth who are to be employed and not upon the needs of the prime sponsors or program employers who administer the program or employ the youth. This is recognized in the Act and, in particular, in § 5 of the Act. For all the reasons stated above, the Examiner finds that the Department had failed to demonstrate that the provisions of the rule requiring or allowing allocation of funds to state agencies and Indian reservations prior to allocation by county are authorized, necessary or reasonable. These provisions must, therefore, be deleted from the proposed rule. The Examiner would suggest that this be accomplished by:

(a) Deleting the entire introductory paragraph of section D;

(b) Changing the words "amount which the Commissioner determines shall be allocated to counties," in sections D.1.a. and b. to "funds available under the Act"; and

(c) Amending section B, application of rule, so that it applies to all funds available under the Act. Actually, if such an amendment is made, section B. becomes unnecessary and could be deleted in its entirety.

18. Section D.1. provides the method for making the allocation to the counties and considers the factors listed in section 5 of the Act. It provides generally for a two-part allocation. First, 50% of the funds available are divided among the counties based upon their pro rata shares of the estimated youth population of the state (Section D.1.a.). Next, the second half of the funds available is allocated to the counties according to their shares of the estimated youth population of the state adjusted for:

> Historic summer unemployment rates in the county as evidenced for the months of June, July and August for the most recent three-year period for which such data is available. (Section D.1.b.(1))
>
> The counties' proportion of families below the poverty level as evidenced by 1970 U. S. census figures as adjusted by referenced more recent population surveys. (Section D.1.d.(2))
>
> Estimates of post-secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or in their absence, by the most recent U. S. census data. (Section D.1.d.(3))

The underlined phrase was added by the Department at the hearing. Normal census data is based on a person's residence at the census period, March and April, in the census year. This counts many students in the county where their school is located instead of that county where their summer residence, usually their home, is located. Therefore, the data from the HECB will be used to adjust the population figures. However, there may be occasions where the HECB data is not available in time to make the allocation computations. Therefore, the Department's change is reasonable and necessary.

19. Sections D.1.d.(1), (2) and (3) each contain a sentence that is a comment as to why that factor is included. Such comments are not a necessary part of a rule and should be deleted.

20. Section D.1.d. is unclear as to how the adjustments listed will be determined and applied, and therefore, it is unreasonable as written. In Ex. J to the Statement of Evidence filed on December 20, 1977, the Department stated the allocation method as a mathematical expression and described each of the

terms of the expression. The source of the data for each of the terms was stated either in the Statement of Evidence, the proposed rule or in the Department's testimony. Taken together, all this information presents a clear and reasonable allocation method. The Examiner suggests, therefore, that Section D.1. be modified by incorporating the formula given in the Statement of Evidence together with clear definitions of the terms and their source. For example, the rule could read in part as follows:

D. Allocation of funds.

1. Funds available under the Act will be allocated to the counties by the following formula:

$$A_{ci} = \frac{0.5F(YP_{ci})}{YP_s} + \frac{0.5F(YPA_{ci})(U_{ci})(P_{ci})}{\sum_{i=1}^{n}(YPA_{ci})(U_{ci})(P_{ci})}$$

a. A_{ci} = Allocation to the ith county.

b. F = Funds available under the Act.

c. YP_{ci} = Youth population of 14 through 21. years of age in the ith county, determined from State Demographer projections interpolated to current year.

d. YP_s = Same, for State

Etc.

21. The only source of data that was questioned was the statement in the proposed rule that the poverty level in the counties would be determined by 1970 U. S. Census figures as adjusted by reference to more recent population surveys. Rural Minnesota CEP, Inc., stated that such an adjustment should be made only if the data is available for the entire state and all counties in the state. They stated that if such data is not available, the results obtained could be skewed in favor of those areas in which it is available. (Pub. Ex. 2) The Department should modify the rule to clarify the use of this adjustment.

22. Section D.2. provides that after the allocation has been made to the counties, each county's allocation will be further divided by allocating to each city within the county that has a total population of 2500 or more that portion of the

county's allocation proportionate to the population of the city compared to the total population of the county. The remainder of the county allocation is then allocated to the county as a whole. While the rule does not so state, according to Mr. Cline's testimony, the source of the population data for this determination will be the most recent U. S. Department of Census estimates. That should be stated in the rule to remove any lack of clarity.

23. Department representatives testified that the allocation to the larger cities was in response to their concern that if funds go straight to the counties, they might not be allocated fairly among the youth in the county. Therefore, this suballocation is necessary as an attempt to make the distribution fair. A representative of Ramsey County CETA voiced some objection to this provision at the hearing, stating that prime sponsors should have discretion in this area because, in their experience, some of the smaller cities have greater needs. In a similar vein, representatives of the larger cities suggested that the factors mentioned in the Act should be considered when making the allocations to the cities. Thus, the youth unemployment rate of the cities should be considered as well as the proportion of families living below the poverty level within the cities. Mr. Cline admitted that this may be a good idea philosophically but that as a practical matter, no valid data on these factors exists upon which these adjustments could be made. Interestingly, Commissioner Buckner suggested that § 5 of the Act required the Department to make the adjustment for these factors at the county level. It is, of course, impossible to precisely allocate the funds according to the needs of the youth and the Department's method is not unreasonable.

24. Section D.3., Indian reservations, as originally proposed, provided that the amount allocated to Indian reservations by the Commissioner would be divided among the reservations in proportion to their population. This is necessary because, as noted above, data on the adjustment factors required to be considered by the Act is not available. Because the Examiner has

already found that a direct allocation to Indian reservations prior to allocation among the counties has not been demonstrated to be authorized, necessary or reasonable, this section requires some modification. Because there is the same lack of data available for Indian reservations as is lacking in regard to cities, it seems that the counties' allocations should be suballocated to the Indian reservations on the basis of population. Therefore, the Examiner suggests that section D.3. be deleted and that section D.2.a. be modified to require a suballocation to cities within the county having a total population of 2500 or more and Indian reservations, based on the population of those cities or Indian reservations compared to the total population of the county.

SECTION E. - CONTRACTING PROCEDURES

25. This section provides that each CETA prime sponsor will be offered a contract for the amount of funds allocated to its area. It then provides the prime sponsors with four options:

(1) Sign the contract for the entire amount and directly administer the program;

(2) Sign the contract for the entire amount and subcontract the operation of the program to the appropriate organizations within the prime sponsor's area;

(3) Designate all or part of the allocation to be used directly by the appropriate organization or

(4) Decline the offer, in which case the Commissioner shall offer to contract directly with the appropriate organizations in the area.

This is essentially the procedure that has been used in prior years when the program was administered by the Department of Employment Services and no objection or comment was made on these provisions. They are reasonable means of administering the program.

SECTION F. - OPERATIONAL PROCEDURES

26. This section is necessary to establish eligibility criteria for employment under the Act and to establish a procedure for the placement of eligible youth with appropriate employers. It also restates the provision of § 2 of the Act establishing

the rate of pay for the employed youth and, as required by § 2, establishes the rate of pay for youths hired to work in a supervisory capacity. Restating the requirements of § 2 of the Act is necessary and crucial to a complete understanding of the operational procedures.

27. Section F.2. provides that at least one-third of the funds allocated to the area must be used to hire youths who are at least 18 years of age, but less than 22 years of age, who are intending to enroll, or are enrolled, in a post-secondary educational institution. This section is necessary to implement the requirements of § 7 of the Act requiring, so far as practicable, that $2,000,000 of the $6,000,000 appropriation be used for such youths. One comment was received on this provision from the Northwest Regional Development Commission. They suggest that the requirement that the youth be at least 18 years of age be changed to require that the youth shall have graduated from high school. The language used in the proposed rule comes directly from the Act and is reasonable.

28. Both the section dealing with a regular program and the section dealing with the post-secondary program require that 50% of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. The section dealing with the regular program includes the word "approximately" but that word was omitted from the section on the post-secondary program. The first comment on this section was that the Department of Labor figures were unconscionably low and that some more liberalized interpretation of eligibility would be more fair in regard to use of the funds from the Minnesota program. (Pub. Ex. 5) It was further stated that because Title III of the federal program is directed at the poverty level youth, in some cases, all these youth are covered by the federal program. Hennepin County CETA stated they have many youth just above the poverty guidelines who desperately need work, but that they are unable to employ them because of the 50-50 requirement. They requested that an express waiver

provision be added to the rule. (Pub. Ex. 3) The 50% requirement is necessary to implement the preference required by the legislature in § 5 of the Act, and the term "poverty level" is commonly accepted as that established by the Department of Labor. However, the Department admitted that the concerns of the prime sponsors were valid, and in its posthearing comments (Dept.'s Ex. O), submitted modifications to the rule that would allow the waivers:

> 1. Regular program. Youth who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the Act, are eligible for program employment.. Approximately fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United Sates Department of Labor. However, in the event there are insufficient eligible youth from families below the poverty level available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under 8 MCAR § 4.0010 D., and the prime sponsor certifies such insufficiency to the Department and the Department concurs, such poverty level criteria shall be waived with respect to the funds allocated to such area. Hereinafter, this portion of the program is referred to as the "regular program".
>
> 2. Post secondary program. Notwithstanding 8 MCAR § 4.0010 F.1., at least 33 1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youth who are at least 18 years of age but less than 22 years of age who are certified by the Department as intending to enroll or are enrolled in a post secondary educational institution. Approximately fifty percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. However, in the event there are insufficient eligible youth from families below the poverty level available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under 8 MCAR § 4.0010 D., and the prime sponsor certifies such insufficiency to the Department and the Department concurs, such poverty level criteria shall be waived with respect to the funds allocated to such area. Hereinafter, this portion of the program is referred to as the "post secondary program". A partial waiver from this part may be obtained in accordance with the procedures set forth in 8 MCAR § 4.0010 H.

As so modified, the rule is reasonable. Setting a 50% goal, and allowing waviers reasonably implements the intent of the Legisla-

ture. While the rule is somewhat vague, further precision is neither desirable nor practical.

SECTION G. - INVOICING

29. This section specifies allowable costs and informs program employers that the Department will furnish invoices and procedures to be used for reimbursement for wages, FICA contributions and workers' compensation insurance costs paid for or on behalf of youth employed under the Act. It is necessary in order to establish the means by which program employers can obtain such reimbursement and it is reasonable because it is the same procedure that has been used in prior years. No comments or objections were made to this provision.

SECTION H. - REALLOCATION PROCEDURES

30. Section H.1. is necessary to establish an equitable reallocation procedure to be used in the event a county or city which is allocated funds under the Act refuses such funds or wishes to use only a portion of those funds. In the past, some counties have refused the funds because of the administrative burden attached to using them. Rural Minnesota CEP Inc., stated that the proposed procedures, if strictly interpreted, would cause undue administrative problems for smaller counties and cities and suggested that it would be far more feasible to allow prime sponsors to immediately reallocate small amounts of money. They suggested that the following provision be added to the rule:

> "c. The prime sponsors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,000 between any subdivision above for the purpose of simplified administration of the program."

The Department agreed that the suggestion should be incorporated, and the Hearing Examiner so recommends. It would not be a substantial change.

31. Section H.2. allows prime sponsors to shift funds from the secondary portion of their program to the regular portion when they certify that they are unable to obtain sufficient youth who meet the criteria of Section F.2. and the Department concurs. No objection was made to this provision, and it is

reasonable because § 7 of the Act provides that one-third of the funds shall be used for the post-secondary educational portion "as far as practical."

CONCLUSIONS

1. Timely and adequate notice of the hearing was properly served and published by the Department. All other substantive and procedural requirements have been fulfilled.

2. Except as noted in the Findings, the Department has demonstrated its statutory authority to adopt the proposed rule.

3. Except as noted in the Findings, the Department has demonstrated the need for and reasonableness of the proposed rule by an affirmative presentation of facts.

4. The suggestions made by the Examiner are not intended to preclude the Department from making its own non-substantial changes or improvements to the rule.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rule be modified as suggested in the Findings, and that so modified, it be adopted.

Dated this 3rd day of February, 1978.

STEVE M. MIHALCHICK
Hearing Examiner